

North Falls Offshore Windfarm:
Local Impact Report

Essex County Council

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Glossary of acronyms and abbreviations

AIL – Abnormal Indivisible Loads

BNG – Biodiversity Net Gain

BNGSWS - Net Gain Site Wide Strategy

CoCP – Code of Construction Practice

DLUHC – Department for Levelling Up, Housing and Communities

DCO – Development Consent Order

dDCO – Draft Development Consent Order

EA – Environment Agency

ECAC - Essex Climate Action Commission

EACN – East Anglian Connection Node

ECC – Essex County Council

ES – Environmental Statement

ExA – Examining Authority

GI – Green Infrastructure

HMMP – Habitat Management and Monitoring Plan

HGV – Heavy Goods Vehicle

LEMP – Landscape and Ecological Management Plan

LIR – Local Impact Report

LLFA – Lead Local Flood Authority

LNRS – Local Nature Recovery Strategy

MW – Mega Watts

NPPF – National Planning Policy Framework

NPS – National Policy Statement

NPSNN – National Policy Statement for National Networks

NSR – Noise Sensitive Receptors

OLEMP - Outline Landscape and Ecological Management Plan

OS - Ordnance Survey

PA – Planning Act

PAMP – The Public Access Management Plan

PINS – Planning Inspectorate

SoS – Secretary of State

TCPA – Town and Country Planning Act

ZWBGP – Zone Wide Biodiversity Gain Plan

1 Terms of reference

1.1 Introduction

- 1.1.1 This report is the Local Impact Report (LIR) for and on behalf of Essex County Council (ECC) in partnership with Tendring District Council (TDC) who have been working in collaboration pre-submission of this Development Consent Order (DCO). A Memorandum of Understanding was signed by both ECC and TDC, by which ECC will take the lead on this proposal at examination. Hence this is a conjoined response, and within this LIR we will refer to the conjoined Authorities as “The Councils”.
- 1.1.2 For reference it is intended that this relationship will be on going throughout the Examining Authorities (ExA) consideration of the current proposals. Should consent ultimately be granted for this DCO, ECC will be the “Relevant Authority” who will consider any Requirements as may be attached to this DCO on decision.
- 1.1.3 In preparing this LIR, regard has been had to the purpose of LIR as set out in s60(3) of the Planning Act 2008 (as amended), DCLG’s *Guidance for the examination of applications for development consent* and the Planning Inspectorate’s Advice Note One, *Local Impact Reports* and the Planning Inspectorate’s ‘Example Documents’.

1.2 Scope of Project

- 1.2.1 This LIR relates to the impacts of the proposed development as it affects the administrative area of The Councils.
- 1.2.2 The ExA is asked to note that this proposal comes forward with the full knowledge of the Councils who have been engaged in the proposals and have contributed to the refinement and shaping of the proposals which are now at Examination.
- 1.2.3 The proposal comes forward with 3 specific options, which are as set out in the Applicant’s submission at APP-233 and which are:
- a) Option 1: onshore electrical connection at a National Grid East Anglian Connection Node (EACN) within the Tendring peninsula of Essex (discussed in section 5.8), with a project alone onshore cable route and onshore substation infrastructure;
 - b) Option 2: onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore cable duct installation (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex,

sharing an onshore cable route (but with separate onshore export cables) with another project (i.e., five estuaries), where practicable; or

c) Option 3: offshore electrical connection, supplied by a third-party.

1.2.4 Discussions on this proposal have taken place throughout the pre-submission stages between the Applicant, their consultants, and stakeholders. The LIR covers topics where The Councils and have a both statutory function, local knowledge, and hold expertise.

1.2.5 The Applicant has also set out in the submission three different build out scenarios should consent for the works as here applied for be consented, and these are:

a) Scenario 1 – North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same TCCs for the cable installation works.

b) Scenario 2 – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete.

c) Scenario 3 – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the schemes from sharing of infrastructure.

1.2.6 The ExA is asked to note that the above options have come forward as The Councils have, since conception of the development of both wind farms, sought to ensure that the proposals for both separate but intrinsically similar and linked proposals come forward together. The Councils have sought to ensure that one developer carries out works to the undergrounding cable ducts, with the other, dependant on who implements first, then being able to make use of these works to install their cable equipment. The Council remains of the view that this is preferred and will limit the disruption to the local area.

1.2.7 In summary, the Proposed Development includes several elements including firstly for the offshore element of the proposal;

- i. An extension to the existing Greater Gabbard wind farm, situated 35km off the Tendring coastline, and visible from the same when atmospheric conditions are favourable. The development of the offshore element stands 25km when viewed from the Suffolk coast.
- ii. The seabed site area for the new wind farm array is some 95 square kilometres in area.
- iii. Construct up to 57 new wind turbines with a maximum rotor tip height of 377.4m above mean water springs level.
- iv. Up to two offshore platforms (OSP) and their associated foundations to facilitate the export of electricity via the project's offshore export cables.
- v. Subsea cables and associated infrastructure before making landfall between Holland-on-Sea and Frinton-on-Sea Golf Course.

1.2.8 On landfall, which will be done by horizontally drilling under the existing sea defences, the proposal will seek:

- i. Up to two transition joint bays between Frinton-on-Sea and Holland-on-Sea to connect the offshore cables and the onshore cables
- ii. Up to two buried export cable circuits from the transition joint bays at landfall along an approximately 24km route to a new electrical substation near Lawford and Ardleigh, including cable ducts, jointing and trenchless installation works.
- iii. The construction of a new air insulated electrical substation to a maximum height of 18 metres in Ardleigh together with associated equipment and access. Such a facility would stand next to the substation as proposed by the Five Estuaries DCO, and link to the wider grid by connecting to the East Anglian Connection Node, itself as will be proposed by the Norwich to Tilbury DCO.
- iv. Works to widen and improve Bentley Road and provision of access route for non-motorised users.
- v. New accesses from the local highway network will be constructed in advance of the construction works to facilitate access to the onshore cable route. All construction accesses would be removed and land reinstated following completion of construction.
- vi. Up to 11 temporary construction compounds along the route of the cable corridor.
- vii. Temporary construction areas and haul roads together with works to secure vehicular and/or pedestrian means of access for the Project

- viii. Associated and/or ancillary works including archaeological and ground investigations, drainage works, highway improvements, works to alter the position of existing utilities, works to watercourses, landscaping and other mitigation and monitoring works.
- ix. Such other works as may be necessary or expedient for the purposes of or in connection with the construction, operation, maintenance or decommissioning of the Project.
- x. If required, temporary stopping up, diversion or alteration of streets, roads and Public Rights of Way (PROW).
- xi. If required, the permanent and compulsory acquisition of land and rights for the Project.
- xii. If required, the application and/or disapplication of legislation relevant to the Project including inter alia legislation relating to compulsory acquisition.
- xiii. Such ancillary, incidental and consequential provisions, permits and consents as are necessary and/or convenient

1.3 Purpose and Structure of the LIR

- 3.1.1 This LIR is structured by first identifying the site and the relevant local policies, identifying the local impacts, and lastly addresses the extent to which the development proposals accord with these policies. For each topic area, the key issues are identified on the extent the applicant addresses these issues by reference to the application documentation, including the DCO articles requirements and obligations where relevant.
- 3.1.2 The LIR has sought not to duplicate material covered in the Statement of Common Ground (SoCG), something that The Councils have begun to engage on with the Applicant.

2 Description of the Area

- 2.1 The proposal as submitted represents a proposed extension to the existing and operational Greater Gabbard Wind Farm which can be seen off the Essex and Suffolk coastline on the horizon. The turbines as proposed would be linked to either one or two offshore platforms, before being transferred by sea cable to a point between Holland-on-Sea and the Frinton-on-Sea Golf Course called Sandy Point where either open cut trenching or horizontal direct drilling would be used to lay subsurface cables transfer the power as created to a landward connection point in Ardleigh.
- 2.2 The offshore components are located within the Southern North Sea Special Area of Conservation (SAC), the Outer Thames Estuary Special Protection Area (SPA) and Kentish Knock East Marine Conservation Zone (MCZ). Margate and Long Sands SAC is located immediately to the south of the offshore cable corridor. The Blackwater Crouch, Roach and Colne Estuaries MCZ are within 5km of the Proposed Development offshore Area of Search (AoS); the Kentish Knock East MCZ is within 7.2km of offshore AoS and the Orford Inshore MCZ is within 14.4km of the array areas.
- 2.3 Adjacent to the project landfall is the Holland Haven Country Park, managed by TDC, which is a Site of Special Scientific Interest (SSSI).
- 2.4 After making landfall, the cables carrying the power as generated would be undergrounded either within an open cut or horizontally drilled where necessary (for example to cross the strategic network and railways line which intersects with the proposal), within a cable corridor, as shared by the Five Estuaries DCO, within the Tendring peninsular. The onshore elements are located entirely within the administrative boundary of TDC in Essex.
- 2.5 The cables would then surface in Ardleigh where a substation is proposed. The same would stand immediately adjacent to the substation as proposed by Five Estuaries and stand to the south of a further EACN which is proposed by an additional DCO proposal called “Norwich to Tilbury” (N2T) which North Falls relies on to transfer any power as created to the wider Grid as part of the Great Grid Upgrade. Currently the N2T proposal is expected to be submitted as a separate DCO in Q03/2025.
- 2.6 This part of Essex has a distinct coastal landscape broadly characterised by the towns and resorts in a dispersed settlement pattern, which extend along much of its coastline, where there are extensive beaches, sea walls and sand dunes, and with coastal marshes along the estuaries to the north and south. Inland from the coastline the area is characterised by agricultural lowland landscapes which are typically flat to gently undulating and low-lying, providing extensive views across the landscape, punctuated by trees, hedgerows, and woodland. They provide a rural backdrop to the coast where parts have been reclaimed from marshland. Further inland the farmed landscape covers a mix of shallow river valleys and low-lying plateaux, such that the elevation of the landscape seldom rises above 30m.

- 2.7 The landscape transitions from the beach and coastal landscape across a predominantly low lying and flat rural landscape which mostly comprises fields of arable crops with some enclosure from hedgerows and localised tree cover. The character of the site area is predominantly rural in nature, with a concentration of activity along the many transport routes traversing the area, including the A120, A133 and London to Norwich Intercity train line. Away from the principal routes through Tendring the highway network is rural in character with narrow unlit roads with minimal pedestrian refuge for the most part.
- 2.8 North Essex, which Tendring forms in part, is a vibrant and attractive place to live and work. It has a rich archaeological, natural and built heritage that continues to influence local character, which is distinguished by its extensive legacy of human habitation from Palaeolithic times onwards. The area has experienced significant population, housing and employment growth in recent years, and this is forecast to continue. It is necessary to ensure the area is focused on sustainable development which both respects local environments and provides new jobs and essential infrastructure. Areas within Tendring, such as Jaywick Sands, are shown as those being at the most deprived within the UK. The main employment comes within the holiday/tourism sector, with a huge variety of accommodation being within the Tendring area.
- 2.9 North Essex is anticipated to be an area of significant growth over the period to 2033 and beyond, embracing positively the need to build well-designed new homes, create jobs and improve and develop infrastructure for the benefit of existing and new communities.
- 2.10 It is the intent that the area will continue to be an attractive and vibrant area in which to live and work, making the most of its rich heritage, town centres, natural environment, coastal resorts, excellent educational facilities and strategic transport links which provide access to the ports, Stansted Airport, London and beyond. Rural and urban communities will be encouraged to thrive and prosper and will be supported by adequate community infrastructure.
- 2.11 Key sustainable development principles will be at the core of the strategic area's response to its growth needs, balancing social, economic and environmental issues. Green and blue infrastructure and new and expanded education and health care facilities enabling healthy and active lifestyles will be planned and provided along with other facilities to support the development of substantial new growth; while the undeveloped countryside and the natural and historic environment will be conserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance the historic environment and settlement character.
- 2.12 It is against these aforementioned strategic goals that this DCO will fail to be considered. Whilst recognising that the area will undergo change as a result, such change must be balanced against the impact this will have in the host communities and on policies which seek to retain, conserve and enhance the unique character of the Tendring area.

3 Policy Context

3.1 National Policy

- 3.1.1 When deciding DCO submissions s104(2)(d) of the Planning Act (PA) 2008 requires the Secretary of State (SoS), following recommendation by the Planning Inspectorate (PINS) to have regard to any other matters considered both important and relevant. The National Policy Statements for National Networks (NPSNN) requires consideration to be given to policies and information in the development plan to matters including other developments which may give rise to cumulative impacts, non-designated heritage assets, impacts on land use and the preclusion of other development.
- 3.1.2 The national policy governing the principle of development for Renewable Energy proposals is the National Policy Statement (NPS) EN-3, and National Policy Statement (NPS) EN-5, which should be read together with the overarching NPS for Energy, EN-1.
- 3.1.3 In considering the planning policy context, the Applicant have submitted within their Planning Statement a Policy Assessment which has document reference APP-233 within the Examination library which considers, at 4.7, the national planning policies as apply to a development of this type and which the ExA should be mindful of in making their consideration of the proposals.
- 3.1.4 The Councils are of the view that the National Policies as set out are comprehensive and represent common ground between the parties. As such the same agreement will be embedded in the SoCG between the applicant and the Councils.

3.2 Statutory Development Plan

3.2.1 District Level Local Plan, Neighbourhood Plan and Emerging Policies

A) Tendring District Local Plan (2013-2033)

- 3.2.1.1 The statutory Development Plan consists of both lower-tier and upper-tier Local Plans. At district level, Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities Shared Strategic Section 1 was adopted on 26th January 2021, and Tendring District Local Plan 2013-2033 and Beyond: Section 2 was adopted on 25th January 2022. As such, the district's level Local Plan is therefore considered to be up to date.
- 3.2.1.2 A number of policies apply to this development. The Councils note that the Applicant has highlighted some key policies of relevance in Table 4.3 of the Planning Statement (APP-233), for completeness and to assist the ExA and being conscious of the request of other DCO's under

consideration, the Councils have attached the list of policies, including their explanatory wording, in Appendixes as are attached to this LIR.

- 3.2.1.3 Policy SP1 (Presumption in Favour of Sustainable Development) (App 1) of the Adopted Local Plan Section 1 states that the Local Planning Authorities 'will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.'
- 3.2.1.4 Policy SP6 (Infrastructure and Connectivity) (App 2) of the Adopted Local Plan Section 1 identifies the need for all development to be supported by the provision of infrastructure, services and facilities.
- 3.2.1.5 Policy SP7 (Place Shaping Principles) (App 3) of the Adopted Local Plan Section 1 states all new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.
- 3.2.1.6 Policy SPL 2 (Settlement Development Boundaries) (App 4) of the Adopted Local Plan Section 2 seeks to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans. Outside of Settlement Development Boundaries, TDC will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.
- 3.2.1.7 Policy SPL 3 (Sustainable Design) (App 5) of the Adopted Local Plan Section 2 states all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character.
- 3.2.1.8 Policy HP 1 (Improving Health and Wellbeing) (App 6) of the Adopted Local Plan Section 2 ensures TDC will work to improve the health and wellbeing of residents in Tendring by requiring a Health Impact Assessment (HIA) on all development sites delivering 50 or more dwellings, all development in Use Class C2 (Residential Institutions) and all non-residential developments delivering 1,000 square metres or more gross internal floor space. The HIA should be carried out in accordance with the advice and best practice published by Public Health England and locally through the Essex Planning Officers Association.

- 3.2.1.9 Policy HP 2 (Community Facilities) (App 7) of the Adopted Local Plan Section 2 states TDC will work with the development industry and key partners to deliver and maintain a range of new community facilities.
- 3.2.1.10 Policy HP 3 (Green Infrastructure) (App 8) of the Adopted Local Plan Section 2 states Green Infrastructure (GI) will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access. All new development must be designed to include and protect and enhance existing GI in the local area, as appropriate.
- 3.2.1.11 Policy HP 4 (Safeguarded Open Space) (App 9) of the Adopted Local Plan Section 2 requires Development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:
- a) the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;
 - b) it is demonstrated that there is no longer a demand for the existing site; and;
 - c) the development of the site would not result in the loss of an area important to visual amenity.
- 3.2.1.12 Policy PPL 1 (Development and Flood Risk) (App 10) of the Adopted Local Plan Section 2 ensures that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site.
- 3.2.1.13 Policy PPL 3 (The Rural Landscape) (App 11) of the Adopted Local Plan Section 2 states TDC will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.
- 3.2.1.14 Policy PPL 4 (Biodiversity and Geodiversity) (App 12) of the Adopted Local Plan Section 2 requires proposals for new development to be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure a net gain, in biodiversity.

- 3.2.1.15 Policy PPL 5 (Water Conservation, Drainage and Sewerage) (App 13) of the Adopted Local Plan Section 2 requires all new development to secure adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the GI network and providing amenity and biodiversity benefits.
- 3.2.1.16 Policy PPL 7 (Archaeology) (App 14) of the Adopted Local Plan Section 2 ensures that any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted.
- 3.2.1.17 Policy PPL 8 (Conservation Areas) (App 15) of the Adopted Local Plan Section 2 states new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.
- 3.2.1.18 Policy PPL 10 (App 16) (Renewable Energy Generation and Energy Efficiency Measures) of the Adopted Local Plan Section 2 states Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated. All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retrofitting of renewable energy installations.
- 3.2.1.19 Policy CP1 (Sustainable Transport and Accessibility) (App 17) of the Adopted Local Plan Section 2 seeks to ensure new development is sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 3.2.1.20 Policy CP 2 (Improving the Transport Network) (App 18) of the Adopted Local Plan Section 2 states Proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport.
- 3.2.1.21 Policy DI1 (Infrastructure Delivery and Impact Mitigation) (App 19) of the Adopted Local Plan Section 2 ensure that all new development is supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development

or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity, as is required, will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider.

B) Adopted Neighbourhood Plan

- 3.2.1.22 The Planning Statement at APP-233 seems to refer to the Ardleigh Neighbourhood Plan (ADP) as a 'draft' neighbourhood plan, which is incorrect, the ADP has now been adopted, all relevant Ardleigh Neighbourhood Plan policies should be included and properly considered in each of the relevant statements.

C) TDC Local Plan Review

- 3.2.1.23 The Local Plan review was originally proposed in Q2 2024, this was put on hold after the Government launched a consultation on proposed changes to the National Planning Policy Framework (NPPF) and the introduction of mandatory housebuilding targets for Councils, as part of its ambition to build 1.5million new homes across the country over the next five years.
- 3.2.1.24 A report to TDC's Planning Policy and Local Plan Committee on Monday, 10 February 2025, said that as a result of the change, Tendring's housebuilding target will increase from 550 homes per year to 1,034 homes per year starting January 2026. The new target requires TDC to plan for an additional 7,000-8,000 new homes by 2041 over and above the 9,600 already in the pipeline as part of current plans.
- 3.2.1.25 The updated Local Plan will need to cover a period of 15 years from its anticipated date of adoption and will extend to the year 2041. Many building developments have already been approved and will continue to deliver many of the homes and infrastructure required for Tendring under the existing Local Plan but to meet the future needs of residents and growth for the area, more needs to be done. It is expected that Tendring Colchester Borders Garden Community and the Hartley Gardens development in Clacton will contribute significantly to meeting any longer-term requirements.
- 3.2.1.26 Before the recent change in Government policy, TDC had been expecting to consult residents on six different options for accommodating 3,000-4,000 extra homes in Tendring, but a doubling of that requirement to 7,000-8,000 has required TDC to go back to the drawing board.
- 3.2.1.27 Four new alternatives have now instead been identified for public consultation.

- 3.2.1.28 All the options include proposals for major growth in the Harwich area, the potential establishment of two or more new garden villages on key transport corridors, with different scales of development across the district's other towns and villages.
- 3.2.1.29 The options include:
- a) **Option A – A120 and Railway Focus.** In addition to significant growth at Harwich, and smaller scale development around villages across the district, this option proposes the establishment of two new garden villages of between 1,500 and 5,000 homes – one in the Frating/Great Bromley/Hare Green area and one at Horsley Cross, as part of an A120-focussed growth strategy delivering road connectivity improvements. It also includes more growth around the district's larger villages with railway stations.
 - b) **Option B – Central Triangle of Garden Villages.** As well as garden villages at Frating/Great Bromley/Hare Green and Horsley Cross, this option includes a third garden village at Weeley, delivering around 1,000 new homes through strategic expansion with good access to the rail and road networks.
 - c) **Option C – A133/B1033 Garden Villages.** This option proposes three new garden villages – one at Frating/Great Bromley/Hare Green, one at Weeley, and one at Thorpe-le-Soken, as part of an A133/B1033 focussed strategy, delivering improvements to the capacity of the A133 and a possible bypass around Thorpe. Other large villages with railway stations would experience a level of growth proportionate to their existing size.
 - d) **Option D – Four Garden Villages.** This option proposes four new garden villages – one at Horsley Cross, one at Frating/Great Bromley/Hare Green, one at Weeley, and one at Thorpe-le-Soken. This option combines the strategy from the previous options, promoting growth on the A120 corridor towards Harwich, and the A133/B1033 corridor towards Clacton, Frinton and Walton.
- 3.2.1.30 To assist the ExA a map extract is included at Appendix 22 to show the spatial distribution of the sites. The full Tendring District Local Plan Review : Issues and Options consultation document is included as a separate document with this submission.
- 3.2.1.31 The updated Issues and Options document, incorporating the proposed changes, will go out for consultation this Spring
- 3.2.1.32 Following the first consultation, the preferred options are set to be considered by TDC this Summer/Autumn before the final draft is published for a second consultation in Winter 2025/6.

- 3.2.1.33 It is expected that the final plan will then be submitted to the Secretary of State for public examination in early 2026.
- 3.2.1.34 The Councils note that such proposals have yet to undergo consultation, before recommendation and potential adoption, however they show the ExA the direction of travel by which development could come forward.
- 3.2.1.35 The Councils are concerned about the close proximity of the proposed cabling corridor to the north and east of the existing built-up area and settlement development boundary of Thorpe-le-Soken.
- 3.2.1.36 The encroachment of the cabling corridor into these planned growth areas could pose a significant risk to the viability of future housing developments. TDC is particularly concerned that the presence of this infrastructure so close to the settlement of Thorpe-le-Soken will hinder sustainable future expansion and have a detrimental impact on our strategic growth objectives.
- 3.2.1.37 Similarly, large areas to the north and south of the A120, east of the Horsley Cross Roundabout, have been designated for future housing and employment growth. The proposed cabling corridor intersects these critical growth zones, which would significantly impact TDC's long-term development plans. The North Falls DCO, together with the Five Estuaries projects which is also at Examination, as currently proposed, will have considerable implications for the strategic objectives in these areas.

3.2.2 County Level Local Plan, Policies and Guidance

- 3.2.2.1 At the County level, the ECC Minerals Local Plan (2014) (MLP) and ECC Waste Local Plan (2017) (WLP) are also a material consideration in terms of Development Plan considerations. At this time the MLP underwent a Regulation 18 Consultation in June 2024. It is not envisaged that this review will lead to the adoption of a new minerals plan before the end of the ExA into this DCO, nor lead to any material difference to the conclusions as to the impact on minerals and waste policy which is provided elsewhere in this LIR.
- 3.2.2.2 Further Local policies documents considered within the Order limits to manage climate change and gas emissions are as set out below.
 - i. ECC NSIP's Policy (2022). ECC will only support NSIPs that create resilience in Essex and not those that exacerbate existing, or make new, vulnerabilities, particularly in relation to ECC's commitment to deliver sustainable communities that level up the economy, environment and health and wellbeing across the County.
 - ii. ECC Everyone's Essex: our plan for levelling up the county, 2021 to 2025. 'Everyone's Essex' sets out 20 commitments to improve the lives of

people of Essex between 2021 to 2025. The 20 commitments are divided into four key areas of economy, environment, health and family.

- iii. Net Zero: Making Essex Carbon Neutral – Essex Climate Action Commission. The Essex Climate Action Commission has set out recommendations for ECC on tackling the climate change crisis across six core themes, with a trajectory of targets and milestones that need to be met for Essex to become a net zero county by 2050. The six core themes are: Land Use and GI, Energy, the Built Environment, Transport, Waste and Community Engagement.
- iv. The Developer’s Guide to Infrastructure Contributions, Revised 2020. ECC has produced a developer’s guide to infrastructure contributions which details the scope and range of contributions towards infrastructure which ECC may seek from developers and landowners in order to mitigate the impact and make development acceptable in planning terms.
- v. Essex Sector Development Strategy. The strategy has identified five economic sectors with significant growth potential that could be realised in Essex. They cover construction and retrofit, clean energy, advanced manufacturing and engineering, Digi-tech and life sciences.
- vi. Green Skills Infrastructure Review for ECC, March 2022. A review of green skills and related infrastructure has been undertaken to identify skills gaps and business needs, the capacity of existing providers and growth plans and to identify how existing or improved skills infrastructure can support the Essex Climate Change Commission’s ambition to mitigate the effects of climate change.
- vii. ECC Local Flood Risk Management Plan (2018). This document aims to manage the risk of flooding in the region and inform all groups and individuals who may have an interest in, or an ability to influence or manage flood risk.
- viii. ECC Rural Strategy (2016). The Essex Rural Partnership brings together organisations in the public, private and voluntary sectors to co-ordinate action on the major economic, social and environmental issues facing rural Essex.
- ix. ECC Local Transport Plan (2011). Assesses transport needs and challenges and sets out its transport aspirations over the 2011 – 2026 period. To improve maintenance of existing transport networks, support sustainable economic growth and regeneration; reduce carbon emissions.
- x. The Local Nature Recovery Strategy (LNRS) is an Essex wide strategy which was to the subject of public consultation towards the end of 2024. This strategy will be particularly relevant to the NF environmental proposals when looking at the design and landscaping of the substation and for their Biodiversity Net Gain (BNG) proposals. The public consultation closed on 25th October 2024.

- xi. The Local Cycling Walking and Infrastructure Plans (LCWIPs) are Essex wide strategies designed to create a network of sustainable interconnected active routes. Of particular relevance are the 'Clacton – Jaywick' and 'Dovercourt – Harwich' specific LCWIPs, which have recently finished public consultation. TDC will be including reference to these in the updated Local Plan.

4 Assessment of Impacts

4.1 In Combination Effects

- 4.1.1 The ExA is asked to note, and following this being aired at the Preliminary Hearing, that the DCO here under consideration is not the only proposal which is coming forward at this time within the local area.
- 4.1.2 The comparative project at Five Estuaries in reaching the end of its Examination. Both these proposals would be wholly dependent on another NSIP proposal, Norwich to Tilbury (N2T), for onward connection to the Grid. This proposal is part of the “Great Grid Upgrade” and proposes a new mainly overland power transmission link from Norwich to Tilbury across the heart of the East Anglian Region, before onward connection to the further grid network.
- 4.1.3 N2T is proposed to enter Tendring undergrounded within the Stour Valley Area of Outstanding Natural Beauty (AoNB) before being connected to an additional substation immediately to the north of that as proposed by North Falls. This connection point is termed the EACN. N2T will then travel northwards around Colchester in overhead power lines. The N2T DCO proposal will follow with its submission expected in Q03 2025, currently this is undergoing a new targeted consultation on minor changes to the proposals.
- 4.1.4 The effects of these projects will mean that both offshore wind farms, with both North Falls as considered here, Five Estuaries, and N2T would provide their own independent sub stations in Ardleigh next to each other.
- 4.1.5 The Councils note that N2T is less progressed and at this time this project has recently concluded its statutory consultation phase, which ECC has raised significant objections to. To allow the Examining Authority to contextualise this objection a copy of the recent response to the statutory consultation is attached as in Appendix 20. The Councils also note that there is a current targeted consultation on minor changes to the scheme and a further consultation will take place in Essex in Q1 2025.
- 4.1.6 In addition, the Councils have been made aware that an additional proposal will come forward, known as the Tarchon Connector Project. Whilst proposals for the same are currently at the preliminary stage it is understood that this would propose a subsea link between the UK and Germany with landfall on the Tendring coast to the south of Harwich at a currently undefined location, before it too makes its way undergrounded to the EACN as will be provided by N2T. Here it will propose its own substation and a large converter station, further increasing the proliferation of quasi-industrial type structures within the Ardleigh area in very close proximity to each other.
- 4.1.7 For this proposal the Councils note that NF is a standalone project within its own DCO process. As the host Local Authorities, the Councils are currently engaged in responding to the NF & FE DCO windfarm projects, as well as

ongoing consultation with National Grid on N2T with the aim that all three will cojoin at the EACN, which could also host the Tarchon proposal.

- 4.1.8 While the Councils appreciate that there must be functional separation between each individual proposals as they are individual projects, the similarities in the proposals mean that the cumulative impacts of both projects on the residents and landscape of Tendring will be both significant and permanent. If they are granted consent, the Councils ask that both the ExA and the Secretary of State (SoS) to ensure these transmission proposals are delivered in a coordinated way, in accordance with NPS (Policy EN-5 – Policy Statement for Electricity Infrastructure). This is expected to reduce the overall environmental and community impacts. The commonality between these projects must be considered in terms of those most heavily impacted, this being the community at Ardleigh and those who view the site from the rural highway network.
- 4.1.9 Interdependency of this project on EACN and approval of this connection to the National Grid means the phasing of the project has a key role to play in the successful delivery and associated mitigations to ensure that the proposed benefits will indeed outweigh the harm.
- 4.1.10 The area of the Tendring peninsula that will be most affected by the development proposals currently benefits from uninterrupted views across vast expanses of rural farmland, affording valued and extensive vistas across broad horizons, punctuated by natural boundaries (trees, hedgerows), scattered farmhouses and associated buildings. The dispersed settlement pattern connected via a network of narrow scattered lanes are historic features of this location. The permanent visual impact the development will have is a very significant concern for the Councils, and the residents and communities of Tendring. The open landscape means particular care must be taken as this large-scale industrial proposal will be highly visible over long distances. Options and Designs to screen the substation must be holistically considered in conjunction with the FE substation, including the type, heights and informed positioning of appropriate vegetation, to soften the harsh visual interruption of large-scale national energy infrastructure.
- 4.1.11 The Councils are concerned that the onshore substation will represent a significant negative feature in the local landscape, both during construction and during the operational years being proposed. With its considerable height, and occupying up to 58,800m², significant negative effects would arise on the local landscape and its setting during construction and at operation. Although screening and mitigation planting is proposed which may reduce the visual effects, it does little to reduce the landscape effects on the site itself and its immediate setting which will be permanently changed from an open productive agricultural landscape to a semi-industrial environment surrounded by trees, which will permanent alter this landscape in a very harmful way.

- 4.1.12 Therefore, the Councils' position is that the NF substation on its own will forever change this open expanse. While it is acknowledged that the Examining Authority are only examining this DCO, the large number of physical elements between FE, NF and N2T will overlap. These matters are further complicated because each DCO will be the subject of a separate examination and conducted independently.
- 4.1.13 During the preliminary hearing for NF the ExA explained that they will make a recommendation to the SoC once the DCO process has concluded and that the SoS will, amongst other things, consider the cumulative impacts of other projects. However, it is not currently known which other projects' cumulative impacts will or should be considered alongside the NF and FE projects. There is significant local concern about the cumulative impacts of this substation, the proposed FE substation, the East Anglian Connection Node and potential future NSIP projects (such as the Tarchon Project). Each of these projects will do irrevocable damage to this historic landscape, and some of the potential impacts of the same are not known, Tarchon currently represents a proposal which is still being developed and at this time something that the Councils have only basic knowledge of. The landscape and its setting are of great value and importance to those communities and residents who have lived in, farmed and enjoyed this natural vista. In addition to the requirement to secure considerable landscape mitigation in the form of screen planting, woodland/grassland/new hedgerows etc, it will also be necessary to secure details of new and compensatory soft landscaping to mitigate the harm caused by the removal of existing vegetation.

4.2 Climate Change

- 4.2.1 ECC has assessed the development as proposed against its Net Zero: Making Essex Carbon Neutral – Essex Climate Action Commission policy document. It has concluded that we are in favour of this development as a significant investment in renewable energy.
- 4.2.2 However, we remain interested in any proposals as the Applicant put forward during Examination which would secure low carbon initiatives which can be introduced to offset carbon impacts within, for example, a Community Benefits commitment, discussions on the same will continue.

4.3 Highways & Transportation

- 4.3.1 For this important topic, ECC as the Local Highway Authority have engaged with NF in combination with the FE scheme to seek to address ECC's initial concerns around the assessment methodology and management plans. Given the similarities between the projects, there are locations where changes that have been made within the Five Estuaries DCO would benefit or address the North Falls submission and these have been noted below. It is considered that this will reduce any areas of dispute between the parties and add consistency between the projects. The ExA is asked to note that the fundamental commitment within each DCO is by and large consistent. For example, Bentley Road will be used as the main access to the proposed substation site, and internal haul roads used for the transportation of goods within the DCO boundary.
- 4.3.2 The following forms a summary of the development transport and traffic impacts. A more detailed review has been undertaken of the submitted information and specific technical comments on the documents, including requests for further information or additional clarification on elements of the submission. The outcomes of these requests may affect conclusions so far drawn on the impacts of the development set out below.
- 4.3.3 It is important to consider the temporal nature of the project, both in its own context and in the context of the cumulative impacts. The assessment method is based on Scenario 1, which identifies the greatest peak impact in traffic; however, Scenario 3 has the potential to result in greater temporal impacts, due to the removal and reinstatement of elements of the works, meaning residents are subjected to the same repeated impacts at certain locations for the projects. In terms of public perception and the duration of the experience, the potential exists for these impacts to exceed the impact of the in-combination project delivery in terms of the length of time in which users will experience these impacts (particularly relating to traffic management), although the peak impact would not change. This issue has similarly been raised in the Five Estuaries DCO for consistency.

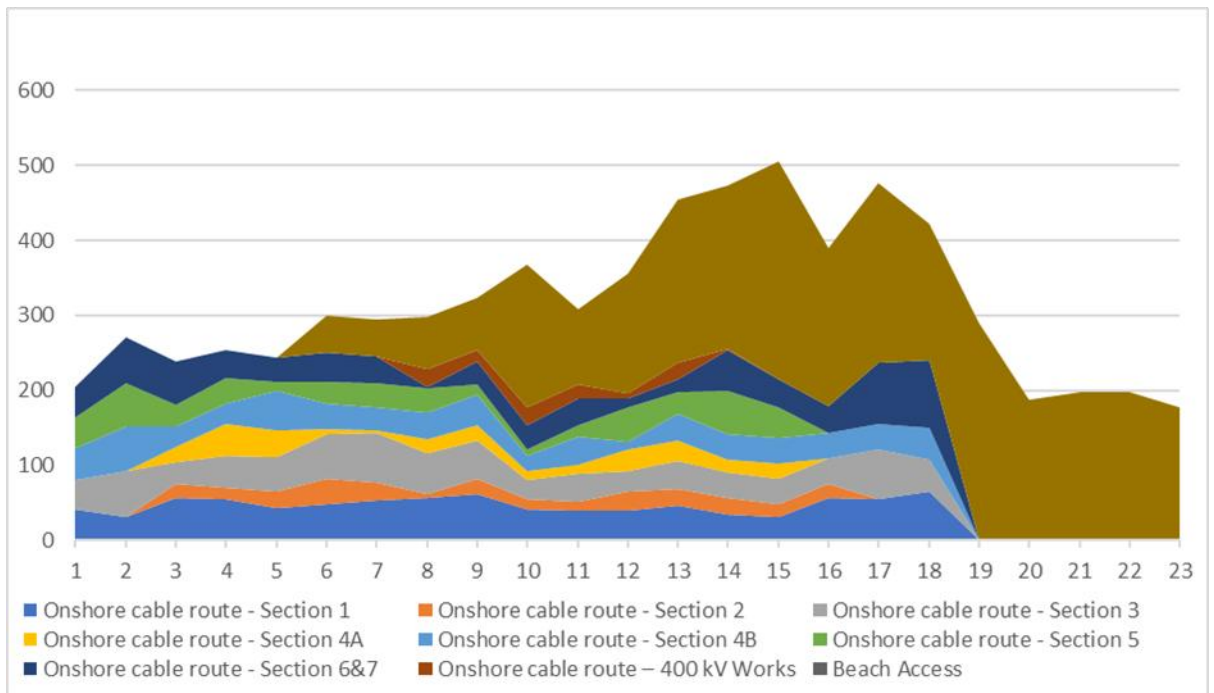


Figure T1 – Option 1: Two Way Heavy Goods Vehicle (HGV) Movements

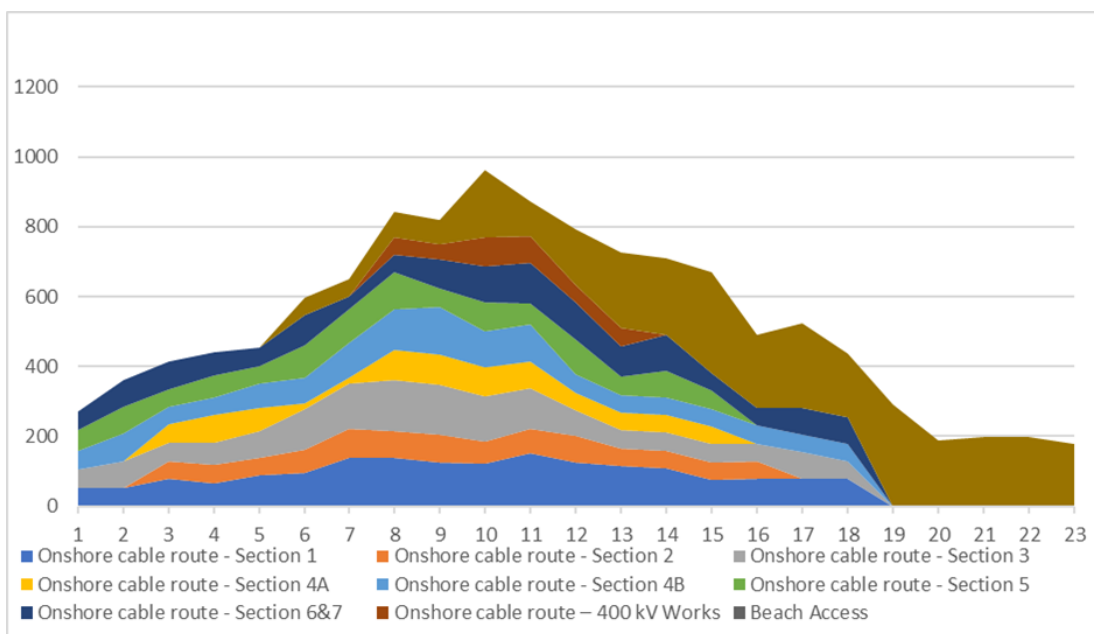


Figure T2 – Option 1: Two Way Employee Movements

4.3.4 As can be seen from Figure T1 and Figure T2 above, whilst the project does result in specific peak impacts, it will have a continuous impact throughout the envisaged 18 month build out programme. For HGV movements, seven of the 18 months exceed 75% of the peak impact, and 10 months exceed 60% of the peak impact. For workforce movements, six of the months exceed 75% of the peak, and ten of the months exceed 60% of the peak month. As a result, whilst the impacts are temporal, they are significant for a considerable length of the project and not just focussed over a very short timeframe.

