

Wendy McKay

Lead Member of the Examining Authority
North Falls Offshore Windfarm DCO
National Infrastructure Planning
Template Quay House
2 The Square, Bristol
BS1 6PN

Our Ref: 20048269
PINS Ref: EN010119
Date: 4 March 2025
Telephone: 03330 322546

By Email only

Dear Ms McKay

Planning Act 2008 – Application by North Falls Offshore Wind Farm Limited for an Order Granting Development Consent for the North Falls Offshore Windfarm (EN010119)

I refer to the Rule 8 letter dated 4 February 2025 which sets out the Examination Timetable for the above Development Consent Order (DCO), currently at Examination. Essex County Council (ECC) in conjunction with Tendring District Council (TDC), and as described as The Councils, would like to respond to the questions as asked by the Examining Authority (ExA) and to provide a written response to the Applicant's submission at Deadline 01.

1. Highways**5.19 Temporary Traffic Regulation Order Plan (Rev 1) [REP1-010]**

In our LIR [REP1-065], the Council raised the following comments regarding the Temporary Traffic Regulation Order Plan:

- 1) An extension of the temporary speed limit on Golden Lane to 60m to the northeast to include the residential property
- 2) The extension of the