4.3.5 As a result of the submitted information, it is considered that the development will have the following negative transport and traffic impacts during construction on the local highway network based on the outputs of the Applicant's assessment:

- i. Minor increases in delay and congestion on the A133 as a result of increased traffic movements, and particularly the proportional increase in HGV movements, as well as AILs.
- ii. Increases in congestion, delay, severance through the built-up environment of Clacton on the B1027 and B1032, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.
- iii. Minor increases in congestion and delay on the B1032 northeast of Clacton, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.
- iv. Minor increases in congestion and delay on the B1033 west of Weeley, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.
- v. Increases in congestion, delay, severance through the community of Weeley on the B1033, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.
- vi. Minor increases in congestion, delay, severance through the community of Thorpe-Le-Soken on the B1414 south of the B1033, and on the B1033 east of the B1414, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements. Thorpe-le-Soken High Street (B1033) suffers from congestion throughout the year due to on-street parking within the centre of the village where the local primary school and local amenities are in close proximity to one another.
- vii. Minor increases in congestion and delay on the B1033 east of Weeley, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.
- viii. Minor increases in congestion and delay on the B1035 north of Thorpe Green as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.

- ix. Minor increases in congestion and delay on the B1035 south of the A120 as well as reduced vulnerable road user amenity as a result of increased traffic and particularly the proportional increase in HGV movements.
- x. Significant increases in congestion and delay on Bentley Road, as a result of proportional increases in traffic and large proportional increases in HGVs.
- xi. The following junctions are considered likely to see a worsening in their operation:
 - Minor increased delay on Harwich Road south approach to A120 / Harwich Road roundabout.
 - Minor increased delay on Bentley Road approach to A120, as a result of increased vehicle movements.
 - Minor increased delay at the B1035 approaches to the A120 / B1035 roundabout.
 - Minor increased congestion and delay at the following junctions on the A133.
 - A133 / A133 roundabout junction.
 - A133 / B1033 roundabout junction.
 - Minor increased delay at the B1033 Colchester Road / B1035 Tendring Road priority junction.
- xii. Significant increased short-term delay as a result of traffic management required to deliver the highway works on Bentley Road.
- xiii. Increased short term delay as a result of the traffic management (either road closures or most likely one-way shuttle working) for the delivery of the highway accesses and haul road crossings at the following locations:
 - B1032 Clacton Road (AC-1 and AC-2)
 - Little Clacton Road (CR-1)
 - B1033 Thorpe Road (AC-3A and AC-3B)
 - Sneating Hall Lane (CR-2)
 - Damant's Farm Lane (CR-3)
 - B1414 Landermere Road (CR-4)
 - Golden Lane (CR-5)
 - B1035 Tendring Road (AC-4)
 - B1035 Thorpe Road (AC-5)
 - Lodge Lane (CR-6)
 - Wolves Hall Lane (CR-7)
 - Stones Green Road (CR-8 and CR-8A)
 - B1035 (AC-6 and AC-7)
 - B1035 Clacton Road (AC-8A and AC-8B)
 - Bentley Road (AC-9, AC-10 and AC-11)
 - Payne's Lane (CR-9 and CR-9A)
 - Spratts Lane (CR-10 and CR-10A)

- Barlon Road (CR-11 and CR-11A)
 - Ardleigh Road (AC-12)
- xiv. Increased delay and reduced road safety as a result of the use of the proposed construction accesses.
- xv. Reduced road safety as a result of the use of the proposed haul road crossing points.
- xvi. Increased delay associated with the impact of abnormal indivisible loads delivering to the project.
- xvii. Significant carbon emissions associated with the delivery of materials to the site, inclusive of the haul road.
- 4.3.6 Further discussions are needed to determine whether mitigation is required for the assessed impacts. However, based on proportional changes and local characteristics, ECC believes that proportional localised mitigation should be considered at Link 25 through Clacton and Link 34 through Weeley.
- 4.3.7 As the area is coastal, there can be significant seasonal delays and an increase in trip rates during the months of July and August (Summer school holidays) on the A133 (to Clacton-on-Sea) and B1033 (to Frinton and Walton) routes. It is recommended that these are considered when planning works, so that programmes align as best as they can to minimise disruption during higher traffic periods.
- 4.3.8 In order to ensure that the impacts remain as those assessed, the most pragmatic approach is to ensure that appropriate management measures are in place to control and monitor construction traffic to avoid exceedance of the assessed impacts. A detailed review has been undertaken of the CTMP in the Transport Technical Review of Submission Documents which is later in this document.
- 4.3.9 It is considered that the development will have the following positive transport and traffic impacts on the local highway network.
- Improved footway / cycleway provision along Bentley Road between the A120 and the proposed haul road during construction following construction of the improvements.
- 4.3.10 In addition to the above, it is considered that the development will have the following additional cumulative negative transport and traffic impacts on the local highway network during construction:
- Significant worsening on the impacts on Bentley Road, as a result of proportional increases in traffic and large proportional increases in HGVs and Abnormal Indivisible Loads (AiL's).

- Worsening on the impacts on delay and congestion on Bentley Road approach to A120 / Bentley Road junction.
- Slight worsening on the impacts on delay and congestion on the A133.
- Slight worsening on the impacts on congestion, delay, severance through the built-up environment of Clacton on the B1027 and B1032, as well as reduced vulnerable road user amenity, as a result of increased traffic and particularly the proportional increase in HGV movements.
- Slight worsening of the impacts on congestion and delay on the B1032 northeast of Clacton, as well as reduced vulnerable road user amenity as a result of increased traffic and particularly proportional increase in HGV movements.
- Worsening of the impacts on vulnerable road user amenity as a result of increased traffic on Waterhouse Lane, Little Bromley Road and Ardleigh Road.

4.3.11 In addition to the above, it is considered that the development will have the following additional cumulative temporal negative transport and traffic impacts on the local highway network as a result of Scenario 3, where works are removed and then reinstated:

- Contiguous impacts at the locations above as a result of repeated increases in HGV movements on highway network.
- Contiguous impacts at the locations above as a result of repeated increases in construction worker movements on the highway network.
- Additional total HGV and worker movements associated with the removal and reinstatement of works to deliver individual projects.
- Additional carbon emissions associated with HGV and worker movements associated with the removal and reinstatement of works to deliver individual projects.
- Repeated short term delay as a result of the traffic management (either road closures or most likely one-way shuttle working) for the delivery of the highway accesses and haul road crossings (identified above).

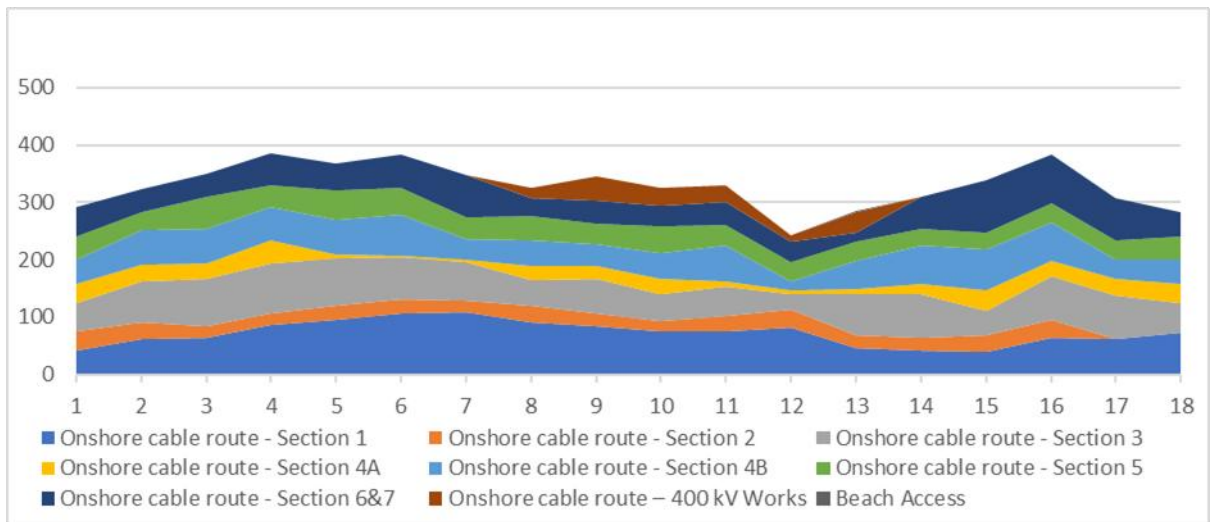


Figure T3 – Scenario 1: Two Way HGV Movements

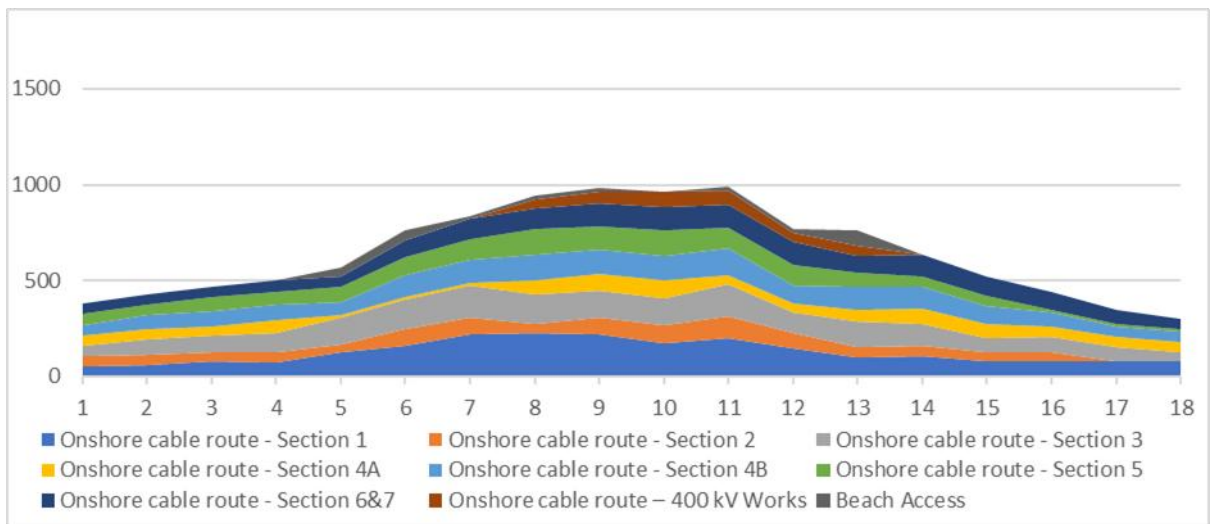


Figure T4 – Scenario 1: Two Way Employee Movements

4.3.12 The project will also result in additional driver delay as a result of abnormal loads on the local road network including the following:

- i. Transformers
- ii. Plant
- iii. Cable Drums

4.3.13 Information has not been identified that sets out the number of expected AILs; however, it is assumed that these would be very similar to those assessed for Five Estuaries. The general conclusion reached is that the transformers would result in significant delay during delivery; however, they are very low numbers, whilst the cable drums would result in minor delays with negligible impacts in isolation.

Transport Technical Review of Submission Documents

4.3.14 This section forms the technical review and commentary on the transport documents within the submission.

6.1.1 Draft Development Consent Order [AS-022]

- 4.3.15 The ExA is asked to note that the Councils are currently in discussions with the Five Estuaries Team around Protective Provisions for the highway authority for that Application. It is assumed that the same approach will be undertaken here. The Protective Provisions for ECC have not been included as part of the draft DCO to date, and therefore have been omitted from this explanatory memorandum or any comments. If agreed the Protective Provisions will need to be included in the dDCO. In addition, we require a Framework Highways Agreement to sit parallel to the DCO, including the Protective Provisions.
- 4.3.16 Within the dDCO (APP-005) under Part 3 Streets, Article 12 the proposed timescales of 28 days is not considered to be acceptable; 56 days would be more appropriate to minimise inconvenience and to ensure coordination across the highway network.
- 4.3.17 Under Part 3 Streets, Article 14 (15) the proposed timescales of 28 days is not considered to be acceptable; 56 days would be more appropriate to minimise inconvenience and to ensure coordination across the highway network. This would be consistent with the most recent Five Estuaries Draft Development Consent Order.
- 4.3.18 Requirement 9 should be discharged by the ECC as the Highway Authority.
- 4.3.19 ECC are currently poised to enter into a Framework Highways Agreement with another DCO and would recommend a similar approach here. Given an acceptable agreement has already been drafted.
- 4.3.20 The Framework Highways Agreement operates in parallel to the DCO, including the CTMP. It sets out how the DCO will operate in line with ECC as the Highway Authority's current processes. Utilising processes that are already established within ECC for DCOs is expedient for both the development, as well as ECC as the Highway Authority. It is ECC's experience that at the implementation stage of the project the appointed contractor welcomes the opportunity to work proactively with the Highway Authority to deliver the project. Contractors are well acquainted with the process for delivering highway works through a Section 278 agreement. A side agreement is seen as the best mechanism for facilitating this process.
- 4.3.21 There are omissions from the Protective Provisions in respect of ECC as the Highway Authority, if the PPs are included in the DCO as recommended. Some of the omissions are ancillary to the DCO and would fit within a Framework Highways Agreement, which sets out the details of how the order is exercised. For example, the engagement between the highway authority and the applicant, ECC would require an option of an initial meeting to discuss the design; provisions for site visit, if required; indemnities including levels and types of insurances to be held by a contractor undertaking highway works; and the consequences of the applicant failing to make good or reinstate the road during the maintenance period; and the highway

authority's fees. These would be included in a Framework Highway Agreement to ensure that the development operates pursuant to the DCO and is in line with the procedure for ECC as Highway Authority.

- 4.3.22 Under Schedule 3 Part 3, the following changes are needed with the Applicant, and would reflect the current position with Five Estuaries:
- a. For the 0.9km stretch of road along Golden Lane (Sheet 7 of 16), it is currently ECC's position that a 40mph temporary speed limit should also be extended approximately 60m to the northeast to cover the residential property.
 - b. For the 0.7km stretch of road along B1035 Thorpe Road (Sheet 8 of 16), it is currently ECC's position that a 40mph speed limit is more appropriate due to the change from National Speed Limit. The temporary speed limit should also be extended to cover Access 4A.
 - c. That for Access 8A and 8B, a temporary 40mph speed limit should be proposed, as proposed in the Five Estuaries DCO [REP5-006] and considered necessary for the accesses.

Environmental Statement Chapter 27 Traffic and Transport [APP-041]

- 4.3.23 Paragraph 54 sets out the commitment at Para 53 for 80% of staff to travel outside of the peak hours is captured within the OCTMP. This commitment is welcomed and gives the Councils assurance on the assessment methodology.
- 4.3.24 Paragraph 64 indicates that there are a number of predicted Non-Special Order Abnormal Loads. It would be beneficial to have an indication of the peak and average numbers in order to understand the scale of impact on the network. The Councils ask that this information be provided by the Applicant.
- 4.3.25 Whilst the magnitudes of impact provided at Table 27.10 may provide a useful starting point, the thresholds applied should be treated with varying levels of caution. It is unclear why an assessment of Fear and Intimidation has not been undertaken, albeit it is considered unlikely to affect any conclusions within the assessment.
- 4.3.26 With reference to the traffic count informing Table 27.16, it would be beneficial if the Applicant could provide the data to the highway authority in excel format, so that a detailed review can be undertaken.
- 4.3.27 At Paragraph 229, Scenario 2 describes a scenario where there is sequential construction, whilst it is understood these scenarios aim to determine the peak impact on the network in terms of vehicle movements, they do not assess the cumulative impact of contiguous developments on an area over an extended time period, and whether this would result in a short term impact becoming more significant, as well as the effect of repeated impacts of development on a local population, such as repeated road closures and rights of way closures. Consideration should be given towards this temporal impact within the assessment. Whilst the assessment indicates the worst

case in terms of peak impact, this may not be the worst case for the population in terms of their perceived experience.

4.3.28 At a high level the thresholds at Table 27.10 for assessing amenity provide a useful starting point albeit the Councils are cautious when applying thresholds for environmental impacts from traffic; however, it is unclear what the exact thresholds being applied are, and, in any case, all impacts need to be considered on an individual basis. Specific comments are as follows:

- i. All situations where a threshold is close to being breached e.g. where there might be a 55% increase rather than a 60% should be treated with caution.
- ii. It is unclear what the 100% increase in traffic or HGV component applies to for amenity, but it is assumed that this includes a spectrum of medium to high impact. It is unclear what proportion is for a low impact. Ideally the applied thresholds should be made clearer.
- iii. All situations where a threshold is close to being breached e.g. where there might be a 55% increase rather than a 60% should be treated with caution.
- iv. It is unclear what the 100% increase in traffic or HGV component applies to for amenity, but it is assumed that this includes a spectrum of medium to high impact. It is unclear what proportion is for a low impact. Ideally the applied thresholds should be made clearer.

4.3.29 The Access to Works Plan [AS-021] show access AC-7. Clarity is sought on the use of this access, as its location now potentially clashes with a new roundabout access. It is also considered sensible at this stage to undertake a swept path analysis for the new roundabout on the B1035, as requested, and undertaken, in the Five Estuaries DCO.

4.3.30 Table 27.13 sets out the review of link sensitivity for the highway network, and our response is set out below. It is worth noting that there are similar links used in the Five Estuaries assessment, and as a general rule the sensitivity being applied here are either the same or greater.

Response to Table 27.13 on Link based sensitivity receptors

Link ID	Highway Link	Applicant Sensitivity	ECC comments
1, 2, 3, 15, 16, 18, 19 and 47	A120	Negligible	N/A
4	Bentley Road from the A120 to Little Bromley	Low	Agreed
5	Bentley Road through Little Bromley	High	Agreed.
6	B1035 south of the A120 to Tendring Green	Low	Agreed
7	Bromley Road north of Little Bromley	Low	Agreed
8	Bromley Road south of the A137	High	Agreed
9	A137 east-west through Lawford	Medium	The sensitivity for this section is agreed based on Figure 27.5; however, the terminology between Link 9 and 10 is slightly confusing given that 10 is not a north-south route.
10	A137 north-south through Lawford	High	The sensitivity for this section is agreed based on Figure 27.5; however, the terminology between link 9 and 10 is slightly confusing given that 10 is not a north-south route.
13	B1035 south of the B1352	Medium	Agreed
14	B1035 north of the A120	Low	Agreed
20	A133 south of the A120	Negligible	Agreed
21a	A133 to Crown Lane	Low	Agreed

21b	A133 from Crown Lane to the B1034	Low	Agreed
22	A133 south of the B1033 to Progress Way	Negligible	Agreed. The Five Estuaries DCO identified this link (18) as Low, so it might be worth considering a sensitivity test on that basis, as well as for consistency.
23	A133 south of Progress Way to the B1032	Negligible	
24	B1032 east of the A133 to Holland Road	High	Agreed. Although irrelevant to any conclusions, it may be worth noting that part of this route appears to be the B1027.
25	B1032 from Holland Road to Kings Parade	High	Agreed
26	B1032 from Kings Parade to the south of Great Holland	Low	Agreed
27	B1032 through Great Holland	High	Agreed
28	B1033 north of the B1032 through Kirby Cross to Pork Lane	High	Agreed
29	B1033 from Pork Lane to the south of Thorpe-le-Soken	Low	Agreed on the assumption that this area does not include any of the built-up frontage, which appears to be the case.
30	B1033 south of the B1414 through Thorpe-le-Soken	High	Agreed
31	B1414 east of the B1033	High	Agreed
32	B1033 north of the B1414 through Thorpe-le-Soken	High	Agreed

33	B1033 from the B1441 to the B1035 through Weeley	Medium	The Five Estuaries DCO identified this link as High (Link 30), so it might be worth considering a sensitivity test on that basis, as well as for consistency. However, <i>Medium</i> is considered to be acceptable.
34	B1033 from the A133 to the B1441	Low	Agreed.
35	B1035 north of B1033 to Whitehall Lane	Low	Not Agreed. The Five Estuaries DCO (Link 31) identified this link as Medium, and it is recommended that a Medium sensitivity is applied due to the presence of receptors at the southern end.
36	Tendring Green from Parsonage Lane to Stones Green Road	Low	Agreed
37	B1035 north of Whitehall Lane to Swan Road	Low	Agreed
38	B1035 through Goose Green	High	Agreed
39	B1035 north of Swan Road to the south of Tendring	Low	Agreed
40	B1035 through Tendring to Crown Lane	High	Agreed
41	Crown Lane	Low	Agreed
42	B1035 from Crown Lane to Lodge Lane	High	Agreed
43	A133/Colchester Road from A133/Colchester Road roundabout to end of TTSA	Low	Agreed

44	B1441 (Progress Way) from A133/St Osyth Road/Progress Way Roundabout to B1414	High	Agreed
45	B1414 east of B1441 to B1033 in Thorpe-le-Soken	High	Agreed
46	B1441 from B1414 to B1033 in Weeley	High	Agreed
48	St John's Road from St Osyth Roundabout to end of TTSA	High	Agreed

4.3.31 In respect of Tables 27.14 and 27.15, the cluster sites would be incorporated in an ongoing review undertaken by the ECC road safety team and may come forward for remedial measures prior to the 2027 anticipated start date. For cluster 8, remedial measures should fall under maintenance and due to the classification of the road these are likely to be implemented prior to the anticipated start date for North Falls. However, a review process is considered to be sensible.

4.3.32 It is worth considering whether a mechanism for a further review is included within the CTMP, both prior to and during construction so that other cluster sites that have not come up for remedial measures are reviewed and remedial action undertaken before commencement of works or during construction if an issue is identified.

4.3.33 For Section 27.5.5.1, whilst it is agreed for the ES that a lower baseline is generally likely to present a worst case scenario; this would not necessarily be the case for any junction modelling that may be required, and this should be considered; however, it is recognised a small variation in the start date (e.g. less than 3 years) would be unlikely to materially impact any conclusions for the growth applied within junction modelling, unless there was a specific committed development in the immediate area.

4.3.34 With regards to Table 27.16 Link Screening, it is queried why no further assessment has been undertaken of links 18 and 19. It is assumed to be because they have negligible sensitivity; however, this does not appear to be explained (as paragraph 160 indicates all other links are considered).

4.3.35 With regards to Section 27.6.1.3.3, the Councils would dispute any location where 100% change in HGVs is used to determine whether an impact is medium or greater, particularly for Links 6, 25, 33, and 34. The figure is based on limited evidence, and should be treated with caution. As such, the Councils do not necessarily agree with the conclusions at Table 27.21, albeit for Links 6 and 34 it would only result in a Minor Adverse impact, which would not alter any overall conclusions.

- 4.3.36 Para 179 sets out that “to mitigate potentially significant amenity effects along links 25 and 35 the OCTMP (Document Reference: 7.16) (which is secured by DCO Requirement) contains a commitment to manage HGV trips along these links to not exceed the forecast average daily HGV demand.” It is not understood how this mitigates the effects. This would only control the effects to a level where an impact has been identified and requires mitigation. Further explanation is required for this position.
- 4.3.37 Table 27.25 sets out the review of impacts and sensitivity for driver delay associated with temporary road closures, and whilst the closure of these roads would result in localised delays for residents, the Councils agree with the conclusions that have been reached.
- 4.3.38 The rationale that only locations where North Falls has identified a significant effect have been assessed as having a potential cumulative effect, as set out as paragraph 218 is not agreed with, as this would not identify locations where a cumulative effect that North Falls might be contributing to is occurring.
- 4.3.39 It appears that there is some inconsistency for the naming convention for Table 27.30 for Links 35, 45 and 47 compared to Table 27.16, and the Councils ask if this can be reviewed. The figures in the table appear to match the Link ID (but not the link description).
- 4.3.40 With regards to Table 27.33, and Link 35 and 37, whilst the cap is appropriate and welcome, it is unclear how this mitigates the identified impact, instead it only ensures that the impact, which is material, is not exceeded.
- 4.3.41 With regards to paragraph 244, the Councils would dispute any location where 100% change in HGVs is used to determine whether an impact is medium or greater, particularly for Links 25 and 33. The threshold is based on limited evidence and should be treated with caution. As such, the Councils do not necessarily agree with the conclusions at Table 27.34
- 4.3.42 The Councils do not agree with the absence of an assessment of the hour of greatest change, as per GEATM guidance. The assessment is based on daily traffic flows; consideration is needed towards assessing the hour of greatest change, which is considered to be a requirement based on the following text, which is taken from paragraph 1.22 of the IEMA guidance ‘Environmental Assessment of Road Traffic and Movement’:

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

- 4.3.43 The large proportion of traffic impact is likely to be in a short specific time frame (as a result of shift patterns), and only assessing the 12-hour impact dilutes this impact against a greater baseline of traffic.
- 4.3.44 No assessment has been undertaken of the impacts on the B1029 and Waterhouse Lane, which was impacted in the Five Estuaries assessment and is anticipated here. Further clarity is sought on why this assessment has not been undertaken.

Temporary Traffic Regulation Order Plan [APP-214]

- 4.3.45 The Councils have been in correspondence with the Five Estuaries Team and the Applicant in combination over the proposed speed limit changes, and progress has been made. We understand that the plans will be updated to include the following changes:
- i. An extension of the temporary speed limit on Golden Lane to 60m to the northeast to include the residential property.
 - ii. The extension of the speed limit on the B1035 Thorpe Road to include Access 4 and amendment to 40mph.
- 4.3.46 These updates have been included in the Deadline 5 Submission for Five Estuaries [REP5-006], and the Councils welcome 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.
- 4.3.47 Separately, the Five Estuaries proposals include a speed limit reduction on B1035 Clacton Road north of the A120. The North Falls proposal does not include the same proposal. This should either be justified, but preferably updated for consistency between the two schemes mitigation strategies.

ES Appendix 27.1 Transport Assessment [APP-165]

- 4.3.48 The Council request that the raw survey data referred to at paragraph 14 is provided to the Council in excel format so that a review can be undertaken. The applied growth factors are considered to be acceptable.
- 4.3.49 The Council request that the information provided in Annexes 27.1.5, 27.1.6 and 27.1.7 are provided in excel format for ease of review. Until such time the Council cannot fully comment on the assessment method.
- 4.3.50 On review, it appears that the assessment is based on average peak HGV movements, whilst this is reasonable, it does present the chance that there would be peaks within months that would exceed the assessed figures.
- 4.3.51 There is some confusion over the figures provided at paragraph 132, 134 and 135 and how they link to Annex 27.1.5 to 27.1.7, and it would be beneficial if the Applicant could provide some clarity on this through discussions or otherwise. However, the Council recognise that given the number of tables and volume of information being provided, that we may be

misunderstanding what is being presented. However, we reserve the right to comment until it is resolved.

- 4.3.52 Based on paragraph 153, the assessment assumes an almost flat profile, which is not considered to be realistic, and so may not reflect the number of peak hour movements.
- 4.3.53 The Council welcomes the commitment at paragraph 162 that “*Prior to the commencement of construction, the technical approvals for the access and crossing designs will be submitted to and agreed with Essex County Council through the development of the Outline Construction Traffic Management Plan (OCTMP) (which is secured by a DCO Requirement)*”.
- 4.3.54 Paragraph 172 sets out the potential for using the National Grid access road, and all efforts should be made to reaching agreement on its use subject to the relevant consents for each project.
- 4.3.55 The Council welcomes the commitment at paragraph 175 that prior to the commencement of construction, the technical approvals for the highway works will be submitted to and agreed with Essex County Council and National Highways (where applicable) through the development of the OCTMP (which is secured by a DCO Requirement).
- 4.3.56 With regards to the traffic flow diagrams set out at Annex 27.1.9 to 27.1.18, the Councils as that the total vehicle numbers at each junction be provided in tabular format for ease of review. Until this information is provided, the Council will be unable to fully comment on junction impacts.
- 4.3.57 The removal of the footway / cycleway is a particularly complex issue. There are a number of proposals occurring in this area, and it might be that short term removal of the facility would result in additional impacts that are unnecessary. Clarity is sought on the agreement of who would maintain the facility in the period between Five Estuaries and North Falls projects coming forward and who would remove the facility. The interactions of the projects in this area and their timescales needs careful consideration around the absence or presence of mitigation. Confirmation is sought as to whether a Stage 1 RSA has been undertaken of these works.

Annex 27.1.19 to 27.1.20 Access and Stage 1 Road Safety Audits [APP-165]

- 4.3.58 Having regard to the North Estuaries DCO submission ECC have been able to establish that Stage 1 Road Safety Audits have been completed for each access.
- 4.3.59 There are a few problems highlighted under 2.14, 2.25 and 2.47 that may require further work, (such as a temporary TTRO for the PROWs or that may generate further comment during the Stage 2 RSA), which would need to be managed through the Public Rights of Way Management Plan. However, there is nothing identified that cannot be resolved. On this basis the Council have no further comments.

4.3.60 The Council are aware that a Stage 1 Road Safety Audit has been produced as part of the Five Estuaries DCO, and recommend, when ready, it is submitted as part of this DCO for review along with any supporting information, such as junction modelling.

4.3.61 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).

Outline Code of Construction Practice [APP-248]

4.3.62 The CoCP should include the following commitments:

- i. Implement the CTMP and look to minimise vehicle mileage on the road network.
- ii. Wheel washing at all appropriate accesses to ensure that debris is not tracked onto the highway.
- iii. Monitor construction traffic through GPS or another practicable method.
- iv. Where practicable, for deliveries to be outside of the peak hours.
- v. Minimise disruption to the local highway and PROW network through closures.
- vi. Implement the CTMP and look to minimise vehicle mileage on the road network.
- vii. Wheel washing at all appropriate accesses to ensure that debris is not tracked onto the highway.
- viii. Monitor construction traffic through GPS or another practicable method.
- ix. Where practicable, for deliveries to be outside of the peak hours.
- x. Minimise disruption to the local highway and PROW network through closures.

Outline Construction Traffic Management Plan [APP-251]

4.3.63 The Council has been through significant discussions with the Applicant for the Five Estuaries DCO on the content of their management plans. The comments below are aimed at bringing consistency between the documents for the two submissions.

4.3.64 The Council agrees with the objective at paragraph 5. With reference to paragraph 6, clarity is needed on the measures that would put in place for pre commencement works, particularly the need for managing HGV routing and its timing.

4.3.65 Paragraph 6 refers to the CTMP being approved by the Local Planning Authority. It is considered appropriate that the plan should be approved by

the Local Highway Authority. As such the DCO requirement should be amended to reflect this position. Any changes to the plan should be approved by the local highway authority.

- 4.3.66 The Council welcomes the commitment at Section 2.2.2 that no HGVs would be permitted to arrive at site before 0700 or depart after 1900 hours. However, clarity is sought on that the timing of movements will be included in the monitoring and reporting.
- 4.3.67 With regards to paragraph 32, all, or at least a high percentage, of the HGVs accessing the sites should be equipped with GPS data, so that compliance on routeing can be checked and monitored.
- 4.3.68 EN-1 sets out that the Applicant should set out the measures to improve access by active, public and shared transport to offer genuine modal choice. It is recommended that use of the Park and Ride at Colchester is explored for operating a shuttle service between sites to minimise impacts of vehicle movements.
- 4.3.69 With reference to Section 3.2.2 the plan does not look to minimise worker impacts of vehicle movements on the highway network and community. EN-1 sets out that the Applicant should set out the measures to improve access by active, public and shared transport to offer genuine modal choice. There is currently no commitment to offer access by non-car modes. In addition, the vehicle movement figures are worst case for a moment in the lifetime of the project where movements are at peak and so on that basis should be very unlikely to be breached, meaning that there is little or no incentive to achieve any form of sustainable transport credentials for the site for the majority of its build out as the number of workers, and subsequently movements, is lower (i.e. if the number of workers is 80% of the peak figure then they could exhibit much worse travel patterns and not exceed the figure). There should be a commitment to monitor against the assessed car share or modal split, and to implement additional management measures if the proportions are not achieved.
- 4.3.70 If the development fails to achieve its assessed shift patterns, then a review process should be put in place (based on the 20% figure referred to at paragraph 53). It is recommended that a monitor and manage process is embedded to check the shift patterns are commensurate with those assessed, and, if not, to either assess to see if the impacts are material or to identify additional management measures that can be put in place to address these impacts.
- 4.3.71 With reference to section 4.5, the aim for the delivery of the highways works, and particularly those on Bentley Road should look to minimise disruption to the network users. There may be some potential to close the southern section of Bentley Road at night, due to the potential for alternative routes to be used. The management of the delivery of works must be approved by the local highway authority.

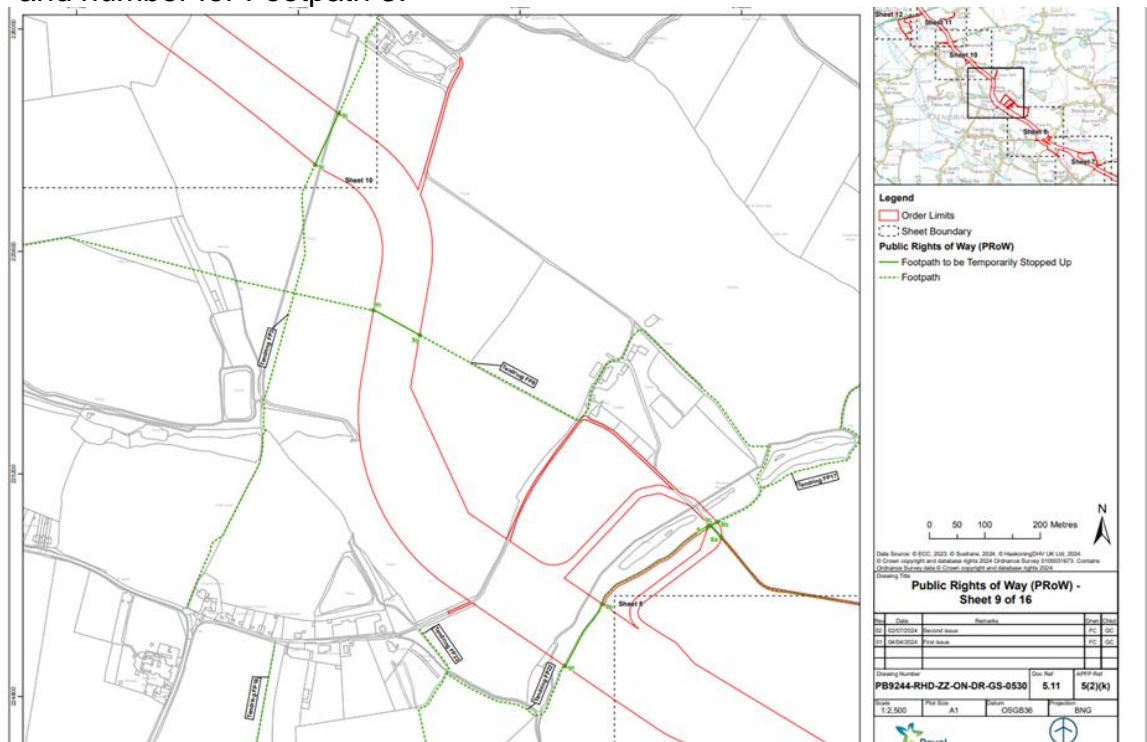
- 4.3.72 With regards to the abnormal load routes through Colchester, these should be timed to avoid peak hours if possible, as this would have severe delays on the road network.
- 4.3.73 The Council would recommend that paragraph 66 refers to a potential Framework Highways Agreement for determining the process for technical approval.
- 4.3.74 With regards to Paragraph 83, clarity is sought on whether the extent of the mitigation measures proposed are those listed in Paragraphs 84 and 85. Further consideration should be given to managing worker movements at these locations as well as HGV movements.
- 4.3.75 Further clarity is required on the wording at Paragraph 84. How is this measure controlled? And what does the wording mean regarding facilitating conversations, as this does not appear to be a commitment to deliver the mitigation?
- 4.3.76 The Council welcomes the commitment at paragraph 29 regarding managing of HGV movements through Thorpe-le-Soken, to avoid impacting on school start and finish times.
- 4.3.77 With regards to section 5.2.5, it is recommended that a Road Safety Review is undertaken prior to commencement, and an ongoing review is undertaken during construction to identify any reasonable management measures that can be implemented as a result of any identified issues.
- 4.3.78 With regards to HGV timings and the management measures set out at Table 4.1, a commitment should be included to review the programme of construction traffic and look to minimise movements during peak seasonal summer traffic, where the network exhibits increased congestion, and significant delay, which would be further exacerbated by the project.
- 4.3.79 The Council welcomes the commitment towards condition surveys at paragraph 91 and 92, with regards to remediation. All works to rectify damage to the road network must be at the cost of the developer. A process needs to be embedded so that any necessary repairs are delivered quickly during the project delivery, with reasonable timescales reflecting the scale, location and urgency of the damage. Generally, consideration needs to be given to the structure of the road at all crossing points and accesses, and whether there is a need for reinforcement works to the highway due to the additional strain of large numbers of HGVs crossing at rural locations. The current ECC Inspection and Maintenance strategy sets out, at para 1.3.2, the safety inspection regime for Priority 1 and 2 and Local Roads. Given the scale of this NSIP, ECC preference is for a comprehensive road monitoring regime to be agreed that would use ECC data to identify any increase in the number of reported faults incurred on constriction traffic routes with an appropriate mechanism where the reported faults increase above the typical baseline. We would welcome further discussion with the North Falls team.

- 4.3.80 With regards to driver parking, it would be beneficial to have an indication of how this would be monitored.
- 4.3.81 The monitoring reports referred to at 5.2.6 must be provided to the local highway authority for review. Where impacts that have previously been assessed are exceeded additional mitigation should be discussed with the highway authority.
- 4.3.82 ECC as the Local Highway Authority look forward to continued engagement with the Applicant on the highways and transportation aspects of this development which are key to ensure a development of this size and type fits into the rural highway network with the minimum of disruption to the highway network and the protect the amenity of residents close to the development and to ensure the free flow of traffic on the network.

4.4 Public Rights of Way (PROW)

4.4.1 The PROW Team, at ECC, are responsible for the management and upkeep of publicly accessible footways impacted by this DCO proposal.

4.4.2 It is noted that the applicant has provided a Public Rights of Way Plan which has the ExA reference APP-206. At page 12 of the same (sheet 9 of 16) and within the same the Applicant have shown an out-of-date alignment and number for Footpath 3.



4.4.3 The above plan extract comes from a Highways Act 1980 s119 diversion order confirmed by the Planning Inspectorate on 05/01.24. The footpath has also been renumbered as Footpath 25 Tendring. The footpath used to head across the field towards Wolves Hall Farm, but it now runs along the western field edge (see dashed lines on the order plan in the order) before connecting to Wolves Hall Lane. The Councils think that the Applicant obtained their highways (PROW) information prior to PINS confirming the Order.

4.4.4 In looking at this up-to-date plan, the Councils are of the view that this footpath will still require a temporary closure to facilitate their works, but in a different location to that shown on their plan (and a different path no. too). Hence it is requested that an amended plan is submitted during the course of Examination for the final Public Access Management Plan (PAMP). The Councils confirm there are no other discrepancies.

4.4.5 The Councils do not possess the knowledge as to the condition of each single footpath or bridleway which intersects with the proposed DCO, but have looked at the PROW plan, the applicant's analysis of them and the principals that they have applied to mitigating the impact.

4.4.6 The PROW Team wishes to commend the applicant and their agents on the depth, clarity and thoughtfulness of the information provided in respect of the PROW impact/mitigations, and agree, in general, with the measures proposed, apart from the following which they may be able to clarify.

4.4.7 Mitigation measures requirement

- i. Does the use of trenchless techniques for the circuit installation mean that plant and materials vehicles will not need to cross the PROW where this is mentioned?
- ii. In respect of Operational and Maintenance (O&M) access it is accepted that this will be necessary and recognise that this is anticipated to involve a very small number of light vehicles driving at walking pace. However, the applicant should reflect that most PROW (especially in a predominantly rural district like Tendring) will be naturally surfaced on clay soil and in many cases are therefore not suited to vehicular use (esp. in wet conditions). Should damage result from O&M vehicle use we would of course expect those responsible to remedy it as vehicle use is not commensurate with these PROW and therefore not a public purse responsibility, whereas 4.3 Operation and maintenance Section 23 within APP-252 doesn't acknowledge the possibility of this circumstance in respect of remedial works.
- iii. Where temporary diversions or closures are proposed, we would request that in addition to the sensible measures already indicated in the Outline PAMP (APP-252)., that key stakeholders (PROW Maintenance team, parish councils, main user groups e.g. Ramblers and EBA/BHS) are given prior notice where practically possible. It would also be very beneficial if the applicant's website provided information on temporary diversions and closures as well as providing their contact details for any issues to be reported. Although this information may already be included in the on-site signs, these may come off or become illegible due to the weather, dirt etc. and would not help those planning walks/rides in advance.
- iv. The Council's will comment on the submission of any future PAMP at a future ExA Deadline following receipt.

4.5 Ecology & Biodiversity Net Gain (BNG)

4.7.4 Adequacy of Information Provided

4.5.4.1 The Councils are satisfied that the Environmental Statement (ES) in its component parts provides appropriate assessment of likely impacts on ecological features, particularly designated sites (both statutory and non-statutory) but also protected and Priority species and habitats.

4.7.5 Local Issues

4.5.2.4 The onshore section of the proposed North Falls Offshore Wind Farm is considered to lead to likely environmental impacts on ecological features in Essex, and in particular Tendring District. We have considered the likely impacts of the proposed provisions and requirements within the draft Order in respect of onshore ecology. We consider the ecological information provided at DCO application stage to be adequate for assessment.

4.5.2.5 We welcome the embedded mitigation and compensation measures and commitments made to be secured by Requirements of any DCO made e.g. outline Management Plans such as Code of Construction Practice (CoCP) (APP-248) & Outline Landscape and Environmental Master Plan (OLEMP) (APP-249) to be finalised in consultation with the LPAs.

4.5.2.6 Development consent obligations would minimise impact on the local authority's area although we seek compensation for all impacts not just significant ones to reduce the residual impacts on the habitats of Essex for the enjoyment of residents and visitors as well as the species they support.

4.5.2.7 To account for potential changes to the detailed scheme design (once detailed design is known), it is noted that the Metric will have to be re-run, and the BNG Final Design Report shall be prepared.

4.5.2.8 We highlight that Local Wildlife Sites in Essex are known as LoWS not LWS and request that the Glossary of the BNG Strategy (APP-257) is amended. We appreciate the willingness to deliver a minimum of 10% BNG) despite this not being a mandatory requirement for NSIPs yet and seek to continue to work with the applicant's team to secure effective and functional BNG on land in line with the emerging Essex Local Nature Recovery Strategy (LNRS). We seek reassurance that BNG habitats created or enhanced will have at least 30 years secured for management not just their establishment phase to avoid being considered as losses from the development. This will ensure the promised BNG will be delivered, or the Councils will consider any areas where this is not secured as losses. Whilst we accept that watercourse biodiversity units are difficult to create or enhance on site, we would support the identification of local offsite measures to deliver the missing units.

4.5.2.9 We also highlight the need to deliver Environmental Net Gain (EnvNG) – see National Policy Statement (NPS) EN-1 Sections 4.6.1 – 4.6.3 - as

required by the Regulator and again seek reassurance on its long-term management to ensure its promised benefits are delivered for the local community.

- 4.5.2.10 We note that Nathusius' Pipistrelle was recorded in the Bat Activity Surveys (APP -132 and APP-133) from April to October 2022, including at the coast near the landfall however this migratory species is not referenced in the conclusion. We highlight that national and local bat survey information, particularly through volunteer participation in the National Nathusius' Pipistrelle Project, also indicates that the presence of this migratory species is now established in Essex, including the coast near the landfall for the cable corridor. ECC notes the submissions made by other parties (such as the German Federal Maritime and Hydrographic Agency with the ExA for Five Estuaries OWF Ref RR-035] in relation to the potential impacts of offshore wind farms on the migratory bat, the Nathusius' Pipistrelle (*Pipistrellus nathusii*).
- 4.5.2.11 The Councils have both seen and supports the position as will be made in Suffolk County Council's Local Impact Report for Five Estuaries OWF of the impact on this species of bat. We therefore recommend that the ExA seeks Natural England advice on the SoS's obligations under this treaty in relation to Nathusius' Pipistrelle to help understand the extent to which potential harm to these bats could engage an exception under paragraphs (3) and (4) of section 104 of the Planning Act 2008. In saying so we note that these issues, impacts, and potential mitigation measures are set out in detail in Appendix 1 of the UK Government's Offshore Energy Strategic Environmental Assessment 4 (OESEA4).
- 4.5.2.12 We note that Natural England is in ongoing discussions relating to managing this risk with Five Estuaries OWF.

4.6 Landscape

- 4.6.1 This response is made with primary reference to document AP-044 3.1.32 Environmental Statement Chapter 30 Landscape and Visual Impact Assessment, and documents AP-083 to AP-088, 3.2.26 Environmental Statement Chapter 30, Figures Part 1 to 6.
- 4.6.2 The key elements of North Falls project include the proposed Offshore Wind Farm, the Onshore Substation (OnSS), onshore Export Cable Corridor (onshore ECC) and the landfall (where the offshore export cables will meet the onshore export cables).
- 4.6.3 The Councils are concerned that there is the potential for residual adverse landscape and visual impacts both during construction and during operation from the Onshore Substation on the local landscape character and visual receptors, due to its scale.
- 4.6.4 We are concerned that it will take up to 15 years for the mitigation to take full effect, which is half the identified expected 30-year life of the substation. We also judge that the proposed mitigation planting does not reduce all the negative effects on the immediate landscape, its setting and visual receptors to non-significant.
- 4.6.5 There are concerns that the cumulative effects of North Falls with the proposed Five Estuaries onshore substation, the EACN, and the pylons that are proposed to connect to it from the Norwich to Tilbury (N2T) scheme would have a significant cumulative effect on both landscape and visual receptors.
- 4.6.6 The N2T pylons and the as proposed substation do not appear to be identified in the cumulative LVIA visualisations, and therefore it is assumed they haven't formed part of the LVIA cumulative impact assessment itself. The pylons form will form part of the DCO for the Norwich to Tilbury project, along with the EACN so their cumulative impact needs to be considered.
- 4.6.7 The Councils would expect to see compensation offered for any residual landscape and visual effects in line with National Policy EN1 Paragraph 4.1.5 'In considering any proposed development... the Secretary of State should take into account: • its potential adverse impacts...including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy' (Our emphasis).

4.7 Green Infrastructure

Summary

- 4.7.1 ECC currently provides advice on GI schemes for major developments. ECC have been consultees on GI since 2018 and does so here on behalf of the Councils.
- 4.7.2 Although there are no statutory requirements for GI, the 25 Year Environment Plan and Environment Act (2021) place significant importance on protecting and enhancing GI, accessibility and BNG.
- 4.7.3 In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:
- a) Local Planning Authorities (LPA) GI Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area. Here reference is made to the adopted policy HP4.
 - b) Essex GI Strategy, 2020, aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
 - c) Essex GI Standards, 2022, provide clear guidance on the requirements on both planning policy and planning application and processes.

Green Infrastructure position

- 4.7.4 Having reviewed the Draft Development Consent Order (APP-005), BNG Strategy, Environment Statement (APP-257), Design and Access Statement (APP-234), Outline Landscape and Ecological Management Strategy (OLEMS) (APP-249) and the associated documents which accompanied the planning application, ECC raise the following points:
- i. We welcome that the GI teams previous comments to the EIA Scoping opinion has been considered as part of the Environment Statement (APP-036 & APP-037) and that the Essex GI Strategy have been reviewed and has fed into the BNG Strategy (APP-257) and that a GI Plan (APP-134) had been produced to accompany the ES, aligning with the National GI Framework and Essex GI Standards (2022).
 - ii. ECCs GI team promotes the delivery GI though the 'Lawton Principle' which advocates for a landscape-scale approach to conservation and the enhancement of connection between green sites- either through physical green corridors or through 'stepping-stones'. A bigger, better,

and connected approach to GI delivery ensures the delivery of multiple functions and benefits to people and wildlife. For example, enhances biodiversity (both through the delivery of new habitats and wildlife corridors), natural screening, flood and water management and improves the character and sense of place.

4.7.5 As identified from the Environmental Statement (ES), (APP-134) the project has the potential to alter habitats, either through permanent or temporary loss of high value habitats, such as saltmarsh, coastal floodplain, trees and woodland habitats, good quality semi-improved grassland; hedgerows; and watercourses. Potential impacts to Holland Haven Local Nature Reserve and SSSIs. However, the DCO (Work Nos. 11, 12, Substation works 5, BNG par 21, Restoration para 16, Operational and Maintenance (h), Landfall and Onshore Connection Works (u)), GI Plan and Outline Landscape Ecology Management Strategy (OLEMS) outlines the creation of permanent ecological and environmental mitigation works and habitat reinstatement, enhancement and compensation measures, including:

- i. Using trenchless crossing techniques to avoid impacting protected and important habitats.
- ii. Mitigation planting and screening for the onshore substation, taking a landscape led approach.
- iii. Retaining and protecting existing hedgerows and woodlands where possible.
- iv. Enhancing and creating new hedgerows and woodlands, including maintenance.
- v. Creating swales, ponds, and wetlands.
- vi. Landscaping and habitat creation, including wildflower meadow and glade.
- vii. Biological enhancements such as bird and bat boxes, and hibernacula.
- viii. Restore habitats disturbed during construction and create new habitats to ensure at least a 10% biodiversity gain for North Falls

4.7.6 The ES and BNG Strategy on the onshore project description outlines three options. Option 3 is potentially scoped out and decision regarding whether option 1 (project alone) and option 2 (joint) goes ahead depends on whether both North Falls and Five Estuaries are given consent. Obviously, option 2 is the preferred option, coordinating works with Five Estuaries Offshore Windfarm to proceed as a single program to minimise potential environmental impacts, given the scale of the works required.

The Green Infrastructure Plan (App-134)

- 4.7.7 The Councils appreciate the inclusion of a GI Plan that aligns with the objectives of the Essex GI Strategy and adheres to the Essex GI Standards. This plan cohesively addresses various ES topics, highlighting how the proposal incorporates multifunctional GI as mitigation measures through its landscaping and BNG initiatives. For example:
- i. Environmental Restoration: It focuses on reinstating, replacing habitats that are temporarily disturbed during construction with enhanced native planting.
 - ii. Biodiversity Enhancement: The plan aims to create new habitats, contributing to a minimum of 10% BNG.
 - iii. Minimising ecological and environmental impact by preserving trees and hedgerows. The plan includes reducing the working width of the onshore cable route to 30 meters at hedgerow crossings where open cut trenches are proposed, thereby decreasing the number of hedgerows removed.
 - iv. Climate Change Mitigation and adaptation: By integrating GI, the plan supports the UK's net zero ambitions, helping to reduce greenhouse gas emissions and resilience through flood and water management.
- 4.7.8 The proposed ecological mitigation measures and enhancements set out in the GI Plan, ES, BNG Strategy and OLEMS will add to the GI and biodiversity value from the onshore substation and other areas of reinstatement of habitats along the cable corridor where required. The GI Plan on page 18 refers to a landscaping plan, to ensure habitat creation is implemented throughout the project to off-set losses in biodiversity within the onshore project area. There is no further mention of this Landscaping Plan in the DCO. Page 45 (47 of 190) of the DCO for Work No 11 (Provision of landscaping 7.—(1)) states that no work shall commence until a written landscape scheme and associated work programme is produced in accordance with the Outline Landscape and Ecological Management Plan and has been submitted to and approved by the relevant planning authority.
- 4.7.9 It is recommended for the Provision of landscaping 7.— (1) to include the reference to plans in line with the recommendations to provide further clarity within the OLEMP that detailed plans will be produced. i.e. “written landscape schemes, plans...”
- 4.7.10 The OLEMS could include reference that 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.
- 4.7.11 It is welcomed that the GI Plan will be updated once the project is granted within the written landscape scheme, which is secured by DCO Requirement.

Biodiversity Net Gain (BNG) (APP-257)

4.7.12 The BNG Strategy summaries the potential net gains for both options 1 and 2, which will result in:

	Option 1 (project alone)	Option 2 (Joint)
<i>Habitat</i>	+96.81% (44.51 units)	+33.91% (22.79 units)
<i>Hedgerow</i>	+76.63% (5.18 units)	+337.23% (22.79 units)
<i>Watercourses</i>	-29.19% (-0,26 units)	29.19% (-0,26 units)

- 4.7.13 The significant net gains for both habitat and hedgerow beyond the 10% minimum is welcomed. However, the BNG strategy indicates a net loss of -0.26 units (-29.19%) of watercourse. This does not meet the statutory 10% requirement for watercourses. Additional off-site biodiversity units will be needed to satisfy the trading rules. It is acknowledged that on-site delivery might not always be feasible, and off-site delivery could offer additional benefits, including the protection of areas with local natural and wildlife value. It is recommended to discuss off-site and unit purchases, with TDC. With no registered off-site habitat banks within Essex, it would be useful to know where these units are to be sourced, and if a spatial risk modifier needs to be added. The BNG Assessment should be updated once the landscape provisions for both on-site and off-site are determined and finalised.
- 4.7.14 Additionally, the ES and DCO page 41 (par ix in connection with such Work Nos. 4B, 4C, 4D, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14) recommend other ecological enhancements not captured by the metric, such as bird and bat boxes and hibernacula. These enhancement and mitigation measure identified are instrumental in producing quality GI therefore all these GI threads should be carried through to detail stages of the application and secured through suitably worded condition.
- 4.7.15 The DCO (page 48 (50 of 190)) Biodiversity net gain 21.— (1) recommends that no onshore works can commence until a biodiversity net gain assessment in relation to that stage has been submitted and approved by the relevant planning authority. Paragraph 89 (page 26) states that pending further guidance from UK Government, it is anticipated that the baseline biodiversity value will be updated at detailed design stage, post consent. The BNG Strategy should be updated once the landscape/GI provisions for both on-site and off-site are determined and finalised.
- 4.7.16 If option 2 for a joint approach it is recommended to align with Five Estuaries DCO who has proposed changes to their requirement 20 to state that ‘Work No. 15 may not commence until a net gain strategy has been submitted to and approved by the relevant planning authority’. The aim was to try to resolve any confusion as to the approach to BNG by preventing building of permanent elements at the Onshore Substation rather than stages, since the BNG delivery is targeted to Onshore Substation area, rather than the cable corridor.

4.7.17 The BNG Strategy and Outline Landscape and Ecological Management Strategy (APP-249) also mentions that habitats delivered as part of the BNG delivery will be maintained for the 30-year period and 10 years after care (to be extended if needed) for any landscape proposed, is welcomed. While any hedgerow outside of the onshore Substation will be excluded from this and is assumed after 5 years that the landowner will maintain. Although the legislation for BNG requires planning applications subject to mandatory BNG to produce a Habitat Management and Monitoring Plan (HMMP) to be submitted to and approved in writing by the local planning authority. The DCO (page 46) Ecological management plan 12.— (1) states that no stage of the onshore works may commence until for that stage an ecological management plan in accordance with the outline landscape and ecology management strategy. It is not clear if this or the final Ecological Management Plan (EMP) will contain the management maintenance for habitats delivering BNG. Although the requirements for a HMMP, are not mandatory until November 2025 they are considered good practice. However, if the Landscape and Ecology Management Plan (LEMP) encompasses all necessary elements of the HMMP, it will be sufficient.

Essex Local Nature Recovery Strategy (LNRS)

4.7.18 The BNG Strategy (page 10, par 21) states that LNRS for Essex does not exist. The Public Consultation for the Essex LNRS closed on 24 October 2024 and will be published Summer 2025. It is recommended that this is monitored and taken into consideration. It will identify areas of current importance for biodiversity and strategic opportunity locations for habitat creation and improvement and off-site biodiversity provision. This will ensure a strong relationship between new development proposals and relevant strategic opportunity locations.

Comments on dDCO

4.7.19 Five Estuaries windfarm have proposed changes to their DCO to better align with North Fall DCO. Including in relation to North Falls Draft DCO page 74 (76 of 190) Operational and Maintenance Access bullet point (h), where Five Estuaries have added text to this requirement 'other vegetation', i.e. repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding, other vegetation and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping. Reference to other vegetation appears to be missing from North Falls DCO.

4.7.20 It is recommended that landscaping be added to Substation Works 5.— (1) on page 44 (46 of 190). Construction of Work No. 11 (onshore substation) and this must not commence until details of that work, including landscaping, have been submitted to and approved by the relevant planning authority.

4.7.21 Outline Landscape and Ecological Management Strategy (App-249)

- 4.7.22 We acknowledge the applicant's response to our previous comments from August 2021 regarding the EIA Scoping Opinion. It is appreciated that the recommendations for the need for a Construction Environment Management Plan, LEMP, phased delivery, BNG, and restoration has been considered and the details that these documents would contain will be included in the Outline Landscape and Ecological Management Strategy (OLEMS). The OLEMS will then inform the final Ecological Management Plan (equivalent to a LEMP) and written Landscape Schemes.
- 4.7.23 We support the DCO requirement on page 46 Ecological management plan 12.—(1) for no stage of the onshore works may commence until for that stage an ecological management plan in accordance with the outline landscape and ecology management strategy as appropriate for the relevant stage, has been submitted to and approved by the relevant planning authority.
- 4.7.24 The OLEMS outlines the principles that align with the design vision for the landscape and GI. It incorporates recommendations from the BNG Strategy, ES, and GI Plan, stating that all ecological work described in the final EMP will be conducted under the guidance of the appointed North Falls lead Ecological Clerk of Works.
- 4.7.25 It is understood that the responsibility for aftercare, including replanting and enhancing hedgerows and land not included in permanent works or approved landscaping area, will fall to the landowners. The OLEMS clarifies that the final EMP will include details on replacing failed planting along the onshore cable corridor (subject to agreement with landowners) like for like. It is noted that there has been, and will continue to be, consultation with Essex Wildlife Trust, Natural England, and the Environment Agency. The EMP to also ensure that discussions with landowners and local planning authorities (LPAs) will continue, with regular engagement to ensure agreements regarding the handover and potential long-term management of reinstatement planting not within the permanent works or approved landscaping area. This is to ensure that reinstatement meets legal requirements and expectations.
- 4.7.26 The EMP should also specify who is responsible for GI assets (including any surface water drainage systems), the timelines for implementing each aspect of GI during the development phase to encourage early growth where feasible, maintenance activities and their frequencies, and the funding, management, and monitoring of GI assets for the permanent works and approved landscaping for the Onshore Substation. This ensures that appropriate management, maintenance arrangements, and funding mechanisms are in place to sustain the high-quality value and benefits of the GI assets.

New Tree Planting and their early establishment

- 4.7.27 The EMP to include measures for early establishment of new trees to be considered at the time of planting, which is often insufficient leading to poor

survival rate of young trees, and due to rainwater levels being low in the Tendring area. This should include weeding, mulching and watering. All newly planted trees with a trunk diameter of 6cm or more will be watered for three years via a buried watering tube, irrigation bag or irrigation well; applying 60 litres per visit, at least 14 times between May and September. Mulch, stakes, ties and weed establishment will also be inspected and actioned as required. Stakes and ties should be removed 3 years after planting.

Other Considerations

Woodland and tree planting

a. Essex Forest Initiative

Moving forward, ECCs GI team recommends that Senior Forestry and Woodland Officer is consulted in relation to trees and woodland. There are opportunities to work with the Essex Forest Initiative to assist in tree planting for new development, including funding and advice. For more information, please contact Environment@essex.gov.uk who would be very interested in discussing further.

b. Big Green Internet

There is a Big Green Internet project aiming to plant and connect the woodlands from Tendring to Epping Forest, which potentially the path of this proposal may well pass through and the opportunities to contribute and the potential effects should be considered. <https://thebiggreeninternet.co.uk/our-journey/>

Climate Focus Area

4.7.28 It is recommend noting that the North Fall onshore proposed cable corridor runs through the Essex Climate Action Commission's (ECAC) recommended Climate Focus Area (CFA), which is formed of the Blackwater and Colne River catchment areas.

4.7.29 The CFA requires developments to consider the following requirements to comply with the guidelines outlined in the NPPF:

- a) BNG to enhance biodiversity and the natural environment by creating Natural GI contributing to the CFA 30% by 2030 target and the wider Local Nature Recovery Network/Strategy.
- b) Flood and water management, for those properties at risk of flooding to include Integrated Water Management and Natural Flood Management techniques.
- c) Adopting Sustainable Land stewardship practices.

4.7.30 The dDCO references the restoration of temporary construction areas (page 46) Restoration of land used temporarily for construction 16, and the ES and BNG Strategy states that any removed habitats, hedgerows and trees will be

reinstated, replaced and enhanced with native planting as part of the reinstatement works. That land not ultimately incorporated in permanent works or approved landscaping should be reinstated within 12 months of completion of the relevant stages of works. The ES and OLEMS also mentions that as part of standard practice that any temporary land will be restored to agriculture land and that planning, and timings of works will be discussed with landowners and occupiers. It is recommended to explore opportunities to work with landowners for Sustainable Land Stewardship, which could contribute to the CFA targets, Local Nature Recover Strategy and landscape recovery. It is welcomed, that the OLEMS will consult with Essex Wildlife Trust and landowners to reinstate arable field margins to ensure habitat reinstatement takes the form of one of the following (Joint Nature Conservation Committee (JNCC), 2008), which includes wildflowers and other ecological enhancements.

Shoreline Management Plan

- 4.7.31 In our previous response to the EIA Scoping Opinion (August 2021) we highlighted several points regarding the Essex and South Suffolk Shoreline Management Plan (SMP). Namely the preferred policy for the coast (Policy Development Zone C2) for Epoch 3 (2055 to 2115) is “Hold the Line / Managed Realignment,” indicating uncertainty about future management and funding challenges.
- 4.7.32 It is noted the ES (APP-022) highlights that North Falls will not impact the SMP, with design considerations accounting for predicted erosion rates. Mitigation measures to minimise coastal impacts are described, and effects on marine ecology, biodiversity, protected sites, flood risk, and recreation are assessed in various ES chapters. Overall, North Falls is designed to be resilient to coastal and climate changes. It is recommended that the Offshore Monitoring Plan, as referenced in the DCO, includes monitoring of potential impacts and risks to coastal defence from the proposal.
- 4.7.33 It is welcomed that the applicant is engaging with the Environment Agency, the Councils and other local stakeholders, and potentially through these continued discussions they could explore the use of materials produced from horizontal drilling or other trenched excavations for coastal protection or habitat creation in Essex.

4.8 Archaeology

Summary

- 4.8.1 The North Falls offshore windfarm and landward cable connection is likely to have considerable impact on the historic environment and especially the archaeological, geoarchaeological and paleoenvironmental deposits, mainly from the construction phase of the development and the extensive lengths of cable trenching required both onshore and offshore. The Tendring District is particularly rich in prehistoric ritual remains which range from single monuments to extensive cemetery areas and the coastal and offshore environment has high potential for former prehistoric landscapes. The information submitted is not considered sufficient to determine the nature, extent and significance of the archaeological, geoarchaeological and paleoenvironmental remains that may be present within the scheme and hence, provide assurance that they can be managed through the mitigation proposed. In order to provide sufficient information to determine the impact of the scheme on the historic environment further information and intrusive surveys are required to support the application.

Policy context National Policy Statements

- 4.8.2 Relevant legislation, policies and supporting guidance for onshore archaeology are as listed and described in the Applicant submission at ES Chapter 25 Onshore Archaeology and Cultural Heritage (APP-039) where relevant NPS requirements are shown in Table 25.4.
- 4.8.3 The National Planning Policy Framework (NPPF) references require updating to the latest revised guidance (Dec 2024)

Local Plan Policy

- 4.8.4 PPL7 Archaeology of the Tendring District Council Local Plan (2022) should be referenced in ES Chapter 25 (APP-039) specifically "Proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted".

Adequacy of Application Submission Environmental Statement

- 4.8.5 Onshore archaeology is presented in ES Chapter 25 Onshore Archaeology and Cultural Heritage (REF APP-039) and supported by a number of assessments including Cable Landfall Archaeological Desk based Assessment (ADBA) (ES Appendix 25.1 APP-144), the Cable and Substation ADBA (ES Appendix 25.2, APP-145), a Geoarchaeological DBA (ES Appendix 25.6, APP-152), including details from monitoring of ground investigations works at the landfall (ES Appendix 25.9, APP-156), Aerial Photographic (AP), LiDAR and Map Regression Analysis (Annex

25.1.1 and 25.2.1, APP-144 and APP-145) and a Geophysical survey (Appendix 25.8 , APP-155).

- 4.8.6 Intrusive fieldwork comprising an archaeological and geoarchaeological assessment has been completed on the Onshore substation location (ONSS) (Appendix 25.10, 25.11 and 25.12, APP- 157, 158 and 159) and at Little Clacton Road (Document not submitted). Site visits have been undertaken to establish the condition of extant historic earthworks and structures (ES Appendix 25.5, APP-151).
- 4.8.7 The application is supported by a suitable level of desk-based research, and non-intrusive evaluation surveys have taken place across much of the route.
- 4.8.8 The research carried out so far has provided a reasonable account of the known archaeological and geoarchaeological remains within the proposed development area. AP analysis and onshore geophysical survey have identified further archaeological features and sites within the scheme. This includes potential prehistoric ritual and settlement evidence, Roman roads and associated activity and later activity. Some areas identified through research which may indicate archaeological remains of high significance have been excluded from the scheme through design.
- 4.8.9 The presentation of data within the ES chapter does not allow full realisation of the density of archaeological remains that have been identified from the combined sources (Historic Environment Record (HER), APs and geophysical surveys). This needs to be presented as figures within the ES chapter to allow better understanding of known archaeology. This should be provided as an update to Appendix 3.2.21 Figures 25.2 a – g.
- 4.8.10 The ES chapter considers the likely significant effects on onshore archaeology. The ES has identified that construction groundworks along the route and at landfall is likely to impact on archaeological, geoarchaeological and paleoenvironmental remains resulting in a high magnitude of impact on heritage assets. Any direct (physical) impact would be permanent and irreversible. At landfall and along the cable corridor these effects are predicted to be of moderate to major adverse significance which is considered significant in EIA terms. Archaeological mitigation is proposed through either avoidance or excavation/monitoring. The ES concludes that with the application of mitigation through investigation and recording it is anticipated that the residual magnitude and significance of effect would be reduced or offset to levels considered non-significant in EIA terms.
- 4.8.11 As the known archaeology has not been assessed through intrusive methods along the entire length of the route and landfall area it is not possible to agree with the conclusions of the ES regarding significance. The potential for as yet unknown archaeological remains has only been assessed using non-intrusive methods whose reliability can only be

established through intrusive investigation. Therefore, at this time, the ES cannot provide an appropriate assessment of significance and therefore the potential adverse effect remains difficult to state with confidence. An assessment of effects on any heritage asset involves an understanding of the heritage significance of an asset, with regard to subsurface archaeological remains this can only be confidently achieved through intrusive investigation such as a programme of trial trenching.

- 4.8.12 The level of information submitted with the DCO fails to provide sufficient information on the nature, extent and significance of heritage assets in order to determine the impact on archaeological remains by the proposed scheme. This is due to factors such as incomplete coverage of the whole route by geophysical survey and lack of physical evidence to corroborate the validity of the non-intrusive techniques that were employed. A high percentage of the land within the scheme remains under investigated and therefore the risk of encountering high value heritage assets remains a significant risk.
- 4.8.13 Prior to submission, the methodology recommended by the Historic Environment Advisors for Essex County Council (ECC) was to carry out a more extensive phase of trial trenching across the onshore corridor in order to provide further information on the nature, complexity and significance of any heritage assets that may be located within the cable corridor and landfall. This is recorded in the Table of Consultation Responses (Table 25.1 APP-039). This advice was provided to both North Falls and Five estuaries Offshore Windfarms in order to provide sufficient information for the DCO applications.
- 4.8.14 Without further information from the results of intrusive evaluation the conclusions of the ES regarding what is significant and the magnitude of impact in terms of EIA cannot be determined with confidence. Further intrusive assessment by trial trenching would provide clarity on significance and reduces project risk.

Adequacy of onshore Outline Written Scheme of Investigation (OWSI)

- 4.8.15 The North Falls onshore OWSI (APP-247) fails to provide sufficient information on the proposed mitigation methods. Further detail is required on the trial trench evaluation methodology, sampling strategies, Palaeolithic test pit methodology, geotechnical monitoring methodology and dating strategies. In addition, it fails to consider how the information from these initial investigations will be reported on and archived.
- 4.8.16 The OWSI states that “targeted” evaluation will take place as an initial phase of mitigation based on the evidence from research, AP and geophysical surveys. The level of trial trenching proposed would not be considered acceptable in terms of standards recommended by ECC for archaeological evaluation. Across the eastern region the standard level of trial trenching to assess an area would be at least 4% of the area that would be disturbed through groundworks, with a 1% contingency. It is

recommended that 30m trenches are the preferred method on a grid system unless specifically targeted at geophysical or AP data.

- 4.8.17 It is considered there would be scope to demonstrate a commitment to delivering enhanced public understanding/benefit and legacy as part of the mitigation considering the significant size of the scheme and the interest in the heritage of the area.
- 4.8.18 Further detail is required in the OWSI as it forms the foundation of later strategies, so it is clear how this work will proceed, and what is expected of the contracting unit(s) responsible for investigation.
- 4.8.19 As much of the fieldwork and assessment to date has been carried out jointly with Five Estuaries Offshore Windfarm it is expected that any post-consent evaluation and mitigation will also be a joint venture, however the OWSI for North Falls does not contain the same level of information as that provided by Five estuaries. To ensure a coherent and unified approach to the archaeology throughout the process the OWSIs should be comparable in content and level of detail.

Adequacy of outline CoCP

- 4.8.20 The Councils are concerned that the mitigation requirements are not appropriately represented within the outline CoCP (APP-248). At present within the CoCP archaeology is only mentioned within the Construction principles section (1.2.5) and in Table 1.2. It is recommended that Archaeology should be appropriately represented within the CoCP to ensure that the heritage assets are appropriately protected during the preparation and construction phase of the proposed development.
- 4.8.21 A suggested wording is provided below:

ARCHAEOLOGY

All onshore works will be carried out in accordance with the onshore Outline Written Scheme of Investigation (OWSI) 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.

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 Section XX of the OWSI and AMS. The WSIs shall set out the arrangements and responsibilities for

implementing, monitoring and auditing the archaeological mitigation measures.

Adequacy of DCO

4.8.22 Recommended wording is suggested below (in italics) and has been proposed for the Five Estuaries scheme, as the fieldwork proposed is likely to overlap and may be carried out jointly the revisions to the wording would ensure a coherent and unified approach to the archaeology throughout the process.

11(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.

11(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.

11(2) The onshore works must be carried out in accordance with the approved details.

2) 11(3) Onshore site preparation works, including those necessary to allow production of any scheme required under sub-paragraph (1) must only take place in accordance the applicable details set out in the approved written scheme of investigation.

3) 11 (4) Unless otherwise agreed with the local planning authority. 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. 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. 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.

Local Issues

- 4.8.23 The onshore and landfall section of the proposed North falls Offshore Windfarm is considered to have potential to have a significant adverse impact on archaeological, geoarchaeological and paleoenvironmental remains within Tendring District. Currently archaeological, geoarchaeological and paleoenvironmental remains have been identified through nonintrusive evaluation methods and targeted elements of fieldwork at specific locations such as the ONSS and at landfall.
- 4.8.24 There are 52 Identified sites on the Essex HER which lie within the proposed scheme, further sites of probable archaeological origin have been identified through project research using aerial photographs and geophysical data.
- 4.8.25 A geoarchaeological desk-based assessment (DBA) (APP-152) has identified the potential for the presence of deposits which may contain Palaeolithic archaeological and geoarchaeological evidence that would contribute to national and regional research themes and priorities due to their rarity.
- 4.8.26 The assessment of aerial photographic and LiDAR data at landfall confirmed and revealed a series of cropmark sites with particular concentrations in the vicinity of Cooks Green and Great Holland, indicative of a complex multi-period buried archaeological landscape dating from earlier prehistoric through to modern periods (APP-039 and APP-144).
- 4.8.27 Geophysical Survey has detected a number of ring ditches within the cable corridor, at Area 4, Area 10, Area 18, Holland Haven and Little Clacton Road (APP-154). Further anomalies suggest the presence of Roman roads, enclosures, possible kiln, field systems and demolished buildings within the scheme.
- 4.8.28 Trial trench evaluation at Onshore substation (ONSS-REF) revealed a cremation deposit, prehistoric ditch that was not detected through geophysical survey, field system and probable Roman road (APP-157).
- 4.8.29 Table 25.11 (APP-039) summarises the known archaeology from HER, AP and geophysical survey and assigns perceived heritage importance. There appears to be slight inconsistency in values assigned to potential prehistoric ritual monuments. The Table records at least 10 separate entries for potential ring ditch features, suggesting possible ritual monuments. Outside of the scheme, at Little Bromley, a possible Neolithic henge monument and later barrow cemetery has been identified from

information recorded through cropmark evidence, the site has now been scheduled and lies c.300m outside of the scheme. This highlights the potential.

- 4.8.30 The geology of the Tendring District is dominated by the fluvial deposits laid down by the River Thames as it migrated across the plateaux prior to the Anglian glacial period. The ES (APP-039) states there is moderate to high potential for Lower to Middle Palaeolithic archaeology and faunal remains to be present within these deposits, or for fine-grained or organic lenses with paleoenvironmental potential to be preserved. Palaeolithic deposits are rare and considered of high significance when found in situ.
- 4.8.31 Alluvial deposits were recorded during geoarchaeological monitoring of GI boreholes at the proposed landfall (APP-156). The alluvium comprised an upper and lower minerogenic unit, separated by a peat ranging in thickness from 0.5 to 1.5m. The confirmed presence of alluvium and peat within the Holland Haven Marshes indicates there is high potential for deposits with a perceived heritage importance of high to be present at the possible landfall location. Peat deposits are classed as having high archaeological and paleoenvironmental potential as it can preserve organic archaeological remains and provide information on how landscape and environment changed over time.
- 4.8.32 There has been no scheme-wide intrusive investigation to allow the potential for as yet unknown archaeological remains to lie within the proposed scheme.
- 4.8.33 AP assessment and Geophysical survey has been completed along much of the route. The effectiveness of these methods has not been confirmed through intrusive fieldwork. Where evaluation has taken place there is some correlation with the results of the non-intrusive methods, in places the archaeological features were not detected by the non-intrusive methods. The effectiveness of both non-intrusive methods is dependant on soil types, conditions as well as other factors and may be variable across the Tendring Plateau.

Impacts – Onshore

- 4.8.34 The onshore cable route will be between 72m to up to 130m in places stretching 24km across the Tendring District. In addition, the scheme will require a haul road, compounds and associated infrastructure elements.
- 4.8.35 The onshore cable route will be between 72m to up to 130m in places stretching 24km across the Tendring District. In addition, the scheme will require a haul road, compounds and associated infrastructure elements.
- 4.8.36 All the main construction elements of the scheme have potential to directly and indirectly impact archaeological remains. This would be through removal or disturbance of archaeological remains as well as geoarchaeological deposits of archaeological interest. Changes to the

local water and burial environment could alter the preservation of archaeological sites within and beyond the development areas. As intrusive evaluation of the archaeological resource has not been completed along much of the scheme the full extent of these areas has not yet been identified.

- 4.8.37 No decision has been made regarding the final decommissioning policy as it is recognised that industry best practice, rules and legislation change over time. During decommissioning care will need to be undertaken to avoid areas where archaeological investigation has not been completed, otherwise further work will be required.

Impacts – Offshore

- 4.8.38 Construction impacts offshore, specifically within the intertidal zone, have potential to have significant negative impacts on archaeological remains.
- 4.8.39 The responsibility for the archaeological resource seaward of Mean High Water (MHW) lies with Historic England who would supply comments separately. Landward of MHW curatorial responsibility lies with ECC on behalf of Tendring District and this needs to be clear in any documents and sign off needed should work take place in these areas.
- 4.8.40 There should be co-ordination with any archaeological investigations that cover the areas landward of MHW and the onshore inter-tidal zone.

Onshore archaeological mitigation

- 4.8.41 The mitigation of temporary and permanent construction impacts is planned through the avoidance of key archaeological sites through design or micro-siting. It is understood that, at present, the details of the proposed development retain a degree of flexibility and will not be finalised until the detailed design phase, post consent. The primary mitigation approach, both onshore and offshore, is avoidance and therefore should entail preservation in situ of any significant archaeological remains. However, the extent, nature and significance of the archaeological remains, both onshore and offshore, has yet to be fully determined and it is uncertain that avoidance will be a practical option given the engineering requirements of the proposed works.
- 4.8.42 Where remains cannot be avoided a programme of archaeological and geoarchaeological investigation work is proposed to ensure that any archaeological, geoarchaeological and paleoenvironmental remains are identified and recorded. The general mitigation strategy for onshore archaeology is defined in the Outline Written Scheme of Investigation (APP-247). The OWSI states that a 'targeted' programme of archaeological evaluation will be completed across the scheme post consent which will inform on the nature of the mitigation required however no details of the coverage of the trenching or the trench locations has yet been provided or agreed and the level of trenching proposed would not be

considered appropriate for a project of this scale. The OWSI has not yet been agreed.

Cumulative Effects

- 4.8.43 Two other NSIP projects footprints directly overlap with North falls onshore project area.
- 4.8.44 The onshore project area for Five Estuaries covers largely the same area as North Falls. There is also a possibility that both projects could be constructed at around the same time, therefore, cumulative effects may occur and may result in impacts of a direct and / or indirect nature upon archaeological remains.
- 4.8.45 It is unclear how much flexibility in design there will be, with both wind farms following similar designs, with regard to avoiding archaeological remains of high significance. This would be of significance for any Palaeolithic sites on or offshore which are rare and highly significant.
- 4.8.46 It would be considered beneficial to the creation of a permanent record of archaeology and geoarchaeology across a wide area to maintain the practice of joint working and combined fieldwork.
- 4.8.47 The proposed substation area for Norwich to Tilbury is in close proximity to North Falls proposed onshore substation works area. It is understood that trial trench evaluation has been completed at the substation location and further cumulative impacts are not expected.
- 4.8.48 Archaeological Conclusion
- 4.8.49 The Councils do not consider that the extent of assessment across the entirety of the route is sufficient to assess the nature, extent and significance of archaeological and geoarchaeological remains. This is especially relevant in the Landfall area where impacts are yet to be fully considered.
- 4.8.50 Desk-based research and non-intrusive methods are not considered to provide an accurate assessment of significance or identify potential adverse effects.
- 4.8.51 The information provided with the DCO application does not allow an accurate assessment of known archaeological remains along the full length of the route.
- 4.8.52 The proposed post-consent mitigation for the initial assessment of archaeological remains in the project area is not considered adequate or sufficient for a project of this scale.
- 4.8.53 The reliance on the proposed mitigation strategy of avoidance through design and micro siting may cause considerable risk to the project

timetable and cost and negatively impact on the archaeological investigations that may be required following the trial trench evaluation and assessment of geoarchaeological deposits.

- 4.8.54 In their current form the Requirements including CoCP and draft DCO wording do not provide sufficient measures to ensure that archaeological, geoarchaeological and paleoenvironmental remains are appropriately considered.

4.9 Built Heritage

4.9.1 Adequacy of Information

4.9.1.1 The Offshore and Onshore Archaeology and Cultural Heritage ES Chapter's (APP-030 and APP-039 respectively) includes a summary of the legislation and policy context in Table's 16.4 and 25.4.

4.9.1.2 This table does not mention paragraph 5.9.32 of the Overarching National Policy Statement for Energy (EN-1) which concerns the balancing exercise to be carried out where a proposal would result in less than substantial harm to the significance of designated heritage assets. Furthermore, Table's 16.4 and 25.4 do not refer to the paragraphs in EN-1 on substantial harm and states that the proposed development will not result in any substantial harm but fails to mention that the proposal would result in less than substantial harm to the significance of a number of designated heritage assets.

4.9.1.3 There is no information regarding how an 'effect' relates to levels of harm, for example that 'minor adverse effect' equates to less than substantial harm at the lower end of the scale and a 'moderate adverse effect' equates to less than substantial harm at the upper end of the scale. It is assumed that an adverse effect equates to harm.

4.9.1.4 Appendix 25.3 Onshore Infrastructure Setting Assessment (Part 1 of 2) (APP-148)

The assessment does not come to a conclusion as to the impact of the Operational effects of the onshore substation on the significance of:

- Jennings' Farmhouse (NHLE 1111459 – Grade II Listed Building); and
- Ash House (NHLE 1337154 – Grade II Listed Building).

4.9.1.5 The above will need exploring and clarifying to fully understand impacts and potential mitigation measures.

4.9.1.6 The assessment needs to acknowledge that whilst Construction activities would be temporary and of short duration, they may create significant adverse effects by virtue of noise, dust, and changes to the landscape created by the proposed cable route. These adverse effects, whilst temporary, could harm the significance of the identified heritage assets through construction within their setting. Mitigation measure should then be set out as to how adverse effects might be minimised.

4.9.1.7 For example, the Onshore Project Area is in close proximity to Great Holland Lodge (NHLE 1337116 – Grade II Listed Building) the setting of which is not assessed, and which has the potential to be adversely affected by the cable route excavation. Whilst the Construction Phase would be temporary, it could still be a harmful effect on the significance of the listed building by virtue of construction activities within its setting.

4.9.1.8 Similar temporary adverse effects may also cause harm to the following heritage assets due to their close proximity to the Onshore Project Area:

- Church of All Saints (NHLE 1165610 – Grade II* Listed Building);
- Great Holland Conservation Area;
- Ring Cottage and Tudor Cottage (NHLE 1317222 – Grade II Listed Building);
- Great Holland Mill House (NHLE 1111532 – Grade II Listed Building);
- Thorpe-le-Soken Conservation Area;
- Barker’s Farmhouse (NHLE 1322630 – Grade II Listed Building);
- Hempstall’s Farmhouse (NHLE 1240504 – Grade II Listed Building); and
- Church of St Mary (NHLE 1337175 – Grade II Listed Building).

4.9.1.9 Of the identified assets, it is also noted that the following have not been identified but may still be affected due to their close proximity to the Onshore Project Area during the Construction Phase, particularly the cable route excavation:

- Thorpe Park Farmhouse NHLE 1307196 – Grade II Listed Building
- Landermere Cottage NHLE 1112116 – Grade II Listed Building
- Barker’s Farmhouse NHLE 1322630 – Grade II Listed Building
- Hannams Hall NHLE 1265148 – Grade II Listed Building
- Brocketts Hall NHLE 1112121 – Grade II Listed Building
- Hempstalls Farmhouse NHLE 1240504 – Grade II Listed Building
- Abbots Hall NHLE 1261150 – Grade II Listed Building
- Grove Farmhouse NHLE 1337174 – Grade II Listed Building
- The Old Rectory NHLE 1111420 – Grade II Listed Building
- Jennings Farm NHLE 1111459 – Grade II Listed Building
- Bounds Farm NHLE 1147743 – Grade II Listed Building
- Hungerdowns Farmhouse NHLE 1112091 – Grade II Listed Building

4.9.2 Local Issues

4.9.2.1 The proposed Onshore section of the proposed North Falls Offshore Windfarm is considered to have potential to adversely impact on the setting of designated heritage assets within Tendring District.

4.9.2.2 The onshore cable route will be between 72m to up to 130m in places stretching 24km across the Tendring District. In addition, the scheme will require a haul road, compounds and associated infrastructure elements. All the main construction elements of the scheme have potential to indirectly impact the significance of heritage assets along its route. The Onshore Infrastructure Setting Assessment (APP-148) does not adequately assess the impact of the cable route excavation on the setting, and significance of the heritage assets along its route.

4.9.2.3 No decision has been made regarding the final decommissioning policy as it is recognised that industry best practice, rules and legislation change over

time. During decommissioning care will need to be undertaken to limit harm to the significance of the heritage assets due to noise, dust, vibration, and vehicle movements within their setting.

4.9.3 Built Heritage Conclusion

- 4.9.3.1 The proposed Onshore Project Area (landward cable connection and substation) has been identified as have a negligible adverse effect on designated heritage assets within the study area, albeit the level of harm has not been explicitly stated. Although, the Onshore Archaeology and Cultural Heritage ES Chapter (APP-039) does not fully address Construction effects on the significance of the identified heritage assets. It is considered that this harm would result from both the construction and operational phases of the development.
- 4.9.3.2 It is agreed that Jennings Farm (NHLE 1111459) and Church of St Mary (NHLE 1337175) would experience cumulative effects with Fire Estuaries infrastructure.
- 4.9.3.3 It is agreed that the Offshore development would cause no harm to the significance of the identified heritage assets due to their only being noticeable on days of 'Excellent' visibility, given their distance from the shore.

4.10 Socio-Economics

4.10.1 Local policy and evidence base

- ECC (2021) Everyone's Essex
- ECC (2020) Developers' Guide to Infrastructure Contributions
- ECC (2022) Essex Sector Development Strategy
- ECC/Mace (2020) Construction Growth in Essex 2020-2040
- ECC/Mace (2022) Green Skills Infrastructure Review for Essex
- ECC Skills and Employment Principles for Major Projects and Developments
- ECC (2022) Essex Skills Plan
- Local Skills Improvement Plan LSIP

4.10.2 Everyone's Essex is Essex County Council's (ECC) plan for levelling up Essex. It sets out 20 commitments under four headings:

- the economy
- the environment
- children and families
- promoting health, care and wellbeing

4.10.3 The Essex Developers' Guide to Infrastructure Contributions is a well-established vehicle for setting out planning obligation requirements relating to the work of Essex County Council. It contains specific requirements around the preparation of Employment and Skills plans/strategies to ensure residents of the County benefit from opportunities presented by development projects.

Local issues

4.10.4 Essex is home to some of the world's leading companies with concentrations of high-skill, high-wage jobs as well as two leading universities and cutting-edge skills providers. Economic growth is the engine that will drive and enable so many of ECC's wider ambitions – from levelling up to net zero – as set out in Everyone's Essex.

Jobs and skills

4.10.5 The proposed development is a major project which could result in increased demand for construction skills and equipment at a time when other major projects may also commence with similar timeframes and result in shortages. The Construction Growth in Essex 2020-2040 report produced by MACE on behalf of ECC suggested that major projects across the county will add 15,000 local labour demand at peak and that labour shortages are expected to peak in 2031.

4.10.6 The applicant has demonstrated extensive research of the local skills and employment needs alongside existing projects in the area. The inclusion of the skills and employment strategy document is welcomed, and it

supports this application further, outlining the skills and jobs requirement. The strategy could be further strengthened with reference to the number of FTE jobs that the project will likely generate, with clear reference to the number expected to be available to Essex residents. ECC would welcome the opportunity to continue to work with the applicant to help shape and define the employment and skills strategy further. Working with them to bring together relevant stakeholders to support delivery of programmes to upskill local residents. In turn developing a talent pipeline for the project and ensuring that as many jobs as possible are available to local residents and reducing the need to bring in labour from outside of the county as much as possible. Further to this we would welcome working with the applicant to design a mechanism that will be put in place to report on all KPIs that will later be defined through the Employability and Skills Strategy.

- 4.10.7 Due to the nature of the proposed development green methods have been considered throughout the application. Within the skills and employment strategy approaches of how-to engage with green initiatives that ECC lead/endorse being considered with supporting examples have been highlighted. Ability to carry this out effectively will enable maximisation of Social Value impact locally.
- 4.10.8 Where possible we would expect the applicant to fully engage with local supply chains for labour, material and equipment. This not only adds to local economic benefit but also reduces greenhouse gas and pollutants deriving from extended travel.

Disruption/impact on residents and businesses

- 4.10.9 Within the Chapter 31 Socio-Economics section, significant consideration has been made to the disruption/impact this project will have on residents and businesses. Further to this the disruption potential traffic build up may have on those journey times for those accessing education should be considered. Careful consideration should be made as to the impact it may have on local people and therefore should be delivered to timescales.

Adequacy of the application/DCO

- 4.10.10 The structure and methodology of the application is very strong from an employability and skills perspective. It is generally accepted that the scheme will achieve socio economic benefits during construction and post construction. Where possible Essex County Council wish to minimise short term negative impacts during the construction phase of development.
- 4.10.11 The cumulative impact of significant construction/infrastructure projects in the county requires consideration. Consideration should include the timing/phasing of the projects and inter-project impacts – including the transportation of construction materials and availability of labour. This should be considered as part of the ‘future baseline’ scenario.

4.10.12 The inclusion of the skills and employment strategy is a great addition to the documents for this application. We welcome continued engagement with ourselves, the applicant and key partners to develop the plan, securing ambitious targets for the development of employment and upskilling opportunities for Essex residents.

4.11 Tourism

- 4.11.1 As for the impact on tourism, which is identified as a key component of the adopted Tendring District Local Plan 2013 – 2033 and Beyond, Policy PP8 (Section 2 of the Plan) identifies tourism as a key component to the areas socioeconomic profile is worth more than £276 million to the Tendring District. With the area containing a significant number of tourist destinations, and a wide variety of differing types of available accommodation, tourism is the main contributor to the local economic job profile, whether that is directly in hotels, caravan and chalet parks and tourist attractions or indirectly in shops, cafés and restaurants. The landward side of the construction works as proposed by this DCO proposal could have a significant impact on the areas attractiveness to tourism, with disturbance to both the attractiveness of the rural landscape and transportation as a result of the DCO within the wider Tendring peninsular.
- 4.11.2 The Councils note the submission of the Applicant's Tourism and Recreation Chapter in the Environmental Statement at APP-046.

4.12 Minerals & Waste

- 4.12.1 This response deals with mineral policy matters and waste policy matters in turn. A spatial representation of the project area and the matters discussed can be found in Appendix One.

Mineral Matters

Safeguarding Mineral Resources

- 4.12.2 The total project area once the proposal reaches landfall lies across approximately 163 hectares of land which is designated as a Mineral Safeguarding Area (MSA) for sand and gravel. As such, the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

- 4.12.3 Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment (MRA) to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 223). The NPPF requires policies that encourage the prior extraction of mineral where it is practical and environmentally feasible. The threshold set out in Policy S8 of the MLP for sand and gravel is 5ha, and safeguarding policy therefore applies in relation to this proposal.
- 4.12.4 In accordance with the policy, a MRA is presented within the evidence base supporting this application with the ExA's library reference APP-113. The MWPA has reviewed the MRA and accepts the conclusion that prior extraction is not practical. The MWPA notes that a MRA without intrusive ground investigation across the project area would not normally be accepted but in this instance the MWPA is satisfied that prior extraction has been demonstrated as not being practical due to the sinuous nature of the development site. It is also accepted that the proposal is temporary in nature with the potential to sterilise mineral being for the life of the Project only. As such, the mineral underlying the proposed development will not be permanently sterilised. On decommissioning of the Project, it is anticipated that the minerals beneath the Project infrastructure would be available for mineral extraction. The MWPA further notes that any future extension of time for the development would allow for mineral safeguarding issues to be re-assessed at that point in time. On that basis, the MWPA considers that the potential for prior extraction has been sufficiently investigated and no further action is currently required in this regard.

Mineral Infrastructure Matters

- 4.12.5 With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.
- 4.12.6 The application site does not pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment (MIIA) would not be required as part of a planning application on this site.

Waste Matters

Safeguarding Waste Infrastructure

- 4.12.7 Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.
- 4.12.8 The application site does not pass through a Waste Consultation Area (WCA) and therefore, a Waste Infrastructure Impact Assessment (WIIA) is not required as part of the submission..

4.13 Flood Risk, Drainage and Surface Water

- 4.13.1 ECC as Lead Local Flood Authority (LLFA) is responsible for managing risk of flooding from Surface water, ground water and from ordinary watercourses.
- 4.13.2 ECC as LLFA is a statutory consultee on all major developments regarding surface water drainage design. ECC supports major planning applications to meet the increasing demand for housing and infrastructure, this being proposed here, and we aim to protect and maintain the existing natural features with the provision of additional green and blue infrastructure, best practices guidance, and multifunctional project design to mitigate any increase in flood risk due to proposed development.
- 4.13.3 The proposed development has been assessed in relation to, national planning policies, local standards and guidance documents and industry best practice standards (NPPF 2021, Suds Design Guide 2020, Ciria SuDS Manual C753, Flood and Water Management Act 2010).
- 4.13.4 The proposed North Falls Windfarm Development works consists within its onshore proposals a mixture of largely greenfield land which requires appropriate flood mitigation and surface runoff management throughout the development site. The management of surface runoff from these sites should mitigate the increased risk of flooding.
- 4.13.5 The Applicant Flood Risk Assessment at APP-035 and Appendix APP-121 details how good practices will be employed during the construction phase to mitigate surface water run and how pollution will be managed. ECC as LLFA has engaged collaboratively with the Applicant commissioned drainage consultants to scope the detail required to assess the proposed surface water drainage strategy and other supporting documents including Flood Risk Assessment, Ground Investigation report, water quality assessment, flood management during construction phase of the scheme. The LLFA supports the proposed scheme.

Flood Risk

- 4.13.6 The Flood Risk Assessment (FRA) (APP-035 and APP-121) has been produced to support the North Falls Windfarm development. Field survey and desk-based assessments been undertaken to assess the risk.
- 4.13.7 The FRA has assessed flood risk from all sources including existing risk of flooding and any flood risk increased due to proposed scheme, further the document has addressed the impact of flood risk elsewhere and have proposed mitigation to this. The FRA has considered the risk of flooding for the construction and operational phases of the proposed scheme.

Surface Water Drainage Strategy Proposal

- 4.13.8 This DCO proposes one new substation in Ardleigh accessed off Ardleigh Road and opposite a current operational substation site and will sit adjacent to one as is currently proposed by the Five Estuaries DCO which is currently out to Examination. The Applicant have developed the Surface Water Drainage to support the application for the North Falls project in accordance with the SuDS Guide. There is one substation and associated export cable corridor within the Essex County Council boundary and discussions have taken place to ensure that the development complies with the Essex Design Guide and best practises. Surface water drainage system (SuDS) have been developed in accordance with local standards (SuDS Design Guide) and national planning policies (NPPF) and industrial best practice guidance (CIRIA SuDS Manual C753) to minimize the impact from the proposed scheme to quantity and quality of the surface water runoff and to maximise the amenity and biodiversity opportunities along the length of the proposed scheme where possible.
- 4.13.9 From the current submission ECC as the LLFA would however wish to see additional details submitted, and clarification provided, where they relate to proposals for the substation site, which are:
- i. In addition to the information provided we would like to see the modelling for the drainage system for all events up to the 1in100 plus climate change.
 - ii. Confirmation of the discharge rate is required from the applicant.
 - iii. ECC ask how will the permanent access road will drain, will it be unrestricted? Is the swale sufficient treatment for the road? What is the expected usage? The details as within the submission are unclear at this time.
 - iv. When will infiltration testing be undertaken? It is preferable to undertake tests in winter months when worst case scenario can be established and testing should be undertaken at the earliest opportunity.
 - v. The applicant is asked to note that Section 23 consent will be required for the headwalls and culverts.

4.14 Health

Wellbeing, Public Health, and Communities Response

- 4.14.1 The NPS EN-1 highlights the potential impact of energy infrastructure on the health and wellbeing of the population, while also emphasising the societal benefits of access to energy.
- 4.14.2 NPS EN-1 states that opportunities should be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society, i.e., those which may be differentially impact by a development compared to wider society as a whole. The NPPF paragraph 92 states “Planning policies and decisions should aim to achieve healthy, inclusive and safe places...” and Tendring DC Local Plan Policy SP6 requires new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts.
- 4.14.3 The Councils acknowledge that North Falls offers a key part of the transition to a low-carbon economy and transition to net zero, aligning with Everyone’s Essex commitment to advancing sustainable energy across the County. This transition will ultimately benefit the health and well-being of the entire population. However, we recognise that the construction and operation of such infrastructure can have direct and indirect impacts on health.
- 4.14.4 ECC Wellbeing, Public Health and Communities have reviewed the relevant documents, including:
- Chapter 6: Environmental Impact Assessment Methodology (APP-020)
 - Environmental Statement: Chapter 28 Human Health (APP-042)
 - Appendix 28.1: Health Baseline Statistics (APP-169)
 - Planning Statement (APP-233)
- 4.14.5 Based on this review, we offer the following comments and recommendations for consideration and to maximise the positive impacts of the project ensuring compliance local health and wellbeing policies and Tendring Local Plan Policy SP6:

Overall

- 4.14.6 It is positive to note that the themes considered in the Environmental Statement (ES) align with the wider determinants of health as outline in the National Policy Statements and the response from Public Health England (now OHID), as well as the comprehensive assessment on vulnerable population groups.

- 4.14.7 It is noted that no decisions have been made regarding final decommissioning policy for the onshore project infrastructure including landfall, onshore cable route, 400kV cable route and onshore substation. It is anticipated that the impact will be no greater than those identified for the construction phase, similarly for cumulative effects.
- 4.14.8 Public Health notes that the embedded mitigation measures relevant to the health assessment are linked to other technical assessment. Additionally, the assessment proposes further mitigation measures relevant to the health assessment chapter to address impacts on physical activity, and we recommend the implementation of these. These measures include:
- “A non-significant effect (in EIA terms) has been identified above, industry best practice mitigation measures have been recommended as part of the diversion to help minimise risk of any behavioural change as a result of unexpected or unknown duration changes. These include:
 - 1) providing reopening signs and notices that advertise the reopening of the route and promote active travel connectivity to destinations
 - 2) liaison with ECC about proposed construction works on Public Rights of Way (PROW)
- 4.14.9 Public Health also note that Suffolk, Essex and the UK have the potential for minor beneficial effects through increased employment opportunities. It is noted that no additional mitigation measures are proposed for employment during the operation and construction phases. The socioeconomics chapter highlights that employment will be in the low-carbon wind industry and will largely be long term jobs within the renewable sector. This will help develop skills needed as part of the UK’s transition to Net Zero, with an estimated approximately 2,650 – 2,800 jobs will be created at the Essex and Suffolk level.
- 4.14.10 However, the assessment study area at ward level and Lower Super Output Area (LSOA) has highlighted that these LSOAs are among the 20% most deprived, with a higher proportion of children living in absolute low-income families compared to the regional level. Other indicators also show that fuel poverty, long term claimants of job seekers allowance, economic inactivity rates and employment and support allowance claimants are higher than the regional and national averages.
- 4.14.11 Employment is an important determinant to physical and mental health outcomes. In line with local health and wellbeing priorities, it is essential to consider how the local study area population will be supported in accessing employment opportunities to maximise the positive contribution of the Project and help address inequalities in the area.

- 4.14.12 The Planning Statement concludes that no significant effects are likely to occur with respect to human health and project accords with requirements of the NPS EN-1, NPS EN-3, NPS EN-5 and other relevant policy considerations. With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse (not significant in EIA terms) effects on human health during all its phases. Moderate beneficial (significant in EIA) terms effects were identified for employment during the construction and operation and maintenance phase, and moderate wider societal benefits during operation.
- 4.14.13 There is potential for cumulative effects to occur with Five Estuaries Offshore Wind Farm and other projects in the study area. The Cumulative Effects Assessment (CEA) concluded that there are no likely significant beneficial effects on employment when North Falls is considered cumulatively with these projects.

4.15 Noise

- 4.15.1 In formulating this LIR the Councils have considered the documents as submitted by the applicant as far as the potential impact on noise receptors during the construction phase of the development as submitted at APP-040, APP-161, APP-162 and APP-163. Such are comprehensive in assessing the likely impact and the implications of the same during the works to construct the proposals as here submitted, together with the Planning Statement at APP-233.
- 4.15.2 The applicant correctly identifies at 5.14.5 of its Planning Statement (APP-233) that “NPPF Paragraph 180 states policies and decisions should contribute to and enhance the natural and local environment by e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.”
- 4.15.3 This is supported by NPS EN-3 which requires proposals for renewable energy infrastructure to demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology. This is also the case with Policies SPL3 and SPL7 in the Adopted TDC Local Plan.
- 4.15.4 The Councils note that much of the work to consider the impact of noise centres around works to implement the consent, should this be granted, and this is inherent in the as proposed Code of Construction Practice, to limit the impact of the as proposed construction works in terms of noise, and these are welcomed.
- 4.15.5 However, the Councils are minded that the operation of the proposed substation both on its own and in combination when considered alongside the two additional substations to be placed in the immediate vicinity, Five Estuaries and the one for Norwich to Tilbury, will have an impact on the local noise climate. The Applicants submission at APP-233 para 5.8.13 also confirm that during its operational phase, the potential impact of the noise as generated by the as proposed on site substation is a material consideration. At table 26.40 the Applicant concluded that the cumulative impact of all three substations on the local noise climate will not be significant. However, it is questioned if this summarisation can be backed up with evidence at this time.
- 4.15.6 The ExA is asked to note that this issue has been discussed at recent Examination into the adjacent Five Estuaries DCO. Currently, a document is with the Five Estuaries Examination entitled a “DCO Onshore substations operational noise and the outline noise complaints protocol (January 2025)”. The Councils note that this document, agreed between North Falls, Five Estuaries and National Grid for the Norwich to Tilbury DCO, was prepared following the submission of this DCO. The Councils have commented on this document as part of the Five Estuaries

Examination and is expecting that the relevant parties will work collaboratively on refining the document. and the Councils therefore anticipate that the Applicant will submit the latest agreed version of the joint protocol at a future deadline for this DCO Examination.

- 4.15.7 Given that a total of three substations will be proposed in immediate vicinity of each other, and with the current uncertainty over the actual substations to be created, for example Five Estuaries will seek to use the “Rochdale Envelope” and be either Air Insulated (as proposed by North Falls) or Gas Insulated, and that the eventual substation design for the EACN is not know at this time, there is considerable uncertainty as to the potential for noise when the development are looked at in combination.
- 4.15.8 The overarching issue for the Examination Panel the Councils consider, 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.
- 4.15.9 The Councils are of the view that a Joint Noise Complaint Handling Protocol is absolutely necessary, to protect the amenity of adjacent local residents during the operational phase of the as proposed sub stations, to ensure a coordinated and consistent approach to addressing noise complaint(s) during operational stage quickly and concisely so any noise complaint can be actioned in good time. A good complaints process should be accessible, user-focused, timely, objective, resolution-focused and a tool for leaning and improvement. Therefore, the protocol should include the following:
- I. outline how the 3 substations will work together to investigate and resolve complaint(s) and liaise with the existing substation.
 - II. 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.
 - III. define clearly who will takes the lead in handling a complaint based on the initial investigation, while outlining the roles of other parties;
 - IV. specify how information will be shared between the operators during the complaint handling process, including updates to the complainant;

- V. set clear and measurable expectations for response times and escalation procedures to ensure prompt resolution of complaints.
- 4.15.10 The Councils propose that if/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.
- 4.15.11 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.

Appendix – 1

1 Presumption in Favour of Sustainable Development

1.1 Presumption in Favour of Sustainable Development

1.1.1 The authorities will apply a presumption in favour of sustainable development in accordance with guidance in the National Planning Policy Framework.

Policy SP 1

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.

1.1.2 A Habitats Regulations Assessment (HRA) was completed for Section 1 of the Plan. The loss of off-site habitat, water quality and increased recreational disturbance were identified as issues with the potential to result in likely significant effects on European Sites, without mitigation to address the effects.

1.1.3 The Appropriate Assessment (AA) identified a number of avoidance and mitigation measures to be implemented, to ensure that development proposals in the Plan will not result in adverse effects on the integrity of any Special Area of Conservation, Special Protection Area or Ramsar site, and are HRA compliant.

1.1.4 To mitigate for the loss of off-site habitat, the AA identified the need for wintering bird surveys for the Tendring/Colchester Borders Garden Community as part of any project level development proposals and masterplanning (see also paragraph 8.3 and Policy SP8 paragraph F.20).

1.1.5 To protect water quality, the AA recommended the inclusion of policy safeguards to ensure that adequate water and waste water treatment capacity or infrastructure upgrades are in place prior to development proceeding.

1.1.6 Recreation activities can potentially harm Habitats Sites. The AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.

1.1.7 To mitigate for any increases in recreational disturbance at Habitats Sites, the AA identified the need for a mitigation strategy. Natural England's West Anglian Team identified the Essex coast as a priority for a strategic and proactive planning approach as it is rich and diverse ecologically, and many of the coastal habitats are designated as Habitats Sites. Consequently, 12 local planning authorities in Essex have prepared an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

1.1.8 The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provide certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and is supported by an SPD.

Policy SP 2

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).

Appendix – 2

2 Infrastructure and Connectivity

2.0.1 A coordinated and integrated approach to infrastructure planning and delivery is required to implement the vision for North Essex. Provision of appropriate and timely infrastructure to support growth will be central to the area's continuing prosperity, attractiveness and sustainability. Section 1 of the Local Plan highlights strategic and cross-boundary infrastructure, identifying the strategic transport infrastructure projects required to underpin delivery of the planned growth in the area including the proposed Garden Community, and sets priorities for other infrastructure requirements such as education, healthcare, digital connectivity, water supply and wastewater infrastructure and treatment. Section 2 of the Local Plan contains the infrastructure requirements for allocations made in that section of the plan. The Infrastructure Delivery Plan (IDP) provides the phasing and costing of infrastructure requirements for the Garden Communities and the Section 2 allocations required within the plan period. The infrastructure planning process will include the identification of funding sources and may include using appropriate mechanisms of shared public sector delivery financing mechanisms and the implementation of a strategic infrastructure tariff or other suitable mechanisms to apply across North Essex.

2.1 A Garden Community

2.1.1 The challenge in the Garden Community will be to create a community in which people move around in a different way to most of the existing towns in North Essex. Networks need to give priority to people for short everyday trips to link people to work, education, retail, leisure, creating an independent safe environment.

2.1.2 The new garden community will seek to manage travel demand, providing retailing, jobs, services and facilities within the site to help reduce the need to travel, and integrate and connect with the rest of North Essex and beyond through transport infrastructure and measures that promote sustainable travel patterns and reduce adverse impacts on the highway network. The North Essex Garden Communities Charter seeks to ensure that land use planning of the new community maximises the provision and use of sustainable transport internally and connects externally to key urban centres. Given the Charter's commitment to the timely delivery of infrastructure, policies SP8-9 will ensure that key transport projects align with housing and employment delivery.

2.1.3 To maximise the use of public transport new forms of high quality rapid transit networks will be provided to serve existing urban centres such as Colchester; key destinations such as the University of Essex; and key transport interchanges in North Essex. To achieve the desired step change in sustainable transport, policy will require that this infrastructure will be funded and its delivery phased to align with the development phases.

2.2 B Transportation and Travel

2.2.1 North Essex is well placed in the context of connections by road, rail, air and sea to the wider region and beyond, and these connections will need to be strengthened as part of developing sustainable transport networks.

2.2.2 The challenge is to provide North Essex with a sustainable transport system that provides good access to jobs and services, to support economic growth. Growth promoted

through the new Local Plans, particularly via large scale new developments where delivery will extend beyond the plan period, provides an opportunity to prioritise, facilitate and deliver larger scale transport infrastructure projects that can significantly improve connectivity across and within the area. A focus on sustainable transport in and around urban areas and the Garden Community will positively alter travel patterns and behaviour to reduce reliance on the private car.

2.2.3 The Local Plans seek to improve transport infrastructure to enable the efficient movement of people, goods and ensure that new development is accessible by sustainable forms of transport. Measures designed to encourage people to make sustainable travel choices such as better public transport provision, car clubs, electric vehicle charging points and provision of cycle links and foot ways will also be required to achieve such a change. It will also help to enhance air quality and improve health and well-being.

2.2.4 Braintree, Colchester and Tendring will continue to work closely with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to better integrate all forms of transport and improve roads and public transport and to promote cycling and walking. Key projects during the plan period will see improvements to the A12, A120, Great Eastern Main Line including rail services, and provision of rapid transit connections in the Garden Community and the adjacent urban areas. An integrated and sustainable transport system will be delivered that supports economic growth and helps deliver the best quality of life.

2.2.5 The Inter-Urban Road Network

2.2.5.1 The A12 is set to have major improvements as part of the Government's Roads Investment Strategy (RIS1 and RIS), with the aim of improving capacity and relieving congestion. The A12 is being widened between junction 19 (Chelmsford) and junction 25 (A120 interchange) to increase safety, improve journey time reliability, provide a benefit to the local road network, and in doing so support long term sustainable growth. Highways England (HE) has announced its preferred route between junction 19 and 23 (October 2019) and between junction 23 and 25 in August 2020. The A12 J19 to J25 widening scheme will go ahead as part of the Road Investment Strategy 2 (RIS2) programme, and is now a fully funded scheme. It is expected the route will be open for traffic in 2027 – 2028. RIS2 stated that the A12 scheme will need to take account of the evolving proposals for the A120 Braintree to A12 improvements, and any potential future road link to the improvements for the A120 will be incorporated into the A12 scheme.

2.2.5.2 The A120 is a key east-west corridor across Essex providing access to London Stansted Airport in the west to the Harwich ports in the east and serving the economies of Braintree, Colchester and Tendring, with links to Chelmsford via the A130.

2.2.5.3 Consultation on A120 route improvement options between Braintree and the A12 ended in March 2017. ECC has identified a favoured route which has been recommended to Highways England and the Department of Transport for inclusion in Road Investment Strategy 2 (RIS2), which is the next funding period for the strategic road network and will run from 2020 to 2025. In addition a series of short term interventions will be delivered along the route to improve safety and relieve congestion. The A120 from the A12 to Harwich is subject to a Highways England Route Based Strategy and improvements to this section of road are expected over the plan period. ECC and Highways England have progressed work with regards a new and improved A120 between Braintree and the A12. The new A120 is necessary to help address the volume of existing A120 movements which by far exceeds the current standard of carriageway provision. The route will be instrumental in catering for growth in the corridor and will provide a better route for freight traffic, improve safety and relieve existing

communities from a range of externalities such as through traffic, noise, severance and poor air quality. ECC has identified its favoured Route D which would join the A12 south of Kelvedon. In March 2020 the government announced its Road Investment Strategy (RIS2) which included a commitment to progressing further development work on the A120 dualling to prepare the scheme for delivery. The A120 dualling scheme will be considered for inclusion in the RIS3 programme (2025 – 2030) and is now considered a pipeline project to be progressed by Highways England.

2.2.6 Rail

2.2.6.1 The Anglia Route Study prepared by Network Rail (March 2016) shows that while capacity varies along the Great Eastern Main Line, capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London. Improvements are required along the line to accommodate growth and provide a faster more competitive service across the region.

2.2.6.2 The Study identifies a package of improvements necessary to respond to the need for increased capacity, which are seen as priorities to enable growth, improve services and journey reliability.

2.2.6.3 A franchise was awarded to Greater Anglia for passenger services in the region which commenced in 2018 followed by the replacement of the entire fleet of trains to add capacity.

2.2.7 Public Transport, Walking and Cycling

2.2.7.1 Alternative forms of transport to the private car (public transport, walking, and cycling) to travel to work and other trips are essential in managing congestion and to accommodate sustainable growth. The levels of growth proposed in the Local Plans will require that the consequent need to travel is managed. Travel planning and smarter choices initiatives will be promoted to ensure that all residents have good access to local jobs, services and facilities, preferably by either walking or cycling. For longer trips and in rural areas where there are fewer local services and employment opportunities, public transport will be promoted.

2.2.7.2 Essex County Council prioritises passenger transport (bus, minibus, taxi and community transport) according to the 'Getting Around in Essex Strategy'. The County Council will work in partnership with stakeholders to improve bus services and their supporting infrastructure to provide a real alternative to the private car. This will be achieved by identifying opportunities for a better bus network (routes, frequency, community-based services); integrating school and commercial bus networks; the implementation of travel planning (work, business, school and health); provision of digital information measures; provision of park and ride; and supporting the growth in key commuter and inter urban routes. Conventional local bus services, and in particular improving existing services, will be an important part of promoting sustainable travel across North Essex, and will complement the new high quality rapid transit network.

2.2.7.3 Through implementation of the Essex Cycling Strategy (2016), Cycling Action Plans have been prepared in all the NEAs to increase cycle levels; identify safety issues; identify gaps on key routes; identify ways of closing gaps; and create better cycle connectivity to key employment areas, development zones and schools. The provision of continuous cycle routes and a coherent cycle network will encourage people to make short trips by bicycle rather than by car.

2.2.8 Policies and Delivery Mechanisms for Sustainable Transport

2.2.8.1 Creating development that is accessible by different modes of transport, especially walking and cycling and the use of public transport is essential to promoting sustainable development as it

reduces car dependency. An important policy tool to achieve this is a people orientated transport hierarchy i.e. prioritising walking and providing access for people with mobility impairment; cycling; public transport; cars (for occupiers on site and visitors); powered two wheelers; and commercial vehicles). The modal hierarchy will be used to ensure that if not all modes can be satisfactorily accommodated, those towards the top of the hierarchy are considered first and given greater priority.

2.2.8.2 Sustainable transport management will be based on promoting modes which minimise environmental impact and promote social inclusion. It is important that developments are well located in relation to existing walking, cycling and public transport networks, and where appropriate provide enhanced facilities, as this will ensure that there is the maximum potential to use these modes as attractive alternatives to cars.

2.3 C Social Infrastructure

2.3.1 Education

2.3.1.1 New development must provide for the educational needs of new communities, and this is set out in more detail within the Infrastructure Delivery Plan. This will involve the expansion of existing schools where feasible and the construction of new schools, together with provision for special educational needs, early years and childcare places. Education requirements will need to be based on a strong understanding of future pupil numbers, with co-operation between county, district and borough councils. A range of educational opportunities will need to be addressed as part of a sustainable growth strategy, including practical vocational training, apprenticeships, and further and higher education.

2.3.1.2 New schools are an important place-making component of Garden Communities where early provision is usually critical in providing core social infrastructure to help a new community thrive, improve social integration and support the creation of sustainable travel patterns and a healthy environment.

2.3.2 Healthcare

2.3.2.1 Local authorities have a role in creating a healthy community. The North Essex Authorities will work closely with relevant stakeholders such as the NHS, Public Health and local health partnerships, developers and communities to ensure that future development in North Essex takes into account the need to improve health and wellbeing of local residents (and workers) including access to appropriate health and care infrastructure to support new and growing communities. Requirements are set out in more detail within the Infrastructure Delivery Plan. This will be particularly important given the ageing profile of existing and future residents. There is already a need for more and better quality health care facilities across North Essex with some areas having relatively poor access to health care facilities. The Garden Community will provide the conditions for a healthy community through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and which is accessible by walking and cycling and public transport. Support will be given to meet cross-boundary need for hospice facilities.

2.4 D Digital Connectivity

2.4.1 The NPPF indicates how high-quality communications infrastructure is essential for economic growth and social well-being. The availability of high speed and reliable broadband, particularly in

rural areas, is a key factor in unlocking new development opportunities and ensuring that people can access services online and work from home. The Government is committed to making gigabit-enabling connectivity available to all premises in the UK by 2025 and the Local Plan can contribute towards achieving this goal by requiring developers to ensure such technology is in place.

2.4.2 Fast broadband connections and telecommunications are an increasingly important requirement to serve all development. New development should contribute to the creation of a comprehensive and effective network in both urban and rural areas to promote economic competitiveness and to reduce the need to travel. The priority is to secure gigabit-enabling connectivity to all existing and new developments. Developers are encouraged to engage with communication network providers at the earliest opportunity. Where provision is possible preference is indicated for open-access infrastructure, enabling multiple service providers access to end users.

2.5 E Water Supply and Wastewater

2.5.1 The authorities will need to work with Anglian Water, Affinity Water, Environment Agency and developers to ensure sufficient capacity and provision of an adequate water supply and foul drainage and wastewater treatment to support growing communities as outlined in the Integrated Water Management Strategy and Infrastructure Delivery Plan. This will be particularly important as water supplies continue to be threatened by climate change and pressures from continuing growth and development. Water provisions need to be protected and it is essential for adequate water and wastewater infrastructure to be in place to accommodate the demands of growth and development in accordance with the Water Framework Directive and the Habitats Directive. The new Garden Community has the opportunity to minimise demand and wastewater generation, through exploring opportunities at both the strategic and local level.

Policy SP 6

INFRASTRUCTURE & CONNECTIVITY

All development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities area.

A. Tendring / Colchester Borders Garden Community

1. The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:

- a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;
- b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and
- c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.

2. Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:

- a) A120-A133 link road: and
- b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).

3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.

4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP9, and will be further defined in the DPD for the garden community.

B. Transportation and Travel

The local planning authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following;

- Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles;
- A comprehensive network of segregated walking and cycling routes linking key centres of activity;
- Improved urban and inter-urban public transport, and new and innovative ways of providing public transport, including:
 - high quality rapid transit networks and connections in and around urban areas with links to the new garden community;
 - maximising the use of the local rail network to serve existing communities and locations for large-scale growth;
 - a bus network providing a high-frequency, reliable and efficient service, integrated with other transport modes serving areas of new demand;
 - promoting wider use of community transport schemes;
- Increased rail capacity, reliability and punctuality, and reduced overall journey times by rail;
- New and improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133, specifically:
 - Improved access to and capacity of junctions on the A12 and other main roads;
 - A dualled A120 from Braintree to the A12.
- Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of electric car charging points.

C. Social Infrastructure

The local planning authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.

Education

- Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required.
- Practical vocational training, apprenticeships, and further and higher education will be provided and supported.

Health and Wellbeing

- Healthcare infrastructure will be provided as part of new developments of appropriate scale in the form of expanded or new facilities including primary and acute care; pharmacies; dental surgeries; opticians; supporting community services including hospices, treatment and counselling centres.

- Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable.
- The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport.

D. Digital Connectivity

Comprehensive digital access to support business and community activity will be delivered through the roll-out of ultrafast broadband across North Essex to secure the earliest availability of full fibre connections for all existing and new developments (residential and non-residential). All new properties will allow for the provision for ultrafast broadband in order to allow connection to that network as and when it is made available.

E. Water & Waste water

The local planning authorities will work with Anglian Water, Affinity Water, the Environment Agency and developers to ensure that there is sufficient capacity in the water supply and waste water infrastructure to serve new development. Where necessary, improvements to water infrastructure, waste water treatment and off-site drainage should be made ahead of the occupation of dwellings to ensure compliance with environmental legislation.

Appendix – 3

3 Creating Quality Places

3.1 The North Essex area has a great variety of natural environments, and wonderful towns and villages. It is critical that new development must incorporate high standards of place-making along with urban and architectural design to respect the character of these environments. Major new developments will be planned carefully with the use of masterplans and design codes where appropriate.

3.2 Networks of green and blue infrastructure should be provided across new developments, linking new developments within existing networks of open space. These areas can be multi use, providing space for natural species and habitats as well as space for informal recreation, walking, cycling and equestrian links.

3.3 This requirement for high design standards will apply across all scales of new development as well as to infrastructure projects. Enhancements to the public realm, landscaping measures and attention to architectural detail will be important features that the authorities will wish to see included in new developments. Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity gains, alleviating recreational pressure, and health outcomes if properly integrated into the design and delivery of new development. The Defra biodiversity accounting metric 2.0, or future iterations of this, can be used to accurately assess habitat impacts. Sustainable Drainage Systems (SuDS) provide abundant opportunities to introduce wildflower strips and soft landscaping to a development or urban area. This not only brings an attractive feature to the area for people but acts as a wildlife corridor, connecting the rivers, ditches, hedges, verges and gardens, allowing movement of wildlife throughout an area, connecting to the wider environment and therefore greatly enhancing the biodiversity value of the site.

Policy SP 7

PLACE SHAPING PRINCIPLES

All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.

All new development should reflect the following place shaping principles, where applicable:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Incorporate biodiversity creation and enhancement measures;
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;
- Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;

- Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and
- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

Appendix – 4

4 Settlement Development Boundaries

4.1 To achieve a sustainable increase in housing stock, a significant number of new homes will come forward on sites which at April 2020 already had extant planning permission for new housing. The remaining requirement will be delivered on sites that are specifically allocated for housing or mixed-use development, supplemented by other suitable sites within the Settlement Development Boundaries in this Local Plan. Alongside the planned developments, it is likely that a number of currently unidentified ‘windfall’ sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. However, there are certain forms of development that can and sometimes need to take place in these areas, some of which can bring about positive outcomes for the rural economy.

Policy SPL 2

SETTLEMENT DEVELOPMENT BOUNDARIES

To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a ‘Settlement Development Boundary’ as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

An exemption to this policy is provided through the Rural Exception Site Policy LP6.

The Tendring Colchester Borders Garden Community will be the subject a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the broad location identified on Diagram 10.2 in Section 1 of the Local Plan and Map B.7

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

Appendix – 5

5 Sustainable Design

5.1 Policy SPL3 contains the design criteria against which every planning application for development will be considered. Part A of the policy provides the local planning criteria for ensuring development is well designed and relates well to its surroundings. Part B ensures that practical requirements have been addressed and Part C ensures that any potential impacts on surrounding uses and/or the local environment are identified, and measures are put in place to ensure any adverse impacts are minimised.

Policy SPL 3

SUSTAINABLE DESIGN

Part A: Design. All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character.

The following criteria must be met:

- a. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- b. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- d. the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity value; and
- e. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species.

Part B: Practical Requirements. New development (including changes of use) must meet practical requirements. The following criteria must be met:

- a. access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact;
- b. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments;
- c. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;
- d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the Building Regulations prevailing at the time and policies and requirements in this plan;
- e. buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents;
- f. provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking; and
- g. the development reduces flood risk and integrates sustainable drainage within the development, creating amenity and enhancing biodiversity.

Part C: Impacts and Compatibility. New development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts.

The following criteria must be met:

- a. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;

- b. the development, including any additional road traffic arising, will not have unacceptable levels of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance;
- c. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use; and
- d. all new development should have regard to the most up to date adopted Essex Mineral Local Plan; and
- e. during the construction phase, developers must comply with a 'considerate constructors' scheme' which employs reasonable measures and techniques to minimise and mitigate impacts and disturbance to neighbours and the existing wider community and any damage to public and private property.

All new development (including changes of use) should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate.

When considering new development, applicants and developers should avoid adverse impacts upon the environment. Where this is not possible, mitigation measures should be put forward. As a last resort, compensate for adverse environmental impacts.

Any measures necessary to meet the above requirements are to be established by the applicant/developer.

This Policy contributes towards achieving Objectives 6, 7 and 8 of this Local Plan

Appendix – 6

6 Healthy Places

6.1 Improving Health and Wellbeing

6.1.1 The Local Plan's strategic objectives for Healthcare Needs are "To work with partners in the National Health Service, local health organisations and local community groups to ensure adequate provision of healthcare facilities to support growing communities."

6.1.2 Good health and wellbeing means that wherever possible people are free of illness or disability, and they have a positive physical, social and mental state. The Council wants people in Tendring District to have healthier, happier and longer lives with less inequality. Health and Wellbeing has been a priority for a number of years to the partners in Tendring District.

6.1.3 Tendring District has a higher-than-average proportion of older and disabled people and, for many, the provision of health services is an essential part of everyday life. For our residents, being able to access primary health care is one of the biggest concerns for the future with many people worried that more housing developments and an increasing population could have significant impact upon over-stretched health services.

6.1.4 The Essex Joint Strategic Needs Assessment (JSNA, 2016) stated that in Tendring District:

- 68.3% of adults are classified as overweight or obese compared to the national average of 64.6%.
- 2,980 people aged over 65 are thought to have dementia. This figure is estimated to rise to 3,995 by 2025. The rising number of people with dementia will impact on future housing stock where consideration needs to be given to the availability of supported and sheltered housing and care homes.

6.1.5 In 2014, Tendring District had 29 GP surgeries located in Ardleigh, Alresford, Brightlingsea, Clacton, Frinton, Great Bentley, Great Oakley, Harwich, Lawford, Manningtree, Thorpe-le-Soken and Walton.

6.1.6 However, in recent years, resources particularly in the Clacton, Frinton and Walton areas have become stretched by the growing ageing population alongside difficulties in recruiting GPs and other medical professionals. Applicants for planning permission may be required to contribute towards the provision of new or improved health care facilities. The need for such facilities and the type of provision will be determined by the Health Care Commissioners and providers.

6.1.7 Through the proposals in this Local Plan, the Clacton, Frinton and Walton areas are expected to accommodate more than 3,000 new homes between them and the vision is to promote active retirement and the provision of care and assisted living. It will therefore be essential to ensure that current deficiencies in primary health care provision are addressed in partnership with Healthcare Commissioners.

6.1.8 The Council will work with its Health Sector partners to deliver new and improved facilities.

6.1.9 For secondary health care, the District hospitals at Clacton and Harwich provide a range of services including cardiology, diabetic medicine, minor injuries, podiatry, physiotherapy and urology but for other services many residents have to travel to Colchester General Hospital which, itself, is

under pressure from a growing population. In recognition of Tendring District's ageing population and the levels of housing development proposed for the Clacton area, of which a large proportion will cater for older people wishing to retire, the Council is also working with the NHS to explore the opportunities to increase and improve care closer to home services in the area, particularly those services of importance to an ageing population.

6.1.10 Primary care is adopting a Digital First approach to primary care investment. An agreed Integrated Care System Road map for Suffolk and North East Essex was introduced in 2019, many of the initiatives were brought forward as a result of the response to Covid 19 and have already proven successful. GP practices, care homes and community service providers have been using telephone/video consultations, smartphone applications to enable patients to request prescriptions and appointments. Practices within Primary Care networks will enable digital first options to improve fast access to primary care, reducing waiting and travelling time for patients, services will include outpatient follow up appointments and medication reviews. Consequently, the need for high-speed broadband access and flexibility in terms of the provision of digital health infrastructure to any new housing development is crucial in order to ensure the success of the Digital First approach.

6.1.11 Most development has a potential impact upon the health services and facilities in the District but good design can help to promote healthy living. These impacts and opportunities need to be assessed to ensure that adequate health and services are provided for the community as a whole. Local authorities across Essex are in agreement that applications for residential developments over 50 dwellings, all development in Use Class C2 (Residential Institutions) and non-residential developments involving the creation of 1,000 square metres or more floor space should be accompanied by a 'Health Impact Assessment' (HIA). A screening process will take place to determine the extent and detail/complexity of HIA required based on the type of development proposed and whether evidence demonstrates the development impacts can be expected to be significant on sensitive receptors.

6.1.12 This Local Plan has a vital role to play in ensuring that the opportunities exist for people to be able to make healthier life choices and addressing health inequalities across the District. Resilient local health policies will create and support vibrant, sustainable and healthy communities. By promoting and facilitating healthy living and creating an environment which offers opportunities for healthy choices.

6.1.13 The National Planning Policy Framework (paragraphs 69-70) acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It is imperative to ensure that the design of the built environment and new development does not increase health inequalities and make it harder for people to live healthy lives.

Policy HP 1

IMPROVING HEALTH AND WELLBEING

The Council will work to improve the health and wellbeing of residents in Tendring by:

- a. working in partnership with the NHS and Public Health to ensure that our residents can access high quality primary and secondary health care services, and that new and improved services are put in place, where appropriate, to serve the growing population;
- b. supporting the NHS (including local GP Surgeries) and Public Health to deliver a service which meets the needs of residents in Tendring District;
- c. working with stakeholders on projects that provide better service integration, locating services where access can be improved, particularly for vulnerable groups and communities;
- d. encouraging healthier communities through targeting of unhealthy lifestyles such as smoking and those which cause obesity as identified in the Joint Strategic Needs Assessment. The Council will work in collaboration with partners, including Public Health, to avoid a concentration of fast food takeaways, where the number of outlets would be likely to harm public health objectives, particularly in deprived communities; local areas of poor health and near schools;
- e. requiring a Health Impact Assessment (HIA) on all development sites delivering 50 or more dwellings, all development in Use Class C2 (Residential Institutions) and all non-residential developments delivering 1,000 square metres or more gross internal floor space. The HIA should be carried out in accordance with the advice and best practice published by Public Health England and locally through the Essex Planning Officers Association;
- f. seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision; and
- g. ensuring increased contact with nature and access to the District's open spaces and offering opportunities for physical activities through the Haven Gateway Green Infrastructure and Open Space Strategies.

This Policy contributes towards achieving Objectives 5 and 6 of this Local Plan.

Appendix – 7

7 Community Facilities

7.0.1 Community facilities (sometimes referred to as Community assets) provide for health and wellbeing, recreational and leisure and education and culture. They can include for example, community halls, libraries, museums, arts venues, post offices, public houses, places of worship, sports halls, health and fitness facilities, swimming pools and other facilities of community value. They are a key part of sustainable communities and contribute to their self-reliance.

7.0.2 It is important that local communities are supported by a range of community facilities as they provide local employment opportunities, are a focal point for community life and can help reduce the need for people to travel long distances for essential goods and services.

7.1 Retention, Improvement and New Community Facilities Provision

7.1.1 The loss of community facilities can have a substantial impact on people's quality of life, wellbeing and overall viability of the local area. With the growing number of older people in Tendring District, access to locally based facilities will become increasingly important to ensure sustainable communities.

7.1.2 The Council will expect new development to retain, and where possible, improve existing local community facilities. It is important that these are integrated into the design of new development where possible.

7.1.3 For existing community facilities, the Council will work with its partners to secure future improvements and will protect them against redevelopments for alternative uses, particularly housing. Public houses, in particular, perform a useful social role in rural communities and are a source of local employment. They frequently occupy historic buildings and make a significant contribution to the character of the locality.

7.1.4 The viability of community facilities is an important consideration for a sustained local area. Planning applications that would result to the loss of community facilities should be accompanied by marketing information to show why existing use is not viable and information to show why the facilities are no longer needed by the community it serves or that the facility is being suitably relocated to meet local needs.

7.2 Assets of Community Value

7.2.1 Part 5 Chapter 3 of the Localism Act 2011(Act) provides for a scheme called 'assets of community value'. This requires District and unitary councils to maintain a list of 'community assets'. It has also become known as the 'community right to bid'.

7.2.2 Under the Act and through the Community Rights to Challenge and Build, parish councils, voluntary groups, neighbourhood forums, and other community organisations can consider the opportunity to develop or establish new community facilities. Local groups have the right to nominate a building or land for listing by the Council as an Asset of Community Value.

7.2.3 The National Planning Policy Framework (NPPF) paragraph 70 states that planning policies and decisions should: guide against unnecessary loss of valued community facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and

ensure that established community facilities and services are able to develop and modernise in a way that is sustainable and are retained for the benefit of the community.

Policy HP 2

COMMUNITY FACILITIES

The Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by:

a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.

The loss or change of use of existing community or cultural facilities will be resisted unless:

b. replacement facilities are provided on site, or within the vicinity, which meet the need of the local population, or necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or

c. it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site.

This Policy contributes towards achieving Objectives 4, 5 and 6 of this Local Plan.

Appendix – 8

8 Green Infrastructure

8.1 The National Planning Policy Framework states that Green Infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. It includes 'blue infrastructure' comprising watercourses and wetlands, which provides a range of ecosystem services.

8.2 Ecosystem services are the benefits that the natural environment provides to humans, including the production of clean water and many raw materials used for economic activities and cultural benefits such as aesthetic value and recreational opportunities.

8.3 A good green infrastructure network provides opportunities to enhance tourism in the Tendring District, while ensuring that its most sensitive assets are protected. As well as the obvious benefits to the natural environment, such measures can also provide an economic boost by helping to attract more visitors and improve residents' health and wellbeing by creating a more attractive environment for people to actively use. The network should be made as accessible as possible to all users.

8.4 The National Planning Policy Framework (NPPF) requires planning to encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for recreation, wildlife, carbon storage and food production).

8.5 Throughout our District, there are a number of existing areas of green infrastructure falling into the various different categories which are important to the character of our towns, villages and rural areas and provide valuable space for formal and informal recreational activities in our communities. Areas of existing green infrastructure, including open space, sports and recreational facilities, will be protected from development, are shown on the Policies Map.

8.6 Development on these sites will only be allowed where it will result in an equivalent or larger area of green infrastructure of equal or better quality being provided in a location that will benefit more residents.

8.7 The Haven Gateway Green Infrastructure Study (2008) and the Open Space, Sport and Recreation study (2017) identified Tendring District as an area deficient in green infrastructure. The Council will work with its partners to resolve existing deficiencies and, where appropriate, secure developer contributions towards Green Infrastructure both as an integral part of major developments and through financial contributions to ensure that deficiencies are not exacerbated by future population growth.

8.8 The provision of high quality accessible green infrastructure is seen as increasingly important to regeneration and creating places that are based upon local distinctiveness. Quality environments also attract quality investment in terms of housing, jobs, skills and visiting attractions.

8.9 The Council's Open Spaces Strategy (2017) identified the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of this Local Plan.

8.10 Investment in Green Infrastructure for Tending will help to tackle existing deficiencies of accessible green space, and help provide and protect wildlife corridors, open space and accessible land.

Policy HP 3

GREEN INFRASTRUCTURE

Green Infrastructure will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

All new development must be designed to include and protect and enhance existing Green Infrastructure in the local area, as appropriate.

Green Infrastructure as identified on the Policy Map, will be protected, managed and where necessary enhanced by:

- a. managing development to secure a net gain in green infrastructure;
- b. supporting investment priority projects set out in the Green Infrastructure Delivery Plan;
- c. not permitting development that compromises the integrity of the overall Green Infrastructure networks;
- d. investing in enhancement and restoration where opportunities exist; and
- e. using developer contributions to facilitate improvements to their quality and accessibility.

The Council will work with all sectors and interest groups to help deliver Green Infrastructure projects. Developers should use the guiding principles set out in the Green Infrastructure Delivery Plan to influence all development proposals from an early stage in the design process. Any new Green Infrastructure proposed must be accompanied by a plan for the long-term sustainable maintenance and management of these assets, as well as phasing plans to demonstrate how they are to be delivered. New Green Infrastructure should incorporate semi-natural habitats and provide net gains in biodiversity wherever possible. The long-term management of assets should include biodiversity recording/monitoring to verify/ensure the ecological integrity of GI networks. Green Infrastructure should, where appropriate, include access for the widest range of user groups.

This Policy contributes towards achieving Objectives 6 and 8 of this Local Plan.

Appendix – 9

9 Open Space, Sports and Recreation Facilities

9.1 The National Planning Policy Framework (Annex 2) defines open space as ‘all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and act as a visual amenity’.

9.2 The Council’s Open Space Strategy (2017), prepared by Knight, Kavanagh and Page Ltd, identified the following typologies of open spaces across the District:

- parks and gardens;
- natural and semi-natural greenspaces; and
- amenity greenspace.

9.3 Amenity space including:

- provision for children and young people;
- allotments;
- cemeteries/churchyards; and
- Playing pitches and Outdoor Sports Facilities.

9.4 The above typologies are protected by Policy HP4 and are shown on the Policies and Local Maps collectively as Safeguarded Open Space. The Neighbourhood Planning process allows Town and Parish Councils or other nominated bodies to identify open spaces of particular local value as ‘Local Green Space’ which are afforded an additional level of protection, ruling out new development other than in very special circumstances. In line with the requirements of the National Planning Policy Framework, this additional level of protection can only be applied to green spaces where they are in reasonably close proximity to the community they serve, are demonstrably special to the local community and hold a particular significance and are local in character, rather than an extensive tract of land.

9.5 Open Spaces in towns and rural areas are essential in improving public health, well-being and quality of life. Attractive, safe and accessible parks and green spaces contribute positively to social, economic and environmental benefits and promote sustainable communities. Major new housing and mixed-use developments should include new and improved access to schools, to enable children to walk or cycle from their homes.

9.6 Well-used and maintained open spaces make considerable contribution to the quality of life of residents and visitors and promote sustainable communities. Each type of open space has various benefits, for example parks for recreation and play and social events, children’s play and playing pitches for formal sports events and allotments for growing produce.

9.7 It is important to provide a balance between different types of open space in order to meet local needs. For example, not all residents living in every area will have a demand for open space in the form of playing pitches or allotments. In some areas there will be a specific local demand for ‘green corridors’ such as nature walk or bridleways.

9.8 The National Planning Policy Framework, Planning Policy Guidance and the North Essex Strategic Plan, Section 1 of this Local Plan provide a context for the protection of existing open space. The

NPPF (paragraph 74) suggests that existing open space, sports and recreational buildings and land, including playing fields should be protected unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity, quality and in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policy HP 4

SAFEGUARDED OPEN SPACE

Development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:

- a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;
- b. it is demonstrated that there is no longer a demand for the existing site;
- c. the site is not appropriate for other open space functions; and
- d. the development of the site would not result in the loss of an area important to visual amenity.

Land is also allocated for the future expansion of the Weeley Crematorium, the Burrs Road Cemetery (Clacton), Dovercourt Cemetery and the Kirby Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted on existing private land providing that relevant Local Plan policies are satisfied.

9.9 Locally based open space standards have been developed in the Tendring Open Spaces Strategy, and proposals for new residential development should contribute to the provision and/or enhancement of open space in areas where there is a deficiency in provision, or poor quality of, open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area.

9.1.10 This Local Plan, requires that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable open space should be less than 0.15 hectares.

Appendix – 10

10 Protected Places

10.0.1 It is very important to protect the quality of the District's most special natural and built environments. There are many reasons for this, including the international importance and vulnerability of its extensive coastal and estuarine areas and the historic quality of its numerous designated conservation areas and listed buildings. Protecting the quality of both the natural and built environments is necessary to ensure that the Council meets its legal obligations in those regards and that the District is a safe and attractive place to live, work and visit, thereby helping to underpin the local economy and attract inward investment seeking a quality environment. To ensure that new development is sustainable, it is essential that proposals have regard to, amongst other things, the need to avoid causing harm to sensitive areas and that it takes the opportunities available to enhance the quality of places.

10.0.2 In order to deliver a positive future for the District's environment, the policies in this chapter will focus upon:

- minimising the risk to human life and property from flooding and coastal erosion, taking into account the likely effects of climate change;
- protecting and enhancing the District's biodiversity, countryside and its coastal assets;
- expanding the District's network of Green Infrastructure, to encourage a net gain for nature, achieve sustainable drainage and deliver green corridors and open spaces to improve the quality of the natural environment;
- conserving natural resources through the promotion of low-carbon energy and water-efficiency in new development and local renewable energy; and
- preserving the District's historic assets.

10.1 Development and Flood Risk

10.1.1 The Local Plan's strategic objective for Water and Climate Change is "To reduce the risk of flooding by securing the appropriate location and design of new development, having regard to the likely impact of climate change." 7.1.2 As a peninsula, Tendring District has coastal and estuarine water on three sides. With over 37miles/60km of coastline, many parts of the District are at risk of tidal flooding, including some very built-up areas. The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided. New development should be directed away from areas at highest risk of flooding, but where such development is necessary it should be made safe – without increasing flood risk elsewhere. The policies and proposals in this Local Plan have therefore been informed by the national planning policy requirements, the findings of the Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.

10.1.2 The areas of the District considered to be at greatest risk of flooding according to the Environment Agency's flood risk maps are shown within a 'Flood Zone' on the Policies Maps and Local Maps. This information should be used only as a guide, as areas at risk may change during the Local Plan period. The Environment Agency Flood Risk Maps should always be used for the latest flood risk information and to distinguish between Flood Zones 2 and 3. The government's 'Technical Guidance to the National Planning Policy Framework' provides more detail on how the 'Sequential Test' should be applied to new development proposals. The Council will work with the Environment

Agency to consider how existing development and proposed new development, in flood risk areas, including in Jaywick Sands, can be made more flood-resilient and sustainable.

10.1.3 Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change.

10.1.4 New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).

Policy PPL 1

DEVELOPMENT AND FLOOD RISK

All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Where development is classified as “more vulnerable” the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a “design event flood”. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level.

All development classified as “More Vulnerable” or “Highly Vulnerable” within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity, unless there is compensation on site or, if not possible, adjacent off site capacity. Where possible opportunities should be sought to achieve an increase in floodplain storage.

All major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.

All development proposals will be considered against the National Planning Policy Framework’s ‘Sequential Test’, to direct development toward sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.

Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework so that it is safe and meets wider sustainability needs.

This Policy contributes towards achieving Objective 9 of this Local Plan.

Appendix – 11

11 The Rural Landscape

11.1 In order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land.

11.2 The Landscape Character Assessment (2001) identified 30 areas with different landscape characteristics and highlighted key sensitivities which need to be considered when assessing development proposals in the rural area. Proposals within the rural landscape should have regard to the Landscape Character Assessment (and any subsequent updates) and protect and re-inforce historic landscape features and important characteristics identified within it.

11.3 As a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services.

11.4 Parts of the District to the north are designated as Areas of Outstanding Natural Beauty (AONB) – The Dedham Vale and the recently extended Suffolk Coast and Heaths which are therefore subject to special landscape protection. On 7th July 2020 the Secretary of State confirmed the designation of three extensions to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SC&H AONB). The three new boundary extensions will increase the size of the existing AONB by approximately 38 sq. km or 9.5%. The areas now confirmed as forming part of the SC&H AONB are:

- the Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes in Essex;
- the Freston Brook Valley, a tributary of the Orwell Estuary which extends inland from the existing AONB boundary westwards and includes surrounding plateau woodlands; and,
- the Samford Valley, a tributary of the Stour Estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring Shotley Peninsula Plateau

The newly extended AONB can be seen as a single designation on the proposal's maps within this Local Plan.

11.5 Tendring has four Registered Parks and Gardens (see Appendix D) lie within the rural area and are particularly sensitive to change. Planning proposals which might affect them and any other Registered Park and Garden that is designated during the plan period should therefore have regard to their history and the reason for inclusion on the Historic England Register.

Policy PPL 3**THE RURAL LANDSCAPE**

The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- a. estuaries, rivers and undeveloped coast;
- b. skylines and prominent views including ridge-tops and plateau edges;
- c. traditional buildings and settlement settings;
- d. native hedgerows, trees and woodlands;
- e. protected lanes, other rural lanes, bridleways and footpaths; and
- f. designated and non-designated heritage assets and historic landscapes including registered parks and gardens.

Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings, including any relevant AONB Management Plan objectives. Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.

New development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

This Policy contributes towards achieving Objectives 7 and 8 of this Local Plan

Appendix – 12

12 Biodiversity and Geodiversity

12.1 Tendring District includes a wide range of habitats, including (in part) the Stour, Orwell and Colne Estuaries and Hamford Water which are recognised as wetlands of international importance for endangered and migrating birds. Hamford Water is a designated Special Area of Conservation for Fisher's Estuarine Moth. At the international level, the Ramsar Convention requires the conservation and wise use of wetlands, as a contribution towards achieving sustainable development. European legislation requires the establishment of Special Protection Areas (SPAs) for birds, under the Birds Directive, and Special Areas of Conservation (SACs) for other species and habitats, under the Habitats Directive. SPAs and SACs together form 'Natura 2000' sites, which themselves create a European-wide network. The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') apply both in the terrestrial environment and territorial waters out to 12 nautical miles. Marine Protected Areas (MPA) exist offshore beyond 12 nautical miles. The Blackwater, Crouch, Roach and Colne Marine Conservation Zone includes the Clacton Cliffs and foreshore, a geological feature of international importance.

12.2 It is necessary to apply the 'precautionary principle' to new development, as a matter of law, and assess new projects or plans for any impacts upon any of the above sites – both alone and in combination. Proposals and plans with the potential to have a significant impact upon such sites will need to be supported by a Habitats Regulation Assessment (HRA) to provide the information necessary for the decision makers to establish the likelihood and nature of impacts before a decision is taken. If significant impacts are identified, an 'Appropriate Assessment' may be necessary to assess whether the proposals would adversely affect the integrity of a site, having regard to its conservation objectives. The Council will only grant planning permission where there would be no adverse effects on biodiversity (including any mitigation), unless there is considered to be an overriding public interest (such as the port expansion at Bathside Bay, Harwich) – in which case a compensatory habitat must be provided. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document was adopted in 2019. The Essex Coast RAMS aims to deliver the mitigation necessary to avoid adverse effects on integrity from the in-combination impacts of residential development in Essex. The Essex Coast RAMS identifies a detailed programme of strategic avoidance and mitigation measures which are to be funded by developer contributions from all residential development within the Zones of Influence.

12.3 Sites of Special Scientific Interest (SSSI) are protected under the Wildlife and Countryside Act 1981, as amended, and the Countryside and Rights of Way Act 2000 and are shown on the Policies Map.

12.4 The Colne Estuary and Hamford Water are designated as National Nature Reserves (NNR). At the local level, the Council has worked with the Essex Wildlife Trust to identify over 100 'Local Wildlife Sites' (LoWS) within the District, along with 'Special Roadside Verges', managed by Essex County Council specifically to conserve rare plant species and support a wider variety of plants. This benefits local fauna, providing food and shelter and can help to create 'wildlife corridors', allowing species to move between different sites. LoWS are not protected by law but, being worthy of conservation, are protected by this Local Plan, along with irreplaceable habitats, including unimproved grasslands and veteran trees.

12.5 All areas designated for their value to biodiversity and/or geodiversity are shown on the Policies Maps. A site does not have to be designated, however, to have importance to nature conservation. All new development proposals should have regard to a 'mitigation hierarchy' approach, which requires consideration to be given: firstly, to avoiding environmental harm; then mitigating for any adverse impacts; and then, as a last resort; compensating for residual impacts alongside the need to seek environmental enhancement and a 'net gain' in biodiversity in line with latest Natural England advice. The need to consider alternative options, particularly options that are less damaging to the environment, is relevant to all these steps, as options can be either strategic or more detailed in nature. Where a proposed development might harm biodiversity on the site, an Ecological Appraisal will be required to be undertaken and the potential for harm should be considered and addressed in the application. Appraisals should be undertaken in accordance with nationally recognised guidance, by a suitably qualified ecologist.

12.6 Conservation work now considers whole landscapes as the way to conserve biodiversity, and the Council is working with Essex County Council, Essex Wildlife Trust and other partners on projects to benefit habitats and species across Essex. The Biodiversity Framework and Living Landscapes Project seek to improve the wider countryside for wildlife, rather than just concentrating on small nature reserves, and this will bring benefits for Priority Habitats and Priority Species.

Policy PPL 4

BIODIVERSITY AND GEODIVERSITY

Sites designated for their international, European and national importance to nature conservation: including Ramsar sites; Special Protection Areas (SPAs); Special Areas of Conservation (SACs); Marine Conservation Zones (MCZs); National Nature Reserves (NNRs); and Sites of Special Scientific Interest (SSSIs) will be protected from development likely to have an adverse effect on their integrity.

Where proposals for development are likely to significantly impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed 'Appropriate Assessment' of the impacts. An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in RAMS.

As a minimum, there should be no significant impacts upon any protected species, including European Protected Species and schemes should consider (and include provision, as may be relevant for) the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. Proposals for new development should also have regard to any published local Recreational Disturbance Avoidance and Mitigation Strategies and include any measures which may be necessary to support the aims of the strategy, to help to mitigate any likely recreational impacts arising from the development. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.

Sites designated for their local importance to nature conservation, including Local Wildlife Sites (LoWS), Ancient Woodlands Protected Verges and aged or veteran trees will be protected from development likely to have an adverse impact on such sites or features. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.

Proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure a net gain, in biodiversity.

Proposals for new infrastructure and major development should consider the potential for enhanced biodiversity, appropriate to the site and its location, including, where appropriate, within Green Infrastructure.

Any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

This Policy contributes towards achieving Objective 8 of this Local Plan.

Appendix – 13

13 Water Conservation, Drainage and Sewerage

13.1 Although Tendring District has to manage issues of ‘excess’ water causing coastal erosion and flooding, it also experiences the lowest average level of annual rainfall in the country and therefore maintaining a supply of fresh water for drinking and the irrigation of crops is a high priority. It follows that the provision of an adequate water supply, and appropriate methods of disposal of water and sewage, are very important considerations when planning for growth and central to the need to deliver sustainable development. Changes in climate also can cause sudden and intense rainfall causing localised flooding which will be made worse if new development does take account of the need to lessen its impact.

13.2 Major new developments may require upgrades to existing sewage treatment works, known as Water Recycling Centres, which may be funded by Anglian Water. Such works will need to be planned and funded through Anglian Water’s 5-year business plans and approved by the regulator (OFWAT). The Council is committed to ensuring that critical infrastructure is delivered at the right time to support development on allocated sites, in particular at Hartley Gardens (Policy SAMU2) and Oakwood Park (Policy SAMU3) where reinforcements and additional infrastructure will be required.

13.3 The National Planning Policy Framework requires local planning authorities to mitigate and adapt to climate change, which includes having pro-active strategies in respect of water supply and demand. Development proposals should therefore include a plan to conserve water supplies by managing demand and ensure its appropriate disposal at all stages of development, including construction and after occupation, using Sustainable Drainage Systems (SuDS) where possible. SuDS are designed to replicate natural drainage systems, to drain surface water run-off, ideally as part of a Green Infrastructure network and can also have significant benefits for amenity and biodiversity.

13.4 SuDS techniques may not be appropriate in circumstances where infiltration may cause a hazard to groundwater quality, such as groundwater source protection zones, on known contaminated land and on sites with a shallow water table. The Environment Agency’s Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality. Surface water treatment will be required before infiltration to groundwater is permitted. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.

Policy PPL 5**WATER CONSERVATION, DRAINAGE AND SEWERAGE**

All new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. Applicants should explain and justify the reasons for not using SuDS if not included in their proposals, which should include water inputs and outputs designed to protect and, where possible, enhance the natural environment. New dwellings will be required to incorporate measures to achieve a water consumption rate of not more than 110 litres, per person, per day. Proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).

Applicants should explain their approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' within their development, to help maintain the supply of drinking water. The Council will require such measures to be implemented in all new development.

Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

Proposals for agricultural reservoirs may be permitted, subject to a detailed assessment against relevant policies in this Local Plan.

This Policy contributes towards achieving Objectives 8 and 9 of this Local Plan.

Appendix – 14

14 The Historic Environment

14.1 The Local Plan's strategic objective for Cultural Heritage is "To conserve and enhance Tendring District's heritage, respecting historic buildings and their settings, links and views."

14.2 Tendring District has a truly rich and diverse history, reflected in archaeological deposits and features and much of its built heritage, which includes: the early planned development of the District's major town, Clacton-on-Sea, as a Victorian seaside holiday resort; the later select development of Frinton-on-Sea with its many examples of notable Arts and Crafts architecture and Modernist houses; the historic port of Harwich and town of Manningtree, England's smallest; or the District's most important single group of listed buildings at St Osyth's Priory and its Registered Historic Park and Garden.

14.3 The Council has specific legal duties to preserve and enhance the historic environment. Proposals affecting buildings listed for their special architectural or historic interest ('listed buildings') or designated Conservation Areas, or their settings, Scheduled Monuments, archaeology, or Registered Historic Parks and Gardens will therefore be subject to particular scrutiny. The setting of a heritage asset may include sites or areas a considerable distance away from the boundary of an application site and it is necessary, therefore, to consider the potential for development to have an effect upon the wider setting of a Conservation Area or listed building. Protection of the District's heritage assets is crucial to its cultural identity and the quality of life and can help to sustain its economic attraction for new investment by both residents and businesses. The Council will seek to reduce the number of heritage assets included in the Heritage at Risk Register and will consider designating additional heritage assets which are of local importance. The Council will seek to manage change within the Historic Environment by: requiring proposals to respond appropriately to the significance of any affected heritage assets; identifying where interventions within the Historic Environment would be beneficial to it; and by working with partners to secure sources of funding to aid delivery of enhancements to heritage assets.

14.4 The best way to ensure the future preservation of a listed building is often by ensuring an appropriate beneficial use of the heritage asset, which may be its original intended use. Sometimes an appropriate new use will be needed to ensure preservation and this might also present opportunities for the enhancement of significance of the heritage asset. Historic buildings may also evolve over time and sometimes it can be those distinct elements of change which are particularly valued. Although the preservation of unique historic assets is crucial to connect with the past and maintain a high quality environment there may be the opportunity for a high quality contemporary design solution in an historic context. It might, therefore, be appropriate in this Local Plan period to propose a development 'of its time' - much will depend on the expertise of the designer. However, the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character, fabric, or appearance.

14.5 As with listed buildings, a contemporary design might, be appropriate in a Conservation Area. Such solutions can help to avoid pastiche or the potential 'confusion' of new and can misinform an understanding of place. However, particular skill is required of the designer to ensure that new development is appropriate to its site and setting. New development which would affect a Conservation Area should always pay regard to any relevant Conservation Area Character Appraisal

and Conservation Area Management Plan. This includes proposals for new development within the District's four Registered Historic Parks and Gardens: Clacton Seafront (owned and managed by the Council); St Osyth Priory; Thorpe Hall and Beth Chatto Gardens all which (except Beth Chatto) are within Conservation Areas. The Council will review all designated Conservation Areas early in the plan period and consider whether any new areas should be designated. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

14.6 Some parts of the District are known for their particular importance to archaeology and the Council will protect those areas from harmful development. However, new development can provide an opportunity to discover, record and protect evidence of the District's history in the form of archaeological deposits. Where the archaeological record indicates the likely presence of deposits or features, the Council will be advised by Essex County Council and the developer will be required to carry out any necessary survey work, excavation and recording in that regard, before and/or after any planning permission is granted. New development may be required to respond to archaeological finds uncovered during the construction process.

14.7 The National Planning Policy Framework sets out government policy for conserving and enhancing the historic environment. The following policies PPL7, PPL8 and PPL9 will be applied alongside and having regard to the specific requirements of the Framework in respect of development affecting designated and non-designated heritage assets including Archaeology, Conservation Areas and Listed Buildings.

14.8 Within Tendring District there is a wealth of historic structures, landscapes and other features which are not formally designated as heritage assets on the national list prepared by Historic England. The Council does however recognise their local historic significance. These kinds of 'non-designated' heritage assets can be 'locally listed' by the Council. The Council has therefore commenced work on a 'local list' which will identify and protect these assets of local importance. The Council will work with community groups, landowners and Historic England to prepare a local list for the district.

Policy PPL 7

ARCHAEOLOGY

Any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority.

Proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.

Proposals will be treated favourably where they:

- a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting); and
- b. are of a scale, design and use materials and finishes that respect the heritage asset.

Within the District the Council keeps a record of scheduled monuments at risk of degradation. The Council will support proposals that protect and enhance heritage assets at risk.

Proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted.

This Policy contributes towards achieving Objective 7 of this Local Plan.

Appendix – 15

Policy PPL 8

CONSERVATION AREAS

New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a. scale and design, particularly in relation to neighbouring buildings and spaces;
- b. materials and finishes, including boundary treatments appropriate to the context;
- c. hard and soft landscaping;
- d. the importance of spaces and trees to the character or appearance; and
- e. any important views into, out of, or within the Conservation Area.

Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.

Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

Within the District the Council keeps a record of conservation areas that are at risk of degradation.

The Council will support proposals that protect and enhance the conservation areas at risk.

Development should conserve or enhance the significance of the registered parks and gardens (noting that significance may be harmed by development within the setting of an asset).

In collaboration with community groups and other interested parties, the Council will consider and support the designation of new Conservation Areas in line with the relevant criteria as set out within the NPPF and legislation. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

This Policy contributes towards achieving Objective 7 of this Local Plan.

Appendix – 16

16 Renewable Energy Generation and Energy Efficiency Measures

16.1 The National Planning Policy Framework requires local planning authorities to adopt proactive strategies to mitigate climate change and promote sustainable development. By effectively exploiting the free resources of wind and sun, in particular, renewable energy can reduce the demand for fossil fuels, which are a finite resource and release carbon into the atmosphere and accelerate global warming.

16.2 Tendring District supports renewable energy generation in terms of wind energy, solar energy and biomass installations. It currently has one wind farm comprising five large-scale wind turbines at Earls Hall Farm, west of Clacton, and a number of medium and small-scale turbines throughout the District. Several solar farms are concentrated in the northern part of the District, with smaller arrays adjacent to several farms. A significant biomass generator also exists at Elmstead. The Council has supported the offshore windfarm at Gunfleet Sands which required on-shore infrastructure. Subsequent changes in government policy, both in respect of planning and subsidies for renewables, mean that applications for new large-scale renewable energy schemes might not come forward in this Local Plan period. However, it remains necessary to plan for renewable energy generation, in order to meet national climate-change commitments and to this end the Council may prepare a further development planning document (DPD) identifying how such development can be supported.

16.3 In 2019, the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030 and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change. Policy PPL10 below requires proposals for new development to consider the potential for a range of renewable energy solutions and for proposals for residential development in particular to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how different measures have been considered and incorporated which could and should include:

- Triple Glazing;
- Solar Roof Panels or Solar Tiles;
- Air Source Heating Systems;
- Ground Source Heating Systems; Super Insulation (walls and loft void)
- Rainwater Capture System;
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through and appropriate communal facility);
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;
- Mechanical Heat Recovery Ventilation
- Solar Thermal Systems;
- Solar and Battery Storage Systems; and where appropriate
- Any other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.

16.4 The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable. To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.

16.5 Given the importance of tackling climate change and promoting renewable energy and energy efficiency measures and the rapid speed in which technology is evolving and improving, the Council may provide further guidance in the form of a Supplementary Planning Document (SPD) to assist in the implementation of Policy PPL10, which can be updated as necessary to future changes in approach.

Policy PPL 10

RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations.

For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

Planning permission will only be granted where the applicant can demonstrate that all reasonable renewable energy and energy efficiency measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.

This Policy contributes towards achieving Objectives 6 and 9 of this Local Plan.

Appendix – 17

17 Sustainable Transport and Accessibility

17.1 The National Planning Policy Framework promotes sustainable transport solutions. It states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice over how to travel. The Council will work with its partners, including Essex County Council, bus and train operators and the development industry, to improve accessibility, promote sustainable means of transport and reduce dependence upon private car transport.

17.2 To achieve sustainable communities, homes, jobs, services and facilities should, ideally, be accessible by a variety of different modes of transport, including: walking; cycling; and public transport – not just private cars. Locating development in accessible places gives people the option to use more sustainable modes of transport, which contribute less to global warming, and benefits those members of society who do not have access to a car. Additionally, there are public health and safety benefits to walking and cycling.

17.3 The Essex Transport Strategy (2011) is the Local Transport Plan (LTP) and includes Tendring District within the 'Haven Gateway'. It sets out the transport priorities for the area, which include 5 key outcomes to be achieved:

1. Provide connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration;
2. Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology;
3. Improve safety on the transport network and enhance and promote a safe travelling environment;
4. Secure and maintain all transport assets to an appropriate standard and ensure that the network is available for use; and
5. Provide sustainable access and travel choice for Essex residents to help create sustainable communities. The Local Transport Plan (LTP) is supported by a suite of more specific documents including the Bus Strategy, the Cycling Strategy, the Sustainable Modes of Travel Strategy, and implementation plans that are also periodically updated by Essex County Council.

17.4 To reduce greenhouse gas emissions, the Council will support development which uses sustainable modes of transport. Whilst most journeys are made by road, Tendring District is served by 14 railway stations, providing a range of electrified London main line and local branch line services, with regular services from Clacton, Walton and Harwich/Dovercourt to the Colchester railway stations and beyond. The railway is important as both a public transport mode which can provide a sustainable alternative to private car use for work and leisure purposes and an alternative to HGV use for freight transport to and from Harwich International Port.

17.5 The Council will support and encourage measures which will make rail use a more attractive and sustainable alternative to the use of private cars for both local journeys and longer commutes and to the use of HGVs for freight transportation. The Council will work with Network Rail to improve rail connectivity in the context of their Industrial Rail Strategy/Route Strategy. Specific infrastructure projects will be integrated into the Infrastructure Delivery Plan.

17.6 The main urban areas within the District are located along the coastal fringes and the area has a strong rural heartland where the main means of sustainable transport is by bus. Local buses running

within and between settlements are crucial to providing access to jobs and services for many people in towns, villages and rural areas.

17.7 The Council will work with Essex County Council and bus operators to ensure coverage across the District, improve services and frequency and seek opportunities to improve bus-stop facilities and provide additional services to support new major development.

17.8 Cycling and walking should also be seen as transport modes in their own right and an integral part of the transport network. Increasing the options for travelling by those modes can benefit both the environment and public health, reducing pollution and increasing fitness levels. In this way, planning and transportation outcomes can help to support the wider health and wellbeing agenda. Many car journeys are over short-distances which could be travelled on foot or by cycle if these are attractive options, possibly as part of longer journeys.

17.9 Proposals for new development will be required to take account of the need to ensure accessibility, having regard to its location in relation to existing services and facilities, and by providing safe pedestrian and cycle connections to existing networks. As the Tendring District is mainly rural, reliance upon private cars will be inevitable to some extent within its remoter parts. However, the Council will require that measures for sustainable travel at all new developments are investigated and implemented where practicable.

17.10 As the Highway Authority for the area, Essex County Council is a consultee in regard to many planning applications. New developments will be required to be acceptable in terms of highway capacity, safety and convenience and to meet the requirements for access and parking which are contained in the latest version of the Essex County Council Development Management Policies, Travel Plan and Parking Standards, or equivalent amended or replacement policies or standards, or any overriding policies in this Local Plan, along with relevant Essex Accessibility strategies and Design guides. To be sustainable, developments should also be accessible by public transport, cycling and walking.

17.11 Parking standards can support measures which promote sustainable transport choices and help to protect amenity. The Council will work with Essex County Council to ensure that local parking standards are fit for purpose and that its assessment of planning applications takes account of factors such as: the accessibility of development, the type, mix and use of development; the availability of and opportunities for public transport.

Policy CP 1

SUSTAINABLE TRANSPORT AND ACCESSIBILITY

Proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Providing options for non-motorised vehicles is especially important for the large-scale developments at Clacton and the Tendring Colchester Borders Garden Community.

Planning applications for new major development likely to have significant transport implications will normally require a Transport Statement. If the proposal is likely to have significant transport implications or a Transport Assessment, the scope of which should be agreed in advance between the District Council and the applicant, in consultation with Essex County Council as the Highway Authority. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for walking and cycling routes and new or improved bus-stops/services.

Where relevant, improvements to railway station passenger facilities should be included and greater connectivity between places and modes of transport demonstrated.

Travel Plans and Residential Travel Information Packs should be provided as appropriate and in accordance with Essex County Council published guidance.

The Essex Cycling Strategy will be used as a guide to ensure the provision of appropriate cycling infrastructure.

This Policy contributes towards achieving Objectives 4 and 6 of this Local Plan.

Appendix – 18

18 Improving the Transport Network

18.1 An efficient and effective strategic transport network is critical for achieving economic growth, supporting trade and attracting inward investment, and reducing carbon emissions to help to reduce increases in global warming. Conversely, a network which is unsafe, slow or inconvenient can deter business investment and could harm the area's tourist economy, which attracts many thousands of visitors, particularly during the main summer holidays.

18.2 The Council will work with its partners, including Highways England, Essex County Council, bus and train operating companies, Network Rail and landowners, to safeguard and to explore opportunities to improve the District's strategic transport network. It will seek to make the transport network safer and more efficient, in order to: facilitate growth, trade and inward investment; help to improve the quality of life for local residents; and improve the experience for visitors to the District and will encourage improvements to the quality and frequency of rail and bus services and station facilities and their appearance.

18.3 The major roads forming part of the District's strategic transport network are the A120 and A133. Both routes include sections which require upgrading in order to improve safety and convenience and to function efficiently in the context of significant future housing growth. For the A133, between Colchester and Clacton, the Council will work with Essex County Council (the Highway Authority) to identify the nature and cost of improvements needed, seek sources of public funding and consider the use of the Community Infrastructure Levy (CIL) to secure contributions towards these works. An upgrade of the A120 is a requirement of the planned port expansion at Bathside Bay, Harwich although this is not expected to take place early in the plan period. The Council will work with Highways England and other partners to investigate ways of funding and delivering possible early improvements and will resist any development proposals in the vicinity of the A120 which could jeopardise its upgrading, widening or re-routing.

18.4 Major growth areas in West Tendring/East Colchester and Clacton will require new strategic highway and public transport infrastructure, which will not only serve the development areas themselves but also provide for two major new roads, to ensure that traffic is able to move through and between settlements efficiently, thereby helping to ease traffic congestion that otherwise would occur. A strategic link road between the A120 and A133 and Rapid Transit System will be required to support the Tendring Colchester Borders Garden Community. Strategic access improvements will be required in Clacton to connect the A133 to the western area of the town improving accessibility and circulation around the town and supporting further planned growth. The agreed route and specification of this connection/s (including for public transport and active travel) will be subject to further transport planning and assessment with Essex County Council and its planning and delivery detailed in future plans.

18.5 The Council will explore, in partnership with Essex County Council, Suffolk County Council, Babergh District Council and Network Rail, opportunities to improve the A137 and railway crossing/underpass at Manningtree Station. Any new developments likely to increase use of this route may be required to contribute towards such improvements.

Policy CP 2

IMPROVING THE TRANSPORT NETWORK

- Proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport.
- The Tendring Colchester Borders Garden Community will require a strategic link road between the A120 and A133 and a Rapid Transit System to support the new Garden Community. These infrastructure works have secured funding from the Housing Infrastructure Fund and are currently subject to further and more detailed planning and delivery. Further transport assessment work will be undertaken by Essex County Council (the highway authority) and Tendring District Council to identify the optimal route, specification and design of access improvements (including public transport and active travel) to Clacton from the A133 to the western side of the town. This will improve existing accessibility and support new growth areas and future development.
- Proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

This Policy contributes towards achieving Objectives 4 and 6 of this Local Plan.

Appendix – 19

19 Delivering Infrastructure

19.0.1 This chapter explains how the policies and proposals within this Local Plan will be implemented, how the Council will monitor their effectiveness in bringing positive changes to the District, how the Council may use its enforcement powers to deal with unauthorised development and how the Council may choose to review the Local Plan to respond to changes in the economy and deal with longer-term development requirements.

19.1 Implementation

19.1.1 This Local Plan will form the ‘Development Plan’ for the District against which all applications for new development will be judged. The Council will use the Local Plan in determining planning applications alongside the National Planning Policy Framework and will take into account any other material considerations.

19.1.2 The implementation of the policies and proposals detailed within this Local Plan will be achieved in a variety of ways. As the Local Planning Authority, Tendring District Council will play a key role. However, the Council will also work with a number of bodies to ensure the implementation of this plan in an integrated and efficient way.

19.1.3 The National Planning Policy Framework emphasises that plans must be deliverable. Local Planning Authorities need to demonstrate, within reason, that infrastructure is provided to support the delivery of the development planned. The infrastructure planning process seeks to:

- identify infrastructure needs and costs (including where possible phasing of development, funding sources and responsibilities for delivery);
- improve lines of communication between key delivery agencies and the Local Planning Authority, including identifying opportunities for integrated and more efficient service delivery and better use of assets;
- provide evidence for the setting of a Community Infrastructure Levy (CIL);
- be a ‘live’ document that will be used as a tool for helping to deliver infrastructure; and
- set out a process for policy monitoring and review.

19.1.4 In order to ensure that new development delivers sustainable communities, the facilities and service needs must be planned for and monitored. A document called the ‘Tendring - Infrastructure Delivery Plan’ sits alongside this Local Plan. It reviews Tendring’s infrastructure needs for the plan period to 2033. Monitoring of the Local Plan is carried out (at least) annually, through the ‘Tendring District – Authority Monitoring Report’.

19.1.5 The following organisations will be involved in the implementation of this Local Plan:

Table 19.1 Implementation

Organisation	Involvement in the Implementation of this Local Plan
Tendring District Council Braintree, Chelmsford, Colchester, Essex and Tendring Councils	<ul style="list-style-type: none"> • Determining planning applications in accordance with the Local Plan and any other material considerations. • Preparing and implementing Supplementary Planning Documents and design briefs. • Publishing of registers, schedules, leaflets etc. as appropriate and as resources permit. • Responding to suspected breaches in planning control, investigating alleged cases of unauthorised development and taking action where appropriate. • Liaising and co-operating with statutory undertakers, including Essex County Council as the Highways and Transport Authority and other appropriate agencies (including those listed below) to aid the integration of services and facilities and to ensure sustainable development. • Ensuring evidence across the Housing Market Area is up to date. • Facilitating growth through Local Delivery Vehicles as appropriate. • Preparing joint Development Plan Documents, Masterplans, Supplementary Planning documents as appropriate.
Essex County Council (ECC)	<ul style="list-style-type: none"> • Road and transport matters as the Highways and Transport Authority, including the provision of new facilities, on-street parking, road closures, highway safety and other traffic management. • Education and Social Services. • Minerals and waste management as the Minerals and Waste Planning Authority and the Waste Disposal Authority. • Liaising with TDC to aid the integration of services between the two authorities. • Lead Local Flood Authority. • Lead advisors on Public Health.
Public utilities including: British Gas, electricity providers, British Telecommunications plc and Anglian Water	<ul style="list-style-type: none"> • Taking account of the proposals within this Plan in the provision of their services and facilities, which are essential to sustainable, well planned developments. • Liaising with TDC regarding their proposals.
Health authorities including the North East Essex Clinical Commissioning Group and any future health bodies	<ul style="list-style-type: none"> • The provision of health facilities in the District. • Liaising with TDC regarding the various proposals for new facilities in the District.

Organisation	Involvement in the Implementation of this Local Plan
Environment Agency	<ul style="list-style-type: none"> • The protection and improvement of the environment. • Controlling pollution. • Implementing environmental legislation. • Regulating the environmental effects of industry. • Advice and guidance as statutory consultee to the local planning authority. • Advice and guidance in relation to drainage and flood protection implications of new development.
Highways England	<ul style="list-style-type: none"> • Improvements / new connections to the A120.
Network Rail	<ul style="list-style-type: none"> • Implementation of rail infrastructure. • Liaising with TDC regarding their proposals.
Conservation Organisations including Historic England, Natural England and others	<ul style="list-style-type: none"> • The protection and improvement of the historic / natural environment. • Implementing historic / natural environment legislation. • Advice and guidance in relation to listed buildings, conservation areas and other heritage assets / environmental designations and other important habitats.
Town and Parish Councils	<ul style="list-style-type: none"> • Providing and managing recreation and community facilities. • Providing an important link between the local community and TDC.
The Private Sector	<ul style="list-style-type: none"> • Majority of development carried out during the Local Plan period, including development of new residential properties, new employment and commercial development, and tourist and leisure facilities.

19.1.6 The Local Planning Authority appreciates that the delivery of new homes and jobs needs to be supported by necessary infrastructure, including a wide range of transport options, utilities, and community facilities. Throughout the consultation of this Local Plan, this issue has been of particular concern to our residents and businesses. The Local Planning Authority has commissioned an Infrastructure Delivery Plan (IDP), to inform the Local Plan, based on other evidence work; studies prepared for the Garden Communities; relevant, topic based national and local studies; and discussions with infrastructure providers. The IDP will sit alongside this Plan and provide specifics on the main items of infrastructure required for larger sites, when they are likely to be provided and who will pay for them. Additionally, the policies within Chapter 9 of this Plan highlight essential pieces of site specific infrastructure as relevant for certain sites.

The broad categories of necessary infrastructure covered in the IDP include:

- Water and drainage - water supply, waste water, flood risk management and resilience, and water quality.

- Energy - electricity, gas and renewable energy.
- Communications - broadband coverage and provision.
- Leisure and green infrastructure - sport, open space and community facilities.
- Education - early years and childcare, primary, secondary, further education, and higher education.
- Health - hospitals, health centres, GP surgeries, dentists, public health and preventative health care.
- Transport - highways, cycle and pedestrian facilities, rail, bus, park and ride, travel management and car parking.

19.1.7 Infrastructure and community facilities are mainly provided by partner agencies and service providers, such as water and energy provision by the utility companies; highways and social services by Essex County Council; education by a range of public and private sector providers; healthcare services and facilities by the North East Essex Clinical Commissioning Group and National Health Service England Midlands and East (NHSE) England. The IDP identifies the different investment and development time scales for these providers allowing us to work with them to help deliver a co-ordinated approach to new infrastructure delivery.

19.1.8 Telecommunications and digital infrastructure technologies are evolving rapidly, and proposals will need to enable sites to access high quality digital infrastructure including fibre and wireless services (5G and Long Term Evolution i.e. successor technologies) which are accessible from a range of providers.

19.1.9 Developers will be expected to contribute towards meeting appropriate infrastructure costs, having regard to overall consideration of viability. This will include contributions to both on-site costs and strategic off-site infrastructure costs. Contributions will be secured under S106 of the Town and Country Planning Act 1990 (as amended) and/or secured through a Community Infrastructure Levy (CIL) as appropriate. CIL will complement and not duplicate planning obligations. A CIL charging schedule linked to this Plan would stipulate a charge, per square metre of gross internal floorspace, for relevant classes of development. A proportion of CIL funds would be passed to Parish/Town councils.

19.1.10 In the event that essential infrastructure cannot be appropriately delivered to support new development despite best efforts to secure it, this policy will be used to restrict development from being commenced or, in certain cases, from being permitted, in the absence of proven infrastructure capacity. When infrastructure cannot be provided within, or is not appropriate to be located on, the development site itself, developers will be expected to make a contribution to the cost to provide what is necessary to support new development.

19.1.11 Policy DI1 below sets out generic infrastructure requirements for new development within the District.

Policy DI1

INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION

All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity, as is required, will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include (not exclusively):

- a. financial contributions towards new or expanded facilities and the maintenance thereof;
- b. on-site construction of new provision;
- c. off-site capacity improvement works; and/or
- d. the provision of land.

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Developers and land owners must work positively with the Local Planning Authority, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with published policies and guidance. Exceptions to this policy will only be considered whereby:

- a. it is proven that the benefit of the development proceeding, without full mitigation, outweighs the collective harm;
- b. a fully transparent, open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum appropriate level of developer return and land owner receipt necessary for the development to go ahead, having regard to Planning Practice Guidance and noting that this will be lower for any affordable portion of the development,
- c. full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts; and
- d. obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.

The Council may consider introducing a Community Infrastructure Levy (CIL) and may implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL. For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.

This Policy contributes towards achieving Objective 4 and 5 of this Local Plan.

Appendix – 20

20 Norwich to Tilbury- statutory public consultation by National Grid Energy Transmission Limited.

20.1 Thank you for consulting and providing briefing sessions for Essex County Council (ECC), councillors and officers in relation to the 2024 preferred route draft alignment and detailed design for the proposed nationally significant infrastructure project (NSIP) Norwich to Tilbury (N2T). ECC welcomes first sight of the draft Order limits and Preliminary Environmental Impact Report (PEIR). However, ECC retains our position of having strong ‘in-principle’ objections which have not been addressed.

Project description: a new 400 kV electricity transmission connection of approximately 184 kilometre (km) overall length from Norwich Main Substation to Tilbury Substation via Bramford Substation comprising:

- approximately 159 km of new overhead line supported on approximately 510 steel lattice pylons (approximately 50 m in height) some of which are gantries (typically up to 15m in height) within proposed cable sealing end (CSE) compounds, or existing or proposed substations.
- approximately 25 km of 400 kV underground cabling through the Dedham Vale Area of Outstanding Natural Beauty (AONB). In Essex, the proposed alignment crosses the border north from Suffolk into Colchester, running east of Langham and crossing the A12 into Tendring. Once in Tendring, it would run east to the Tendring Peninsula, pass north of Ardleigh, and cross the railway to the site of the proposed new connection node.
- six new CSE compounds, each with a permanent access, to connect the overhead lines to the underground cables.
- a new 400 kV East Anglia Connection Node (EACN) substation, with a new permanent access, on the Tendring Peninsula.
- substation extension works at the existing Norwich Main, and Bramford substations and works within the existing Tilbury Substation to connect and support operation of the new transmission connection; and
- temporary works associated with construction, mainly haul roads and construction compounds.

20.1.1 As part of this statutory consultation, ECC has reviewed its previous grounds for objecting in principle to the strategic proposal for N2T. ECC understands that no changes have been made to the strategic proposal and it remains reliant on onshore reinforcement technology that predominately includes the construction of OHL and pylons, and a programme delivery date of 2030. ECC acknowledges that changes have been made to the 2024 preferred draft alignment in response to comments made as part of previous non statutory consultation and has reviewed its technical objections accordingly.

20.1.2 ECC would take this opportunity to reiterate our adopted nationally significant infrastructure policy¹ position that states we will only support NSIPs that create resilience in Essex and not those that exacerbate existing or create new vulnerabilities. This applies to NSIPs in isolation or cumulatively with other development. ECC would take this opportunity to remind NGET of its overarching and unwavering commitment to deliver sustainable growth that reduces geographical inequalities to economy, environment and health and wellbeing of communities across Essex.

20.1.3 ECC is unable to conclude that there is sufficient information in the 2024 statutory consultation documents to be certain about how much additional electricity transmission capacity is required in the east, and by what date, to evidence the strategic proposal for N2T or a programme delivery date of 2030.

20.1.4 Like most nationally significant energy transmission infrastructure projects, N2T will deliver very little local benefits unless NGET specifically creates social value at all stages of the project lifecycle. ECC also expects a financial package of community benefits that is separate to social value. ECC can find no reference in the 2024 statutory consultation documents to local social value or community benefits. ECC must therefore maintain its in-principle objection to N2T on the following grounds, which are discussed in more detail below:

- I. Object to the lack of evidence provided by NGET to support the need and timing of N2T by 2030.
- II. Object to NGET undertaking an accelerated programme of consultation to meet an uncertain 2030 programme delivery date on what ECC considers to be a predetermined strategic proposal and 2024 preferred draft alignment using predominately harmful OHL and pylon technology, and prior to the conclusion of the Offshore Coordination Support Scheme (OCSS) and conscious consideration of Hiorns Smart Energy Network Report (November 2023) and Electricity Systems Operator (ESO) East Anglia Study Report (March 2024).
- III. Object to the lack of consideration by NGET to the creation of beneficial social value outcomes in Essex that relate to reducing geographical inequalities in education, skills, supply chain, employment, and climate action.
- IV. Object to the lack of any consideration by NGET to a package of financial benefits for local communities in Essex to support equity of engagement in the development consent process and that recognises the vital role that local communities have in hosting energy infrastructure in the national interest of securing cheaper, greener, and more secure electricity.

20.1.5 ECC also maintains a technical objection to the lack of assessment by NGET in relation to the impact and likely significant effects (LSE) from the strategic proposal (2024) preferred route to the principles of an allocated and post planning committee application for Dunton Hills Garden Village: the viability impact in relation to affordable housing and community infrastructure delivery in and around Dunton Hills and the delivery of the Brentwood Local Plan and emerging Basildon Local Plan. ECC would also add an additional technical objection to the lack of baseline evidence in the PEIR to fully understand the impacts and LSE of N2T, which are discussed further below. Further, no information is provided by NGET on compulsory acquisition for the purposes of land rights for access, construction, operation, or mitigation, which includes compensation.

20.1.6 NGET did not consult ECC or any key local stakeholder about its strategic proposal prior to pre-application and have made very few changes to the 2022 preferred draft alignment. ECC accepts that N2T has critical national priority (CNP) infrastructure status to meet legally binding net zero targets and to provide affordable and secure energy, but ECC expect the assessment principles outlined in Section 4 of National Policy Statement EN-1 (overarching principles) and Section 2 of National Policy Statement EN-5 (electricity networks infrastructure) to be applied. ECC does not consider that NGET have provided sufficient detail in the PEIR or shown how all LSE would be avoided, reduced, mitigated, or compensated for using the mitigation hierarchy.

20.1.7 In a letter to NGET dated 1 March 2024 (Appendix 9) ECC requested that NGET 'pause' its statutory consultation due to the lack of constructive engagement in the preliminary

environmental impact assessment work that has been used to inform the PEIR. ECC remains of the opinion that statutory consultation is premature and are further concerned at what appears to be an accelerated and narrow programme of engagement for the 2024 preferred draft alignment that is dependent on a single statutory consultation.

20.1.8 ECC does not consider that the PEIR provides sufficient baseline information to fully understand the LSE of N2T, either in isolation or cumulatively with other energy NSIPs or large-scale development. Further that NGET did not provide adequate information or timescales prior to statutory consultation for ECC or other host local authorities to consider and respond to the environmental assessment methodologies or proposed mitigation that has then been included in the PEIR. Conversely, the same concern applies to NGET that they did not give sufficient time prior to statutory consultation to constructively consider any comments that ECC were able to make about the PEIR. The inadequacy of consultation and the poor quality of the PEIR, which ECC notes does not include any detail on haul roads and associated development, is to the detriment of statutory consultation. ECC considers that to meaningfully influence the design or mitigation required to minimise the impacts and maximise the benefits from N2T for local people, business, and place that an additional round of statutory consultation is required. Otherwise, how does ECC or local people feed into the development consent process of commenting on the design, assessment, and mitigation, which should include compensation that is required with little to no information on key issues.

20.1.9 ECC welcome reassurance from NGET that more stringent project management is now in place for environmental assessment but would once again highlight the need for clear and comprehensive environmental assessment that provides local authority partners with meaningful opportunity to constructively engage with the assessment and mitigation of local impacts. This should include robust application of the mitigation hierarchy, including compensation and consideration of post consent impact monitoring, management, and auditing. Due to the substantive and ongoing concerns about inadequate engagement prior to statutory consultation and the large volume of assessment work still required, ECC considers that additional statutory consultation is essential to ensure robust environmental impact assessment and a high-quality development consent application. Without additional consultation, ECC could only conclude that it has not been given meaningful opportunity to influence the design or mitigation required to minimise the impacts and maximise the benefits from N2T for local people, business, and place.

20.2. ECC's in principle objection to the strategic proposal for N2T

20.2.1 ECC welcomed further information that supported greater transparency on the assessment of need for additional electricity transmission capacity in the south east, and the appraisal of strategic options to meet this need was provided in the Design Development Report (June 2023) and Strategic Options Back Check and Review (June 2023). ECC understands that this work was undertaken by NGET prior to the first round of non-statutory consultation in 2022 and informed by ESO's assessment of future transmission requirements and network capability, as detailed in the 10 Year Electricity Statement 2022 and refreshed Network Option Assessment 2021/22 (NOA). ECC notes in paragraph 4.2.5 of the Design Development Report (April 2024) that the Strategic Options Back Check and Review (April 2024) remains materially unchanged from the 2023 iteration. ECC can only conclude that the strategic proposal has not changed, and the 2024 preferred route remains substantively the same as in 2022.

20.2.2 ECC maintain that there are significant uncertainties and sensitivities around the need and timing of N2T that would have been evident to NGET and ESO during the appraisal of

strategic options and choice of strategic proposal in 2022, and that these still remain in 2024. This is a position that is further supported by Hiorns Smart Energy Network Report (November 2023) and the ESO's East Anglia Study Report (March 2024).

- 20.2.3 In considering its in principle objection to N2T, ECC accepts that NGET has reviewed the strategic proposal and 2024 preferred route against the new national policy statements for energy that were published in November 2023, and its existing connection contracts. ECC understands that NGET has contracts with offshore wind developers at North Falls and Five Estuaries, and with Tarchon Energy for an interconnector with Germany that require connection at the proposed new EACN substation in Tendring by 2030. ECC do not consider that NGET have provided any new evidence in its 2024 statutory consultation to refute the conclusion of the Hiorns report that N2T is not needed by 2030. ECC would also continue to challenge ESO's assumption that 100% of contracted projects in the east will be successfully awarded Contract for Difference and require connection to the network by this date.
- 20.2.4 It is not clear beyond the existence of these contracts why N2T was included in the government's Accelerated Strategic Transmission Investment (ASTI), which then made it out of scope for Holistic Network Design (HND) as part of the Offshore Transmission Network Review (OTNR). ECC remains concerned that N2T has been scoped out of HND and into the OTNR Early Opportunities workstream without reasonable justification. ECC can find no mention of this issue in the 2024 statutory consultation, despite it being raised in the previous 2nd round of non-statutory consultation. An explanation is needed.
- 20.2.5 ECC are concerned that NGET have proceeded with statutory consultation on a strategic proposal and 2024 preferred draft alignment for N2T without providing any evidence to dispute the conclusions around need and timing made in the Hiorns report and prior to any meaningful outcome from the OCSS, which includes the proposed offshore wind developments at North Falls and Five Estuaries and the Tarchon Interconnector. There is little information available on Early Opportunities, including the OCSS, but ECC is aware how complex contractually the coordination of North Falls, Five Estuaries and Sea Link would be. Nevertheless, in the absence of any meaningful output from OCSS being available, ECC can only conclude that NGET cannot have conscientiously considered the ESO's East Anglia Study Report (March 2024) prior to statutory consultation.
- 20.2.6 It remains unclear how ESO can be considering network options for electricity transmission in the east that are based on the premise that OCSS will conclude with the successful coordination of North Falls and Five Estuaries connecting into the proposed offshore electricity transmission infrastructure provided by Sea Link, whilst in parallel NGET are continuing with promoting a network option and preferred route for onshore electricity transmission infrastructure in the east that it argues is needed to support connection contracts with North Falls, Five Estuaries and Tarchon by 2030. This further adds to the concerns of ECC that the strategic option and choice of strategic proposal has been predetermined and will remain an example of the uncoordinated and inefficient approach to energy transmission that the previous administration, which had cross party consensus, accepted requires urgent improvement and was reviewing.
- 20.2.7 ECC wishes to reiterate that its preferred strategic option for N2T remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include OHLs and pylons. ECC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.

20.3. Social value and community benefits

20.3.1 ECC considers N2T will have residual impacts that adversely affect the local economy, environment and health and wellbeing of communities in Essex that cannot be sufficiently mitigated or compensated through the planning regime. Furthermore, that N2T will deliver significant benefits at the national level, but not at the local level, which is unacceptable.

20.3.2 ECC considers that the likely beneficial socio-economic effects from N2T should be significant and have not been fully assessed by NGET. N2T would be one of a number of energy NSIPs located in or neighbouring Essex that are required to provide secure, clean, and affordable energy as part of the transition to net zero. Given the national and local skills shortage to deliver these ambitions, the benefits to education, skills, and employment from N2T during construction and operation, alone and cumulatively with other NSIPs, is significant and should provide benefits across Essex, with a particular focus on its areas of greatest deprivation.

20.3.3 ECC stated in its response to NGET's second round of non-statutory consultation that as part of statutory consultation and in accordance with ECC's NSIP policy, it required NGET to undertake a social value self-assessment and to submit a Social Value Statement (SVS). This statement would explain how NGET will work in partnership with ECC to ensure that the design, procurement, and construction of every stage of N2T improves the economic, environmental, and social wellbeing of local communities in Essex. ECC's main social value priorities are centred around the support of entry level employment, local employment, employment of disadvantaged groups and environmental measures to address both the climate and environment.

20.3.4 ECC notes that the 2024 consultation does not contain a SVS or any information about how NGET will ensure benefits from N2T, both direct and indirect, are maximised from all possible sources, or how the cumulative effects of N2T have been assessed in relation to other energy NSIPs. The absence of any reference to social value is to the overall detriment of N2T and the local economy, environment and health and wellbeing of communities across Essex. There are significant socio-economic disparities between local communities across Essex, particularly in relation to the equity of opportunity to access education, skills, and employment opportunities from the growth of the energy sector in Essex, and ability to adapt to climate change. ECC considers the absence of NGET directly providing social value through N2T would exacerbate these disparities and that this constitutes an unacceptable LSE.

20.3.5 The construction of N2T will result in an increased demand for the skills necessary to deliver the pipeline of nationally significant and major infrastructure projects that are proposed in Essex or neighbouring counties. Given a national and local skills shortage, ECC would welcome working with NGET and other stakeholders to develop an infrastructure skills base for the East. This base will be required to understand and practically address potentially national and local skills shortages, whilst also mitigating any potential further impact that could disrupt infrastructure delivery and/or adversely affect the local labour market. ECC expect that long term opportunities for local people to access the necessary education, skills, supply chain and employment on the construction and operation of N2T and/or other energy infrastructure projects are maximised. This will require NGET to agree meaningful and timely investment in further education, apprenticeships and with local training providers. ECC would further welcome working with NGET and other stakeholders to find high-quality suppliers to the main contractors for N2T, as well as stimulating readiness and competitiveness within the supply chain for other nationally significant and major infrastructure projects.

20.3.6 ECC notes the potential for N2T and other energy NSIPs to provide power to local people and place in support of sustainable economic growth. ECC can find no reference in any of the 2024 consultation documentation to the energy transmitted through N2T being used locally.

20.3.7 ECC is aware of the content of the scoping opinion for the environmental impact assessment but would remind NGET that scoping is not static and strongly encourage it to move beyond such a narrow focus in its assessment work and commit to identifying opportunities to maximise local social value benefits. In accordance with ECC's NSIP policy, ECC expects N2T to provide a positive legacy beyond construction, but also wants to ensure that its local communities benefit directly from hosting energy transmission infrastructure that supports national objectives.

20.3.8 ECC would welcome working in partnership with NGET to plan and deliver a generous and innovative community benefits package for N2T. This should include any emerging requirements from the former government's draft community benefits guidance for electricity transmission network infrastructure and explore opportunities to coordinate with other energy NSIPs and major infrastructure projects.

20.4. Dunton Hills Garden Village (DHGV), Basildon and Thurrock – the outstanding need for assessment and consideration of rerouting or undergrounding

20.4.1 ECC consider that the 2024 preferred draft alignment is contrary to the principles of good design and impact mitigation for energy infrastructure as required by NPS EN-1 and NPS EN-5 and is also contrary to garden community principles of Policy R01: Dunton Hills Strategic Allocation of the adopted Brentwood Local Plan 2016 – 2033. Further ECC considers that the 2024 preferred draft alignment materially undermines the local plan-making process in Basildon, Brentwood, and Thurrock to the detriment of housing and infrastructure delivery.

20.4.2 ECC accepts that N2T has CNP infrastructure status but expects the assessment principles outlined in Section 4 of NPS EN-1 and Section 2 of NPS EN-5 to continue to apply. ECC does not consider that the PEIR meets the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 in describing the aspects of the environment likely to be significantly affected by N2T. This includes likely significant cumulative effects.

20.4.3 ECC welcomes NGET assurances that it has developed N2T having regard to national and local policy but would challenge the assertion that '...the project has been designed to avoid planning applications and local plan allocations, where practicable, to reduce the potential effects on land planned for future development' (paragraph 15.8.16 of the PEIR). Dunton Hills and West Basildon have not been adequately considered in relation to an area designated as an allocated Garden Community which is being planned to meet the highest Town and Country Planning Association (TCPA) Garden Town standards.

20.4.4 The 2022 preferred draft alignment was system engineered and NGET had little to no regard for the Brentwood Local Plan, or it could not have failed to miss the allocation of a Garden Village and a strategic housing allocation at Dunton Hills, or the outline planning application to develop 75% of the site that had been submitted in 2021 and was subsequently considered by Brentwood Borough Councils Planning Committee in November 2023 (planning application reference: 21/01525/OUT). NGET were made aware of DHGV by ECC and local authority partners at Brentwood Borough Council and Basildon Borough Council during the first round of non-statutory consultation in 2022.

- 20.4.5 ECC strongly refutes NGET's repeated inference throughout the 2024 statutory consultation and in previous discussions that N2T would have no LSEs on housing and infrastructure delivery in the East Housing Market Area. There is no evidence to support this assertion and ECC would defer to local authority partners Basildon Borough Council, Brentwood Borough Council and Thurrock Council who have provided detailed rebuttal to such claims.
- 20.4.6 Paragraph 15.6.33 of the PEIR briefly mentions that DHGV is allocated in the Brentwood Local Plan as a garden village. The PEIR in total mentions DHGV 16 times and the Design Development Report 2024 (DDR 2024) 10 times, but nowhere in any of the consultation documentation is there a description of this garden village. Paragraph 4.7.8 of EN-1 advocates the consideration of design guidance developed by the local planning authority. Neither document makes any reference to consideration having been given to Policy R01 of the Brentwood Local Plan or the associated DHGV Supplementary Planning Document (SPD), which describes in detail the extensive work that has been undertaken at the national and local level to plan, design and develop a viable garden village.
- 20.4.7 The same documents are also silent on the strategic importance of DHGV for housing delivery, including affordable housing, and supporting infrastructure, in Brentwood, Basildon and the South Essex Housing Market Area. ECC would have expected all preferred draft alignment to have been informed by the relevant local development plans and specifically in relation to Basildon, the absence of an up-to-date local plan and five-year housing land supply.
- 20.4.8 It follows that from the outset the 2022 preferred draft alignment and all subsequent minor changes in 2023 and 2024 are contrary to Holford Rule 7, which states that a new high-voltage route alignment should only be chosen after consideration has been given to the effects on the amenity of '...existing development and proposals for new development.' Holford Rule 7 further states that when a new line needs to pass through a 'development area' it should be routed to minimise as far as possible effects on development. In this instance the route should be placed underground.
- 20.4.9 ECC notes that the changes from the 2022 preferred draft alignment through to 2023 and 2024 alignments have been made in response to the two rounds of non-statutory consultation and that DHGV is cited throughout the statutory consultation as being in an area where NGET have made '...the most extensive ...' changes. ECC understands the 2024 preferred draft alignment has been repositioned north of pylon TB225 to run more closely along the eastern edge of an existing gas pipeline. ECC accepts that the 2024 preferred draft alignment is intended to '...reduce interaction with Dunton Hills...' (paragraph 5.4.212 of the DDR 2024) but it is not clear how this change addresses compliance with the Holford Rule 7, or the general presumption in the Holford Rules against routing overhead lines close to residential areas?
- 20.4.10 Brentwood Borough Council have undertaken extensive viability assessment work as part of Policy R01 and its entire local plan. Basildon and Thurrock, whilst at different stages in plan-making, will be undertaking similar due diligence. Despite being consulted during plan making, at no point did NGET make Brentwood Borough Council aware of N2T. This is a subsequent material change to the allocation and planning committees' consideration of DHGV in accordance with Policy R01 and the corresponding Infrastructure Delivery Plan.
- 20.4.11 ECC appreciate that NGET want to ensure a consistent approach to the assessment of impacts in relation to existing and potential future housing for N2T across all three host counties. ECC would take this opportunity to highlight the commitment of the Chancellor in her maiden speech to housing building in driving economic growth. ECC accepts that

Reeves also offered support for energy projects 'already in the system' but N2T is one of seventeen projects required as part of the Great Grid Upgrade. It is inevitable that development viability will become an issue for NGET again, especially given the extent of the great Grid Update. ECC does not want to endorse poor precedence in resolving this issue.

20.4.12 ECC consider that the choice by NGET to take forward a 2022 preferred draft alignment that had been systems engineered with little or no regard for local development plan policy at DHGV demonstrates a fundamental lack of due diligence and one that has severely limited the proposed evolution of the design and application of the mitigation hierarchy since. ECC is not aware of an allocated garden village anywhere else along the 2024 preferred draft alignment. Dunton Hills is one of a small number of the 14 Garden Communities that is included in Homes England's national Garden Communities Programme to be both allocated and consented.

20.4.13 To such an extent that NGET are still to this date, unable to articulate how it has assessed the LSEs from OHL and pylons to the principles of a garden village; to land value or property prices at DHGV; to the viability of affordable housing and supporting infrastructure in and around Dunton Hills, or to the ability of Brentwood Borough Council to deliver Policy R01 and its local housing and infrastructure requirements that underpin its local plan. The PEIR and the DDR 2024 make no reference to the impact of OHL and pylons on land value or property prices in Basildon or Thurrock, or the ability of those local authorities to allocate and deliver viable strategic housing sites.

20.4.14 ECC would reiterate that NGET should give significant weight to the planning significance of Policy R01 and the overall viability of affordable housing and supporting infrastructure provision in the adopted Brentwood Local Plan when considering good design and the application of the mitigation hierarchy, including compensation. Further significant weight should also be given to the planning significance of Brentwood's Planning Committee consideration of the outline permission for the development of DHGV. In accordance with EN-1 and EN-5, this includes full justification for residual impacts. ECC would draw NGET's attention to the Agent of Change principle in Paragraph 193 of the National Planning Policy Framework.

20.4.15 Paragraph 5.4.214 of the DDR 2024 explains why, despite identifying residual landscape and visual impacts, NGET have not chosen to design or cost the use of underground cabling at DHGV as the alternative mitigation. ECC understand that underground cabling was not designed or costed because NGET do not consider it is required by NPS EN-5 as '...(“it is not subject to designation as AONB or similar”), the ability for detailed masterplanning to reduce potential visual effects and the additional cost implications...and potential loss of development land...' [sic] It is not clear what NGET mean by masterplanning and whether this would require a revision to the approved DHGV masterplan? ECC would reiterate that it's objection to OHL and pylons at DHGV is not based principally on the grounds of visual or amenity impact to individual dwellings, or to just the 19.5 ha part of the site that relates directly to the draft Order limits.

20.4.16 As stated in paragraph 3.2.4 of NPS EN-1, it is not the role of the planning system to compare '...costs...' but ECC does understand that NGET have a commitment through its electricity transmission licence to justify the construction of N2T to the energy regulator (Ofgem) on economic and efficiency grounds. In considering what is economic and efficient, paragraph 3.3.78 of EN-1 states that: 'In considering the 'economic and efficient' approach the network project needs to follow good design, avoidance, and mitigation principles...as referenced in EN-5.'

- 20.4.17 In reviewing the DDR 2024 against Section 4.7 – Criteria for good design for energy infrastructure in NPS EN-1, ECC considers that the visual appearance of N2T and how OHL and pylons will relate to the landscape in and around DHGV is one of the most important factors in NGET being able to demonstrate good design. ECC has seen no evidence that good design has been embedded within the development of N2T at DHGV and is not aware that any design principles have been established, and certainly not from the outset for N2T to guide the design development from conception to operation.
- 20.4.18 OHL and pylons offer no potential to enhance the quality of the landscape or the amenity of DHGV. This will degrade the principles of a Garden Village and is highly likely to lead to a reduction in current and future land value and property prices, which will be to the detriment of viable housing and infrastructure delivery. NGET are not exempt from the duty to balance route selection with good design and impact mitigation. Clearly placing the route underground for the length this runs through the Garden Village would provide the good design principle and minimise the impact.
- 20.4.19 ECC does not consider that the minor changes to the draft alignment so far and refusal to design and cost an underground alternative meet the policy objective for good design in national or local planning policy. Contrary to paragraph 4.7.8 of EN-1, ECC can find no evidence that NGET have considered Policy R01 and design guidance in the SPD and approved masterplan for DHGV or have taken independent professional advice on the 2024 preferred draft alignment at DHGV. In the absence of any assessment by NGET, ECC consider only re-routing away from DHGV or undergrounding would be sufficient to demonstrate good design. ECC would suggest that the Design Council is asked to provide a design review of the N2T route at DHGV.
- 20.4.20 ECC understands that NGET will need to agree or acquire compulsory acquisition powers for land and access rights owned by CEG Land Promotions Limited (CEG) at DHGV as part of its application for development consent. It is widely accepted that land subject to the development of OHL and pylons reduces its value and profit that can be made from developing land for housing and mixed uses. ECC has read the two Representations made to NGET by CEG in relation to previous rounds of non-statutory consultation in 2022 and 2023.
- 20.4.21 It is not clear from the 2024 statutory consultation how NGET would demonstrate adherence to the relevant compulsory acquisition ‘tests’ set out in the Planning Act 2008 and accompanying guidance. This would include an assessment of public benefit and private loss. In discussions prior to statutory consultation, NGET explained that it had not identified a requirement to consider public-private cost balancing and that its land agent would typically negotiate land rights once a final preferred alignment was chosen.
- 20.4.22 ECC understands the NGET undertook no consideration of land rights as part of the strategic optioneering process that formed the basis of deciding the 2022 preferred draft alignment. However, the two representations made previously by CEG state that NGET have engaged in discussions since as part of the 2022 and 2023 non statutory consultation. To the extent that CEG highlight the failure by NGET to consider the costs that would be associated with compulsory acquisition of land and rights at DHGV. ECC is aware that NGET recently signed a non-disclosure agreement with CEG in relation to DHGV.
- 20.4.23 If NGET have engaged in discussions with CEG about land rights this would imply that it has chosen a final preferred alignment for N2T. It follows that there would be a requirement to undertake an assessment of public benefit and private cost as part of negotiations, even if land and rights are eventually negotiated on a voluntary basis. ECC requests that NGET

provides confirmation on the timing and sequencing of the negotiations it has had with CEG relating to land rights and the potential undergrounding of existing electricity transmission infrastructure at DHGV. ECC notes on paragraph 2.6.4 of NPS EN-5 that where compulsory acquisition rights are sought, permanent arrangements are strongly preferred over voluntary wayleaves. ECC strongly advocates this position as it provides greater reliability, economic efficiency and reflects not just the importance of delivering CNP infrastructure, but the need for robust assessment and the application of the mitigation hierarchy which should include compensation (paragraph 2.6.6 of NPS EN-5)

20.4.24 ECC do not consider that NGET have understood or assessed the LSEs of N2T to DHGV, in isolation or cumulatively, correctly in any of the 2024 statutory consultation documentation and so can only disagree with the preliminary effect and level of significance relating to that effect cited in Table 15.18 – Potential Preliminary Effect on Planning and Development within the Local Study Area. ECC do not consider that NGET could demonstrate due process has been followed in establishing economic and efficiency grounds as it cannot demonstrate good design, the assessment of impacts or the application of the mitigation hierarchy, including compensation to sufficiently justify what increasingly sounds like a predetermined argument suggesting that underground cabling would not be supported by Ofgem due to cost. Further, ECC do not agree that NGET can reasonably argue that underground cabling is not economical without having first assessed the impact of the 2024 preferred draft alignment correctly, which should include the potential cost of acquiring land and rights and the application of the mitigation hierarchy, including compensation for prejudicing the delivery of affordable housing and supporting infrastructure in and around DHGV and the delivery of Brentwood Local Plan.

20.4.25 ECC does not consider that there is an inherent conflict between national energy and housing policy or national energy and local plan policy that cannot be overcome through robust assessment and application of the mitigation hierarchy, including compensation.

20.5 ECC Transportation and Highways, including Public Rights of Way (PRoW)

20.5.1 ECC is the local highway authority for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. ECC has made extensive comments in relation to the PEIR, which have been summarised below but should be read in full at Appendix 1 and should be addressed in full by NGET.

20.5.2 The PEIR does not contain sufficiently detailed baseline information or robust impact assessment to understand the construction impacts and LSEs from N2T fully on the local highway network, including PRoW. This is contrary to the impact assessment principles of NPS EN-1, NPS EN-5 and the requirements of the secondary legislation and guidance determining environmental impact assessment for NSIPs. Due to lack of information, ECC is unable to agree with the conclusions of the PEIR in relation to highways and transportation.

20.5.3 ECC is concerned that the PEIR contains no information on vehicle numbers, which undermines any conclusions it makes on the assessment and mitigation of LSEs, including in combination and cumulative effects. Further concern relates to the apparent under assessment of vehicle movements, including monitoring and management of traffic flow and safety. The PEIR contains little to no information about the monitoring, management and auditing of impacts and LSEs from construction traffic or information relating to temporary associated development.

- 20.5.4 Despite repeated requests, NGET have refused to provide a separate PRow chapter in the PEIR, with the assessment of impacts spread over four separate chapters. ECC continues to disagree with this approach as it making reviewing the in-combination and cumulative LSE on PRow considerably more difficult. This is of particular concern and frustration given the LSEs from N2T on the PRow network. Given the LSE to the PRow network, ECC would be expect significant improvements to be provided by NGET as mitigation.
- 20.5.5 The PEIR does not provide sufficiently detailed assessment of in-combination LSEs from N2T or cumulative LSEs with other proposed or consented major development. This includes but is not limited to the construction of Phase 2 of the Chelmsford Bypass, and the planned upgrade to the A12.
- 20.5.6 ECC does not support the use of some proposed access locations, which NGET will need to address, and requests further information is provided in relation to the need for road widening and bridge strengthening.
- 20.5.7 The proposed working hours is far beyond what would ordinarily be accepted as reasonable. In the interests of residential amenity, ECC does not agree with working after 13:00 on Saturday or to working on Sunday or Bank and Public Holidays.
- 20.5.8 Consideration is needed around the process for ECC to recover costs for any damage to the local highway network from the construction of N2T.
- 20.5.9 ECC would welcome working with NGET to identify what legacy benefits are achievable where there is interaction between the proposed on-site haul road and DHGV sustainable transport corridor. This could result in temporary development being made permanent and delivered earlier in the development phasing, which would reduce the impact of HGV movements on the site, as well as supporting local infrastructure development. ECC acknowledges that this would subject to NGET obtaining land acquisition agreement from the land owner and requires environmental assessment. ECC would reiterate the point that in the absence of any assessment undertaken by NGET or consideration given to the design and cost of undergrounding at DHGV, it can only conclude that to mitigate the LSEs of the 2024 preferred draft alignment that N2T should be undergrounded for the entire length of DHGV.

20.6 ECC Minerals and Waste (MWPA)

- 20.6.1 ECC is the minerals and waste local planning authority for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. ECC has made extensive comments in relation to the PEIR which can be read in full at Appendix 2 and should be addressed in full by NGET.
- 20.6.2 The currently proposed route alignment has resulted in the application site still passing through various Minerals Safeguarding Areas, Mineral Consultation Areas, and Waste Consultation Areas. The MWPA are currently engaged in a Review on its Minerals Local Plan (MLP), which involved a Call for Sites exercise where respondents put forward land in their ownership for consideration for allocation for future extraction. The MWPA welcomes the discussions it has had with NGET about the two Candidate Sites that contain valuable and finite silica sand deposits and would potentially be impacted by the 2024 preferred draft route.
- 20.6.3 It is noted that paragraph 5.11.28 of EN-1 states that 'Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources'.

Active extraction sites are within the MSA and so ensuring the ability of these sites to operate in accordance with their planning permission and therefore make their quantified contribution to the strategic supply of minerals to Essex and beyond is therefore a material planning consideration. The MWPA would also remind NGET of the Agent of Change principle in Paragraph 193 of the National Planning Policy Framework when assessing the continued extraction of minerals. However, we would reiterate that no decisions have been made on Candidate Sites for the inclusion in the MWLP at this stage and would encourage NGET to continue its engagement with minerals site owners.

20.6.4 In the previous non-statutory consultation, the MWPA have requested the submission of Minerals Infrastructure Impact Assessments (MIIA), Waste Infrastructure Impact Assessments (WIIA) and Minerals Resource Assessments (MRA). Subject to the satisfactory completion of these assessments as part of the pre-application stage and continued engagement with the MWPA, there are no principal areas of disagreement.

20.7 ECC Sustainable Urban Drainage Systems (SuDS)

20.7.1 ECC is the lead local flood authority for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. ECC SuDS does not raise any principal areas of disagreement with NGET.

20.7.2 ECC SuDS can be read in full at Appendix 3 and should be addressed in full by NGET.

20.8 Essex Place Services – Arboriculture, Archaeology, Ecology, Historic Buildings and Landscape

20.8.1 Essex Place Services (EPS) provides environmental consultancy support to ECC for arboriculture, archaeology, ecology, historic buildings, and landscape for any part of the 2024 preferred draft alignment that is within the administrative boundary of Essex. EPS has made extensive comments in relation to the PEIR, which should be read in full at Appendix 4 and addressed in full by NGET.

20.8.2 ECC are concerned that EPS have highlighted that the PEIR does not contain sufficiently detailed baseline information or robust impact assessment to understand the impacts and LSEs from N2T, particularly in relation to archaeology, ecology, historic buildings, and landscape. This is contrary to the impact assessment principles of NPS EN-1, NPS EN-5 and the requirements of the secondary legislation and guidance determining environmental impact assessment for NSIPs. Further, ECC is concerned at the extent of outstanding assessment work still required, which does not benefit from any overarching programme to enable local authority resource planning. ECC does not consider that such an uncoordinated and patchy approach to environmental assessment for an NSIP of this size and scale when combined with a single round of statutory consultation is sufficiently robust to support a high-quality development consent application.

20.9 ECC Green Infrastructure (GI)

20.9.1 ECC's GI comments can be read in full at Appendix 5 and should be addressed in full by NGET.

20.10 ECC Climate

20.10.1 ECC Climate is eager to see that provisions are made and carried by NGET to first reduce, then sufficiently mitigate greenhouse gas emissions generated from the construction and operation of N2T and its associated development. The size and scale of N2T provides a unique opportunity to drive forward and demonstrate leadership in the construction industry in respect of climate change mitigation. Yet, NGET appears content

to draw from the most basic data set available to estimate the associated CO2e for N2T (PEIR; section 4.4.11). Due to the significance of N2T, it must be iterated that the most detailed calculations available for the project carbon emissions should be presented as part of the environmental impact assessment. This should also include an assessment of the impact of the construction and operation of N2T on ECC's ambitious net zero targets.

20.10.2 ECC Climate unit is optimistic about the climate mitigation measures which can be demonstrated through N2T from the perspective of mitigating climate change in construction and operation. To do this, NGET must address a series of measures that would deliver great mitigation of the climate impact of N2T. Although N2T aspires to contribute to the national drive to net zero through enhancing grid capability for renewable energy transfer, N2T must be strongly reviewed based on the impacts seen through construction and operation to ensure the best feasible development is achieved.

20.10.3 ECC Climate have made extensive recommendations that can be read in full at Appendix 6 and should be addressed in full by NGET.

20.11 ECC Public Health

20.11.1 ECC Public Health highlight the need for more robust health impact assessment and the need for NGET to focus on actively driving out maximum local benefits to the health and wellbeing of communities across Essex.

20.11.2 ECC Public Health comments can be read in full at Appendix 7 and should be addressed in full by NGET.

20.12 The removal of obsolete 132kV pylons

20.12.1 ECC considers that there are opportunities for N2T to facilitate the removal of 132kV pylon lines operated by UK Power Networks, to rationalise and improve the network resilience overall, whilst reducing the cumulative visual impact of energy infrastructure, and compensating for the additional LSE to landscape and amenity of the proposed new 400kV power lines.

20.13 The avoidance of all airfields in Essex

20.13.1 In the interests of amenity, national defence, and the aviation industry, N2T needs to ensure the continued and safe use of all airfields in Essex.

Appendix – 21

21. Transport Technical Review of Submission Documents

21.1 This Appendix forms the technical review and commentary on the transport documents within the submission.

21.1.1 Temporary Speed Reduction Plan [APP-023]

21.1.2 Drawing number 005105342-01 (sheet 1 of 3) shows a speed limit change on the B1035, the Council are of the opinion that a 40mph speed limit is preferable over a 30mph speed limit at this location due to the local context, and that the speed limit should be extended to the south to include AC-4. This would need to be reflected in an updated design of the access junction to include sufficient visibility for a 40mph speed limit.

21.1.3 In order to be helpful, the Council have quickly reviewed the updated Temporary Speed Reduction Plan – Revision B [AS-030] submitted 15th October 2024. In addition to the comments above, it is considered that the speed limit change on Golden Lane be extended approximately a further 60m to the east to cover all the residential properties.

21.2 Draft Development Consent Order [APP-024]

21.2.1 We are currently in discussions with the developer around Protective Provisions for the highway authority. The Protective Provisions for ECC have not been included as part of the draft DCO to date, and therefore have been omitted from this explanatory memorandum or any comments. If agreed the Protective Provisions will need to be included in the draft DCO. In addition, we require a Framework Highways Agreement to sit parallel to the DCO, including the Protective Provisions.

21.2.2 Appropriate requirements should be included in the DCO to ensure that necessary highway works are delivered prior to significant increases in HGV movements on the local highway network. The works to Bentley Road (Works No. 13 and 13A), inclusive of the footway / cycleway should be delivered prior to commencement of significant works to the north of the A120, inclusive of:

- Works No. 12/12A
- Works No. 14/ 14A/ 14B/ 14C/ 14D
- Works No. 15/ 15A/ 15B/ 15C/ 15D/ 15E
- Works No.16

21.2.3 All accesses are required to be delivered prior to commencement of works that would require more than minimal HGV traffic to access the site at that location.

21.2.4 Under Part 3 Streets, Article 12, Construction and maintenance of new or altered highway. The Council does not agree that we would be responsible for maintaining the highway from completion. The draft Protective Provisions provide for the Council maintaining the highway following 12 months maintenance period, however these PPs, have not been agreed to date. In any event the Council requires the highways to be maintained by the undertaker for a minimum period of 12 months from its completion.

21.2.5 Under Part 3 Streets, Article 14 the proposed timescales of 28 days is not considered to be acceptable; 56 days would be more appropriate to minimise inconvenience and to ensure coordination across the highway network.

21.2.6 Article 14 emits the cross referencing to Schedule 4 Part 1, which we understand is the intention of the Applicant to temporarily restrict the streets listed. Article 14 is subject to any additional streets that need to be restricted that would go through the process set out in Article 14.

21.2.7 The approval processes for highway works related to the temporary accesses is included within the CTMP. We have concerns that the process does not offer sufficient oversight over the design and implementation of the accesses, and concerns over the 28-day process for review as a consultee.

21.2.8 For the avoidance of doubt, it is required that all highway works covered by Part 3, Article 10, Article 12, Article 15 and Article 17 are approved by the local highway authority.

21.2.9 Part 3, Article 10 should be amended to include the following:

- If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 56 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.
- (4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.
- (5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4), then the provisions of paragraph (3) will not apply to that application.

21.2.10 It is recommended a requirement is included that includes the following:

Highway works.— (1) No work to construct, alter or temporarily alter any highway, including any new or existing means of access to a highway to be used by vehicular traffic, may commence until written details of design, layout and reinstatement of those highway works have been submitted to and approved by the relevant highway authority.

(2) The highway works must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).

(3) For the avoidance of doubt, all pre-commencement operations involving the construction or alteration of temporary accesses must be carried out in accordance with sub-paragraphs (1) and (2) unless otherwise agreed with the relevant highway authority

(4) Unless otherwise agreed with the relevant highway authority, the undertaker must—

(a) have carried out Stage 1 and Stage 2 road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 (Revision 2) of the Department for Transport's Design Manual for Roads and Bridges or any superseding Standard;

(b) agree with the relevant highway authority on a case-by-case basis the need for a Stage 3 and, where applicable, a Stage 4 road safety audit of any elements of the highway works authorised by this Order and, where so agreed, carry out such audit(s) in accordance with Standard GG 119 (Revision 2) of the Department for Transport's Design Manual for Roads and Bridges or any superseding Standard; and

(c) to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.

21.2.11 The application for works in the highway should utilise the Council's existing permitting process, found here: [Essex Permit Scheme | Essex County Council \(essexhighways.org\)](#) and for apparatus under the highway a Section 50 Street Works Licence is needed: [Section 50 Street Works Licences | Essex County Council \(essexhighways.org\)](#). Use of existing processes is likely to offer the simplest approach for delivery, giving the Applicant confidence in response times and programme, and surety in booking road space.

- 21.2.12 Under Schedule 2 Part 2 of the Draft DCO [REP1-008] this should also cover consents with the relevant highway authority.
- 21.2.13 ECC have previously entered into a Framework Highways Agreement with other DCOs, and would recommend a similar approach.
- 21.2.14 The Framework Highways Agreement operates in parallel to the DCO, including the CTMP. It sets out how the DCO will operate in line with ECC as the Highway Authority's current processes. Utilising processes that are already established within ECC for DCOs is expedient for both the development, as well as ECC as the Highway Authority.
- 21.2.15 There are omissions from the Protective Provisions in respect of ECC as the Highway Authority, if the PPs are included in the DCO as recommended. Some of the omissions are ancillary to the DCO and would fit within a Framework Highways Agreement, which sets out the details of how the order is exercised. For example, the engagement between the highway authority and the applicant, ECC would require an option of an initial meeting to discuss the design; provisions for site visit, if required; indemnities including levels and types of insurances to be held by a contractor undertaking highway works; and the consequences of the applicant failing to make good or reinstate the road during the maintenance period; and the highway authority's fees. These would be included in a Framework Highway Agreement to ensure that the development operates pursuant to the DCO and is in line with the procedure for ECC as Highway Authority
- 21.2.16 Whilst it is considered that the details of the road names within the Applicant's Schedules are the responsibility of the Applicant to ensure that they are correct. A review has been undertaken of the details within Schedule 3, and the following comments are included for consideration by the Applicant.

Schedule 3:

- Holland Haven Country Park car park access road is a private road with Manor Way also a private Road forming part of its length.
 - Short Lane is a private road.
 - The Golden Lane access track is a private road, but Thorpe Le Soken footpath 4 runs along it.
 - For Access BC and BD the road may be called Thorpe Road at this point, rather than Tendring Road, as per BG to BH.
 - The access track from Lodge Lane appears to be private, but Tendring footpath 8 runs along the route.
 - Lodge Lane is a private road at this location but is public highway to the immediate southwest.
 - For BQ to BR and BW to BX the road may be called B1035 Clacton Road at this point.
 - The access track to Wix Farms for BS to BT appears to be a private track but Wix footpath 37 runs along the route.
 - The access track to Wix Farms for BU to BV appears to be a private track but Wix footpath 32 runs along the route.
 - The access track to Wix Farms for BY to BX appears to be a private track but Wix footpath 15 runs along the route.
 - The access track to A120 from Bradfield Lodge appears to be a private track.
 - The access track from Barlon Road to Carrington Road for CQ to CR appears to be a private track but Little Bromley footpath 16 runs along the route.
 - The access track to Cattisgreen Farm appears to be a private track.
- 21.2.17 It is recommended that <https://www.findmystreet.co.uk/map> is used and the Unique Street Reference Numbers included for absolute clarity on the location.

21.2.18 Under Schedule 3 Part 4, the following discussions are needed with the Applicant:

- For the 0.7km stretch of road along B1035 Thorpe Road, it is currently ECC's position that a 40mph speed limit is more appropriate due to the change from National Speed Limit.
- That for Access 8A and 8B, whether the existing 40mph speed limit to the north of the accesses can be extended to the accesses to improve safety and reduce the visibility requirements.

6.3.8 Traffic and Transport [APP-090]

21.2.19 Paragraph 8.4.3 sets out the areas that the traffic and transport chapter has

considered; clarification is sought as to why only pedestrian amenity has been considered, rather than all relevant non-motorised user amenity, as per the Institute of Environmental Management and Assessment (IEMA) Guidelines *Environmental Assessment of Traffic and Movement* (GEATM).

21.2.20 As per paragraph 8.4.5, 8.4.11 and 8.4.16, the Council will need to consider the assessment of driver severance on a case-by-case basis. With regards to the severance figures quoted at 8.4.15 that originated from DMRB LA 112, caution should be given to these figures as DMRB LA 112 is specifically designed for assessing new highway schemes and not the impacts of construction traffic.

21.2.21 With reference to the traffic count data provided at Paragraph 8.5.1, the Council have requested that the Applicant provide the data to the highway authority in excel format. The Applicant has provided the data, and a high-level review has been undertaken, as a result there are no further comments.

21.2.22 At Paragraph 8.5.5, Scenario 3 describes a scenario where there is sequential construction, whilst it is understood these scenarios aim to determine the peak impact on the network in terms of vehicle movements, they do not assess the cumulative impact of contiguous developments on an area over an elongated time period, and whether this would result in a short term impact becoming more significant, as well as the effect of repeated impacts of development on a local population, such as repeated road closures and rights of way closures. Consideration should be given towards this temporal impact within the assessment.

21.2.23 With reference to paragraph 8.5.8, the Council have requested that the profile of construction traffic and not just the peak impacts is provided; the Applicant has provided this data and it helps to give an indication of the temporal impacts of the project, which would help in determining their relative effect. Profiles for the project are shown at Figure T1 and T2, and for the cumulative impacts at T3 and T4, and although they show a peak impact, it also shows a continuous impact through the programme.

21.2.24 Table 8.5 sets out the methodology for determining the magnitude of impacts. At a high level the thresholds provide a useful starting point; however, all impacts need to be considered on an individual basis. Specific comments are as follows:

- All situations where a threshold is close to being breached e.g. where there might be a 55% increase rather than a 60% should be treated with caution.
- It is unclear what the 100% increase in traffic or HGV component applies to for pedestrian amenity, but it is assumed that this includes a spectrum of low to high impact.

21.2.25 Paragraph 8.6.1 refers to the assumptions used in order to identify the vehicular trip generation, which are summarised in Section 8.8, and detailed in Volume 6, Part 6, Annex 8.1: Transport. The Council has the following comments on the key trip generation parameters set out at paragraph 8.6.1:

- The Core working hours result in impacts outside of the network peak hours (80% before 07:00 and after 18:00); no evidence has been submitted that shows that these impacts are realistic. This results in only 20% of traffic being assessed as impacting the

peak hours, meaning in this assessment scenario it is very unlikely to have an impact, but raises concerns about the actual delivery.

- The Core HGV deliveries profile of traffic across the day is not identified. A flat profile is unlikely to be realistic and so might reduce the impact during any specific hour, where fluctuations would mean a greater impact.
- No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing through commitments.

21.2.26 There are some concerns regarding the HGV adjustments referenced at paragraph 8.6.3, and further clarification is needed as a result of the following.

- How it has been determined that the DfT proportions are considered to be sufficiently more accurate to act as the baseline?
- Why the ratio is considered to be applicable across the network, given the potential differences in the use of different roads due to the facilities on those roads?

21.2.27 That being said, whilst we may not agree with the method, it is assumed that for the environmental effects as the HGV proportions are being reduced, the scale of impact is being increased, and so this may result in a robust assessment, aside from the assessment of Fear and Intimidation where total HGV numbers are relevant. Following a request made by ECC, as part of their Deadline 1 Submission [rep1-018], the Applicant has reviewed whether this adjustment might impact any conclusions on Fear and Intimidation and importantly whether it would have resulted in any additional impacts being identified, and it has been determined it would not. So, as a result, this is considered resolved.

21.2.28 Paragraph 8.7.3 sets out that the construction access locations have been agreed in principle with ECC; the Council are of the opinion that whilst the locations may have been presented to ECC, they have not been reviewed in detail and are not agreed.

21.2.29 ECC Highways are continuing to review the access and crossing information and the latest response to this is contained in ECCs response to Deadline 1 submissions.

21.2.29 It is noted that no information has been provided regarding the suitability of the Holland Haven Country Park to accommodate additional HGV movements, this should be investigated further to ensure that the access width radius and visibility are satisfactory and commensurate for its intended use in connection with this DCO.

21.2.30 The Street Works and Access Plan [APP-013] continues to show access AC-6 and AC-7, in the latest access drawing submissions AC-6 is now AC-7 and AC-6 is no longer referred to.

21.2.31 Table 8.13 sets out the review of link sensitivity for the highway network, and our response is set out below.

Response to Table 8.13 on Highway Link Sensitivity for an increase in traffic.

Link ID	Highway Link	Applicant Sensitivity	ECC comments
1,2,7	A12	Negligible	N/A
8 to 15	A120	Negligible	N/A
16 to 18	A133	Low	Agreed
19/20	A133 Clacton Road/Main Road	Low	Not Agreed. There are services and facilities along this route, including local shops, a school, employment and a public house in Elmstead Market and Frating.

21/22	B1027 St John's Road/Colchester Road	Low	Not Agreed. There are services and facilities along this route, including local shops and a public house in Alresford, and Thorrington Cross.
23	B1027 Valley Road	High	Agreed
24	B1032 Frinton Road	High	Agreed
25	B1032 Clacton Road	Low	Agreed
26	B1033 Colchester Road (west of B1441)	Medium	Agreed
27	B1441 Clacton Road	High	Agreed
28	B1414 Harwich Road	Medium	Agreed
29	B1033 Abbey Street/Frinton Road/Thorpe Road	High	Agreed
30	B1033 Colchester Road (east of B1441)	High	Agreed
31	B1035 Tendring Road	Medium	Agreed
32	B1035 Thorpe Road	Low	Agreed
33	B1035 (south of A120)	Negligible	Not Agreed. There are receptors on this route at Tendring Green and Tendring.
34	B1035 Clacton Road	Low	Agreed
35	Bentley Road (south of construction accesses)	Low	Agreed
36	Bentley Road/Shop Road/Bromley Road (north of construction accesses)	Low – increase in cars/LGVs Medium – increase in HGVs	Agreed
44	B1029 (north of Harwich Road)	Medium	Agreed
45	Waterhouse Lane	High	Agreed
45	Little Bromley Road / Ardleigh Road	Low	Agreed

Table 8.14 sets out the review of link sensitivity for temporary road closures, and our response is set out below.

Response to Table 8.14 highway link sensitivity for temporary road closure

Link ID	Highway Link	Applicant Sensitivity	ECC comments
31	Damant's Farm Lane	Low	Agreed
39	Payne's Lane	Low	Agreed
41	Barlon Road	Low	Agreed

21.3 The Council has the following comments on the key trip generation parameters set out at paragraph 8.8.2:

- The Core working hours result in impacts outside of the network peak hours (80% before 07:00 and after 18:00); no evidence has been submitted that shows that these impacts are realistic. This results in only 20% of traffic being assessed as impacting the peak hours, meaning, as a result of the assessment method, it is very unlikely to have an impact, which may occur in delivery.
- The Core HGV deliveries profile of traffic across the day is not identified. A flat profile is unlikely to be realistic, and so will result in reduced impacts, as it does not take into consideration variation.
- No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing.

21.3.1 The Council do not agree with the absence of an assessment of the hour of greatest change, as per GEATM guidance. The assessment is based on daily traffic flows; consideration is needed towards assessing the hour of greatest change, which is considered to be a requirement based on the following text, which is taken from paragraph 1.22 of the IEMA guidance *'Environmental Assessment of Road Traffic and Movement'*:

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

21.3.2 The large proportion of traffic impact is likely to be in a short specific time frame (as a result of shift patterns), and only assessing the 12-hour impact dilutes this impact against a greater baseline of traffic.

21.3.3 No evidence is submitted that sets out how the HGV or workforce numbers used in the assessment have been determined, and so these cannot be corroborated.

21.3.4 The methodology for obtaining the vehicle movements at Table 8.21 and Table 8.22 was unclear, and difficult to replicate. As a result, the Council requested that the calculations are submitted in an excel format, so that they can be confirmed. The Applicant has

provided the excel file and as a result the process has been checked. Albeit the Council has residual concerns over elements of the methodology, which is set out above.

21.3.5 Further explanation was needed of those locations where an increase of over 30 vehicle movements occurs as set out in Table 8.23. The Council requested traffic flow diagrams were provided, and these have been provided by the Applicant. After reviewing the flow diagrams (and noting the Council's position on elements of the methodology), the following junctions are noted to result in noticeable increases in development peak hour movements.

- A120 / Harwich Road roundabout: 62 vehicles
- A120 / Bentley Road priority junction: 66 vehicles
- A120 / B1035 roundabout junction: 69 vehicles
- A133 Clacton Road / B1029 Harwich Road: 38 vehicles
- A133 / A133 Main Road roundabout junction: 50 vehicles
- A133 / B1033 Colchester Road roundabout junction: 56 vehicles
- A122 / B1027 roundabout junction: 39 vehicles

21.3.6 If these movements occur outside of the network peak hour, it is reasonable for no further assessment to occur; however, the Council is concerned about impacts occurring during the peak hours without appropriate mechanisms being in place.

21.3.7 The Council have separately previously raised with the Applicant that the Figure (8.12) showing the Peak Hour construction workforce numbers was not included; and that, the numbering of the Figures appears inconsistent, so it is difficult to be certain; however, the Applicant has submitted the updated Traffic and Transport chapter document [REP1-018], which appears to have addressed this issue.

21.3.8 The Council do not agree to the conclusions at Paragraph 8.10.9, and we would comment on the rationale for dismissing impacts as set out at Table 8.24.

- For link 11/12, 16, 18, 24/25 and 26: It is not understood why the baseline peak hour flows in the summer being higher when peak hour vehicle movements are stated to be less likely is relevant. The purpose is to determine whether the additional traffic would result in an increase in delay, not whether that delay may already occur at certain times of the year.
- For link 13/14: It is not understood where the evidence supporting the estimate of negligible increase in queue lengths is provided.
- For link 13/14 and link 15/16: Whilst the assessment flows may be robust, they are what the Applicant has provided as a worst case; using their 'robustness' to dismiss impacts is not considered to be appropriate.

21.3.8 For the impacts set out at Table 8.25, the length of closures is assumed to be short term, and given the rural location of these closures, the Council has no further comment.

21.3.9 As above, obtaining the vehicle movements at Table 8.26 and Table 8.27 is unclear, and difficult to replicate. The Council requested that the methodology was submitted in an excel format, and the Applicant has provided the spreadsheet, from which a high-level review has been undertaken. A query has been raised over the calculations, which has been addressed. Separately, the process for determining links where there is an impact appears acceptable.

- 21.3.10 The Council do not agree that a less than 100% increase in total or HGV traffic is negligible, these thresholds no longer apply, however, when they did *apply* they only formed a starting point for assessment and as indicated by GEATM, should be used *cautiously in any assessment*. As such the blanket use of the threshold is not considered to be appropriate. Looking at the absolute changes and proportional changes, the impacts on Links 23, 24, 26 and 28 need consideration for localised mitigation, given the sensitivity of the locations, and the increase of over 50% HGVs.
- 21.3.11 The Council have raised the following potential errors with the Applicant. The Council have reviewed the updated chapter [REP1-018] and it does not appear that these issues have been addressed:
- There appears to be an error in the calculations for total vehicle numbers at Table 8.44 for Link 32.
 - There appears to be an error in the calculations or the presentation for total vehicle numbers and HGV numbers at Table 8.45 for Links 9 and 10.
 - There appears to be an error in the calculations for total vehicle numbers at Table 8.46 for Links 1, 2, 6, 8, 9, 10, 14 and 15. As an example we would expect Link 1 Total HGVs to be 7,534?
- 21.3.12 The above potential errors will need to be reviewed in case it impacts on any links that should have been included at Table 8.48.
- 21.3.13 At paragraph 8.12.38, the dismissal of impacts on Bentley Road refers to additional measures within the CTMP to reduce impacts. It has not been identified within the CTMP or WTP how these measures have been committed to, nor how their impact will be monitored and reported, as such it should not be treated as mitigation. There should be strong commitments on how to best manage traffic to minimise impacts.
- 21.3.14 With reference to Table 8.52, it is difficult to ascertain how the level of effect has been determined. The Council do not agree that a less than 100% increase in total or HGV traffic is negligible, these thresholds no longer apply, however, when they did apply, they only formed a starting point for assessment and as indicated by GEATM, should be used cautiously in any assessment. As such the blanket use of the threshold is not considered to be appropriate. Looking at the absolute changes and proportional changes, the impacts on Links 23, 26, 27, 28, 32 and 33 need consideration, given the sensitivity of the locations, and the increase of over at least 50% HGVs.
- 21.3.15 With reference to Table 8.53, the Council disagree with the reasoning for the dismissal of impacts for Links 24, 25 and 35. The dismissal of impacts on Bentley Road refers to additional measures within the CTMP to reduce impacts. It has not been identified within the CTMP or WTP how these measures have been committed to, nor how their impact will be monitored and reported, as such it should not be treated as mitigation. There should be strong commitments to how to best manage traffic to minimise impacts.
- Traffic and Transport Baseline Report – Part 1 [APP-172]
- 21.3.16 The Council requested that the raw survey data referred to at Appendix 3C and D was provided to the Council in excel format. The Applicant has provided the data, and a high-level review has been undertaken, as a result, we have no further comments.
- 21.3.17 The use of a fairly blanket approach for reducing the baseline HGV numbers referred to at paragraph 93 needs to be treated with caution, especially when considering any conclusions on impacts.
- 21.3.18 The Council do not necessarily agree with the rationale at paragraph 109, given that it may be a specific movement increases whilst total flows decrease. It is also worth bearing in mind that limited evidence is provided that shows the junctions operating within capacity, so the

effect of the impacts is only assumed. However, assuming the identified impacts are off-peak, they are likely to be acceptable.

21.3.19 As above, paragraph 160 and paragraph 178 set out that it is noted that the construction access locations and crossing points have been discussed and have been agreed in principle. Whilst the locations have been discussed, it is not considered that they have been agreed. It is also noted that they will be subject to detailed design, as per paragraph 166.

21.3.20 Paragraph 171 to 173 explain that the proposals do not require a private access road to be delivered. However, that NGET will deliver a private road as part of their Norwich to Tilbury proposals. The current road network cannot accommodate AIL movements to the north of NGET's private access road and any increase in HGV movements particularly on Ardleigh Road is undesirable due to its current width, as well as proximity of vegetation. Clarity is needed on whether the Project will be able to utilise NGET's private access road if that project comes forward and the need or otherwise for permanent access in the event that NGET's proposals do not come forward.

21.3.21 The removal of the footway / cycleway is a particularly complex issue. There are a number of proposals occurring in this area, and it might be that short term removal of the facility would result in additional impacts that are unnecessary. In this scenario, who would maintain the facility in the period between Five Estuaries and North Falls projects coming forward and who would remove the facility if North Falls did not come forward. The interactions of the projects in this area and their timescales needs careful consideration around the absence or presence of mitigation.

21.3.22 It is understood that the maximum HGV and construction movements inform the assessed impacts; however, the Council have requested further clarity on the reduction factor applied at paragraph 193, including how the factor has been calculated and why it has been applied. The Applicant has provided further explanation on this during a meeting between the parties, namely that the factor has not been applied to all links, and this is considered acceptable.

21.3.23 The Council noted that there might be the following error in the calculation of the applied factor, and this has been addressed in the spreadsheet that the Applicant has provided to the Council, and we understand reflected in the updated submission, for posterity the issue related to the following:

- the reduction factor is applied based on Table 6-1, the calculation of 26.7% appears to be incorrect as it is a 36% increase, meanwhile the increase in employees appears to be 18% rather than the quoted 19.5%. Furthermore, with regards to Table 6-2 as to why the figures for the OnSS and unlicensed works do not form part of the overall calculation, which would alter the factor to 24%.

21.3.24 The Council has the following comments on the key trip generation parameters set out at paragraph 200:

- The Core working hours result in impacts outside of the network peak hours (80% before 07:00 and after 18:00); no evidence has been submitted that shows that these impacts are realistic, and no controls have been put in place that limits impacts outside of these hours. This results in only 20% of traffic being assessed meaning, as a result of the assessment method, it is very unlikely to have an impact, which may occur in actual delivery.
- The Core HGV deliveries profile of traffic across the day is not identified? A flat profile is unlikely to be realistic, and so may not reflect the number of peak hour movements.
- No evidence is submitted to support the car share proportion of 1.5 people per car. The Travel Plan does not offer meaningful assurance of the development achieving this level of car sharing.

21.3.25 This approach means that a peak of 1,200 workers results in 95 peak hour car movements, which is a significant reduction in impact and does not indicate a robust assessment. There

is little in the way of evidence or commitments that give confidence that this is a realistic assessment i.e. no controls on these work hours or car share proportions.

- 21.3.26 The Council noted with the Applicant that Table 6-3 of the TA does not match Table 8.20 of the ES for the column representing total vehicles max. However, following discussions we understand that the tables are showing slightly different figures (one being the theoretical peak of all sites occurring at the same time, with the other being the peak month). On this basis the Council does not have any further comments.
- 21.3.27 For Table 6-5, further explanation is needed on the rationale for routeing vehicles to Access 3A and 3B through Thorpe Le Soken from the B1414, and why vehicles are not able to use the Haul Route to avoid routeing through the village? This should consider the visibility at the B1033 / Station Road junction for HGV movements.
- 21.3.28 The conclusion reached on the impacts at Bentley Road are not agreed. Whilst the surveyed queues may be low, the level of delay experienced may still be high and could be exacerbated by moderate increases in traffic movements at the junction.
- 21.3.29 As per the above, it is unclear whether 10% of movements have been applied to the peak hour or 20%, as implied at paragraph 229. We understand that the Applicant has updated their assessment to reflect 20% to avoid any confusion.
- 21.3.30 The Council requested with the applicant that for a number of the junctions traffic flow diagrams would be beneficial in understanding the impacts being described, and the diagrams have been provided to the Council. For the A133 described at paragraph 233, the difference in flows on one approach may be countered by an increase in flows on another approach, and there is no context that tells us how well that junction operated in the PM peak hour compared to the AM. The development impacts may result in a noticeable degradation of performance. That being said, the traffic impacts are limited, so are likely to result in a degradation of performance, but one that is unlikely to be significant, assuming the impacts are outside of the network peak hours.
- 21.3.31 Further explanation is sought as to why Table 6.9 shows an impact at link 24 (B1032 Frinton Road), but not at Link 23 (B1027 Valley Road).
- 21.3.32 The rationale for dismissing impacts on the A133 / B1027 roundabout junction at paragraph 236 is not agreed; there is no assessment of how the roundabout operates during the August month it is compared to and whether this would be a deterioration in its performance. That being said, the traffic impacts are limited, so are likely to result in a degradation of performance, but one that is unlikely to be significant, assuming the impacts are outside of the network peak hours.
- 21.3.33 The rationale at paragraph 240 is not agreed with; the Applicant has determined the figures used for their worst case assessment; this should then not be used as a reason to dismiss their impacts. The use of 1.5 car person occupancy and the method for assessing of peak hours is not considered to be robust. Paragraph 240 also sets out that the vehicle movements provided may change as a result of appointment of a contractor. There are no controls that limit the Applicant to these assessed impacts and so they need to be treated with caution. Stronger controls and management through the CTMP would help to address these concerns.
- 21.3.34 With regards to paragraph 252, a Stage 1 Road Safety Audit is considered necessary for the widening works and footway/cycleway prior to the end of the DCO. It may identify requirements for the design, which may result in the need for additional land that may not have been identified.
- 21.3.35 With regards to Paragraph 254, the Council would seek clarity on what opportunity might exist to defer the decision on the need to retain the footway/cycleway until the end of the project. There are a number of proposals occurring in this area, and it might be that short term removal of the facility would result in additional impacts that are unnecessary. The long term build out of the projects as well means that other future schemes may provide better

links to the facility of which ECC is currently unaware. It would be beneficial if this option can be explored. Allowing for this potential may offer an opportunity for a future legacy benefit that is currently not foreseen.

21.3.36 Appendix A includes notes from meetings, as well as an agreement log. With regards to the agreement log, the Council have the following comments regarding the DCO submission:

- With regards to no junction capacity assessments being required, further discussions are needed on this element. There are some concerns of elements of the assessment method and further clarity is needed over the impacts to make it clear whether additional work is needed, particularly in ensuring impacts are outside of the peak hours.
- As above, the Council have not agreed the access locations or access strategy but recognise that the Applicant has determined that they are appropriate for delivering their project and reducing traffic impacts in specific locations. The Council are reviewing the proposals based on the submitted information, including the Stage 1 Road Safety Audits. However, on first review, the Council could not identify that General Arrangement drawings for all the accesses and haul road crossings had been included and we raised this with the Applicant, who has provided in their updated submission.
- The adoption of the 1.5 car share is considered acceptable on the basis that the right management mechanisms are in place within the CTMP.

21.4 Traffic and transport Baseline Report – Part 2 [APP-173]

21.4.1 As above, it did not appear that all the General Arrangement drawings had been included for the haul road crossings nor for Access 9, 10 and 11 on Bentley Road. On this basis the arrangements for those accesses could be commented upon, although this has been addressed in the updated submission at [REP1-031]. With regards to the provided General Arrangement drawings, the Council has the following comments:

- As part of detailed design HGV movements should not cross the centre line.
- In those locations where HGV movements are shown only from a single direction, mechanisms need to be put in place to ensure that HGVs do not approach from the other direction.
- For Access AC-7 the highway boundary needs to be shown for the full extent of the visibility splay.
- For Spratts Lane, the impact on the passing bays needs to be considered, with any lost facility replaced.
- For Wolves Hall Lane whether adequate visibility is being achieved.
- The accuracy of the highway boundary information should be treated as indicative, and cannot be confirmed until an on-site survey has been undertaken.

21.4.2 Appendix U contains the outputs of the traffic distribution exercise. It is difficult to recreate the assessment method; however, when attempting to do so, some inconsistencies have occurred, relating to the distribution proportions potentially not equating to the figures quoted, which may affect the total trips being applied to each link. This appears to be occurring on the following links (6, 7, 8, 9 and 18), but may just be as a result of the distribution methodology. The issue has been raised with the Applicant, and does not appear in the excel file provided, and so is assumed has been reflected in the updated submission.

21.5 Code of Construction Practice [APP-253]

21.5.1 With regards to Section 4.4.5 of the Code of Construction Practice (CoCP), wheel washing facilities as identified are required at all site accesses. The CoCP should include commitments to:

- Implement the CTMP and WTP and look to minimise vehicle mileage on the road network.
- Monitor construction traffic through GPS or another practicable method.
- Implement the PROW Access Strategy.
- Where practicable, for deliveries to be outside of the peak hours.
- Minimise disruption to the local highway and PROW network through closures.
- The inclusion of signs within or on the construction vehicles so that they are identifiable to the local population.

21.5 Outline Construction Traffic Management Plan [APP-257]

- 21.5.1 It is considered that the Construction Traffic Management Plan (CTMP) should be approved by the local highway authority, which should be reflected in Requirement 9 of the DCO [APP-024]. Whilst the need for the CTMP to be updated is recognised; any changes to the document should be approved by the highway authority. Clarity is needed on why the pre commencement works would not be subject to the CTMP. For clarity it is considered they should be unless agreed otherwise.
- 21.5.2 As per paragraph 3.2.6 and 3.5.8, the Council do not agree with the wording, whilst the accesses have been shared with the Council, the access designs and haul road crossing designs have not been reviewed in detail pre submission, nor have they been approved. The Council welcome the updated information including the Stage 1 Road Safety Audits that have been submitted with the Application. However, on first review, the Council could not identify that General Arrangement drawings for all the accesses and haul road crossings have been included, and we have raised this with the Applicant, who has updated in the most recent submission [REP1-031]. Paragraph 3.5.8 refers to protective provisions, ECC are in discussions with the Applicant around protective provisions; and it needs to be determined whether the mechanism that ensures that ECC approve the design and layout of either the temporary accesses or haul road crossings is sufficient. With reference to paragraph 3.5.13, the final design of any road closure must be approved by the local highway authority as per Part 4 Paragraph 14 of the Development Consent Order.
- 21.5.3 Paragraph 4.1.1 refers to the anticipated routes for HGV movements. The CTMP needs to ensure that the assessed routes are those that are utilised by construction vehicles unless otherwise agreed through amendments to the CTMP. This requires associated monitoring and enforcement.
- 21.5.4 Data from the HGV monitoring should be reported to the local highway authority so that compliance with routing can be monitored, with relevant enforcement. All, or at least a high percentage, of the HGVs accessing the sites should be equipped with GPS data, so that compliance on routing can be checked. There are no proposals for controls on the number or timing of HGV movements; this brings risk to the assessment of the traffic impacts. Controls should be put on each section of the route so that peak HGV numbers do not exceed the assessed maximum figure. This can be easily surveyed using the DMS and reported to evidence compliance. The number and category of all AILS should be recorded and reported.
- 21.5.5 The CTMP submitted [REP11-017] as part of the East Anglia One North Development Consent Order, which included similar scales of HGV traffic included a commitment to limit HGV movements to the peak figure within the assessment.
- 21.5.6 With reference to paragraph 4.1.7 and 4.1.8, the aim for the delivery of the works on Bentley Road should look to minimise disruption to the network users. There may be some potential to close the southern section of Bentley Road at night, due to the potential for alternative routes to be used. The management of the delivery of works must be approved by the local highway authority. The most appropriate way to do this is through Essex County Council's permitting system.

- 21.5.7 With reference to paragraph 4.3.1, all works to rectify damage to the road network must be at the cost of the developer. A process needs to be embedded so that any necessary repairs are delivered quickly during the project delivery, with reasonable timescales reflecting the scale, location and urgency of the damage. Generally, consideration needs to be given to the structure of the road at all crossing points and accesses, and whether there is a need for reinforcement works to the highway due to the additional strain of large numbers of HGVs crossing at rural locations.
- 21.5.8 In addition to the works on Bentley Road, the DCO will require a mechanism for recovering costs as a result of extraneous traffic on the local highway network associated with construction of the development.
- 21.5.9 Paragraph 5.2.1 indicates that the aim is for the CTMP to be a living document, it is understood the need for flexibility and the need to update the document; however, any changes to the document should be approved by the highway authority.
- 21.5.10 Under Section 5.2 'Checking and Corrective Action', no detail is provided on the programme of monitoring, reporting or enforcement. The CTMP should include strong commitments to monitor construction movements (through GPS and other surveys), report the outcomes of that monitoring quarterly to the local authorities and lead to meaningful enforcement measures that ensure that breaches of compliance are extremely unlikely. The process and timescales should be set out within the CTMP.
- 21.5.11 To reduce the impacts on noise and amenity of the project the CTMP or Code of construction Practice should include a commitment that no HGV movements will occur outside of the core working hours (07:00 to 19:00), however, recognising that there may be a need for these movements to be on the local road network 30 minutes either side of the core working hours (e.g. a HGV departing the site close to 19:00 hours would still be on the local road network). Requirement 7 Part 2 of the recently granted Bramford to Twinstead DCO included the following:
- (2) No piling operations may take place between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays, and, unless otherwise agreed with the local highway authority, no HGV deliveries may be made to site between 19.00 and 07.00, or on Sundays, Bank Holidays or other public holidays.

21.6 Outline Workforce Travel Plan [APP-259]

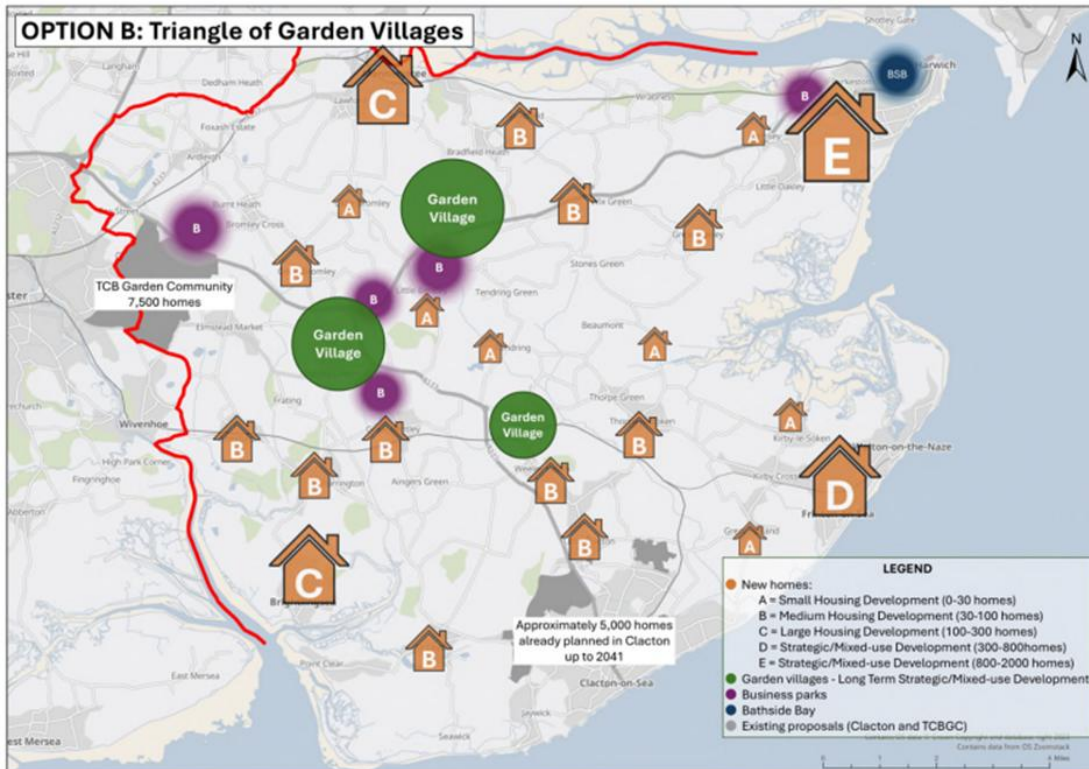
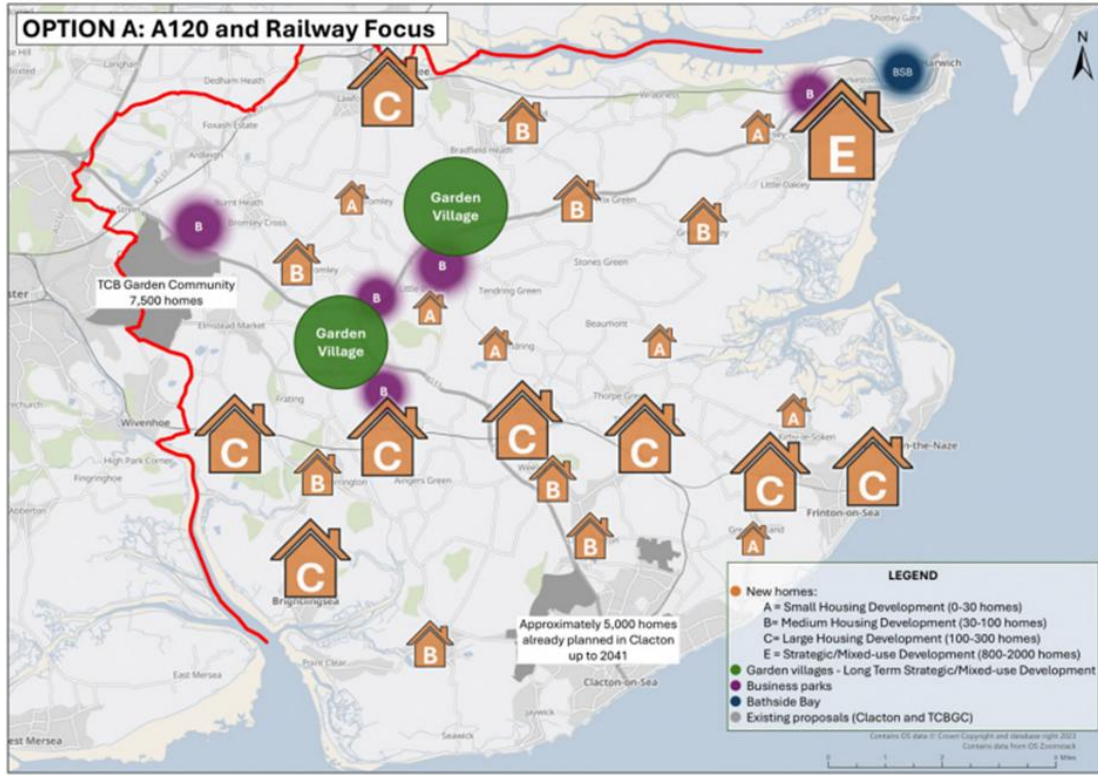
- 21.6.1 With reference to paragraph 1.3.4, clarity is needed on why the pre commencement works would not be subject to the WTP. For clarity it is considered they should be unless agreed otherwise.
- 21.6.2 With regards to paragraph 2.1.1, has any assessment been undertaken of the workforce origins, and as a result what sustainable transport initiatives could be put in place to reflect their location. There should be a commitment to investigate the use of mini-buses etc, to reduce impacts, as per paragraph 8.2.37 of the Transport and Transport Chapter of the Environmental Statement [APP-090] which indicates a need to reduce impacts on Bentley Road.
- Paragraph 3.2.1 of the WTP sets out the principal aim of the Travel Plan i.e. "to not exceed the worst-case daily and peak hour workforce vehicle (cars and Light Goods Vehicles (LGVs)) movements at each construction access for VE during the construction period".
- 21.6.3 The Travel Plan does not look to minimise impacts of vehicle movements on the highway network and community, it simply looks to achieve what the development considers to be the minimum acceptable impact within the ES. EN-1 sets out that the Applicant should set out the measures to improve access by active, public and shared transport to offer genuine modal choice. There is currently no commitment to offer access by non-car modes. In addition, the vehicle movement figures are worst case for a moment in the lifetime of the project where

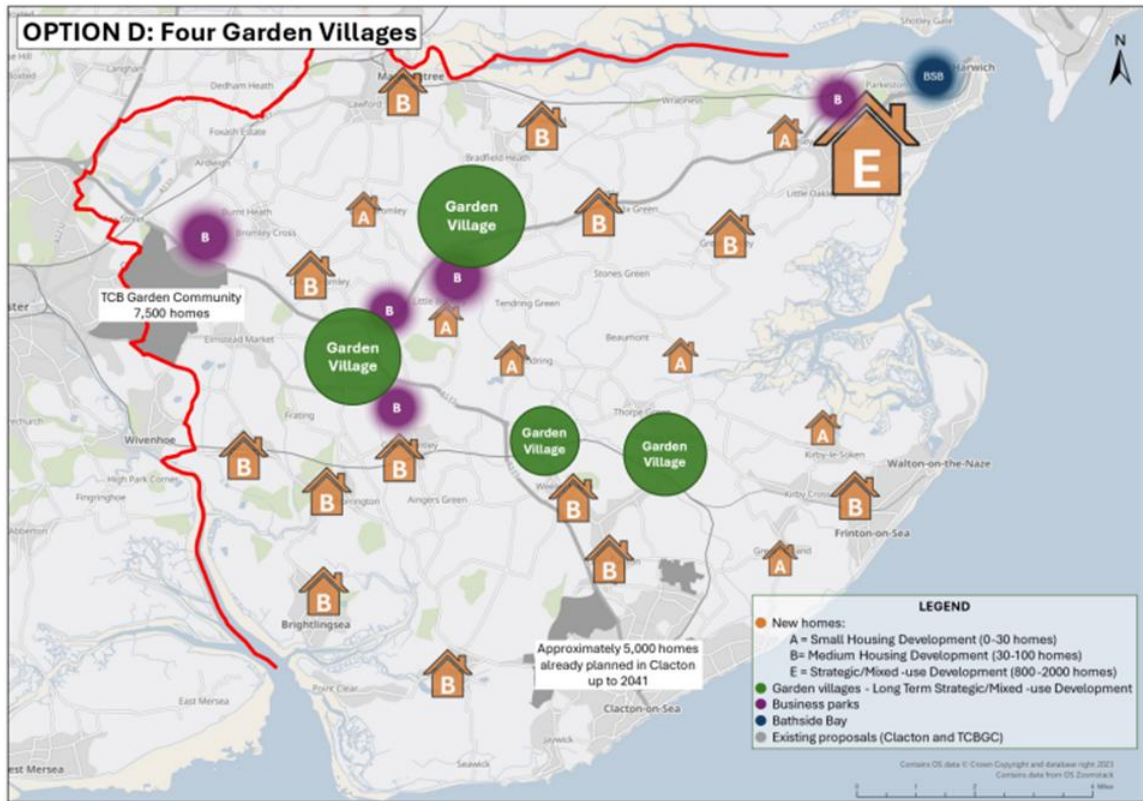
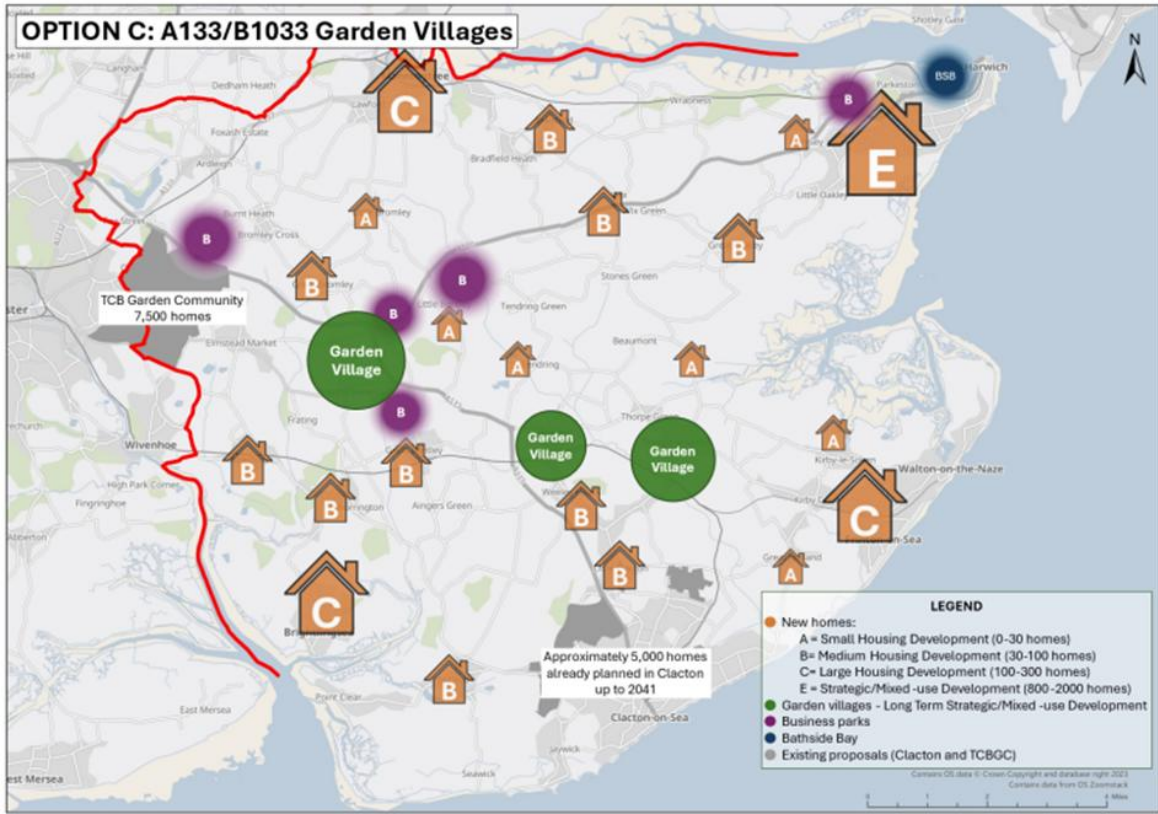
movements are at peak and so on that basis should be very unlikely to be breached, meaning that there is little or no incentive to achieve any form of sustainable transport credentials for the site for the majority of its build out as the number of workers, and subsequently movements, is lower (i.e. if the number of workers is 80% of the peak figure then they could exhibit much worse travel patterns and not exceed the figure).

- 21.6.4 The contact details of the TPC referred to at paragraph 5.1.2 should be made available to the local authorities. The frequency of monitoring referred to at paragraph 5.2.1 should be set out, along with the frequency of reporting of the Travel Plan to the local authorities to ensure enforcement.
- 21.6.5 The Travel Plan requires a commitment to monitor workforce shift patterns to ensure that shift patterns reflect those assessed within the Environmental Statement. All monitored information should be reported to the highway authority with reasonable management measures embedded that look to ensure compliance. The CTMP should set out responsibilities, timescales, and reporting, along with a list of potential actions to address non-compliance.
- 21.6.6 The forms of monitoring to identify the potential breaches should be set out, along with corrective actions.
- 21.6.7 Given the transitory nature of the potential workforce, and the potential for cohabitation or utilising temporary accommodation, consideration needs to be given towards utilising a minibus/coach to transport the workforce to/from site.
- 21.6.8 If the development fails to achieve its assessed shift patterns, then a review process should be put in place. It is recommended that through the WTP a monitor and manage process is embedded to check the shift patterns are commensurate with those assessed, and, if not, to either assess to see if the impacts are material or to identify additional management measures that can be put in place to address these impacts.
- 21.6.9 It is recommended that use of the Park and Ride at Colchester is explored for operating a shuttle service between sites to minimise impacts of vehicle movements.

Appendix – 22

22. TDC Issues & Options Consultation – proposed growth options spatial overview





Appendix – 23

SuDS Essex Design Guide

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The Sustainable Drainage Systems Design Guide For Essex



Supporting Sustainable Development

The Drainage Hierarchy

All sites must manage surface water via the following hierarchy:

When managing rainfall, the SuDS network should be designed to match natural drainage routes, infiltration rates and discharge rates as far as possible. In addition to this, with concern over climate change and increasing risk of water scarcity, re-use of rainwater wherever possible should be utilised. Therefore, in accordance with the drainage hierarchy contained in **Approved Document H of the Building Regulations, Planning Practice Guidance** and the need to mitigate against water scarcity, all surface water run off must aim to be discharged as high up the following hierarchy as possible:

- **Rainwater re-use** (rainwater harvesting/greywater recycling)
- An **adequate soakaway** or other infiltration system
- **Hybrid solution** of infiltration and discharging to a surface water body
- To a **surface water body** (e.g. an ordinary watercourse)
- To a surface water sewer, highway drain, or other drainage system
- To a combined sewer

It should be noted that if out falling to public sewer or watercourse that is not in or adjacent to the development site then it is necessary to demonstrate permission in principle or third-party agreement.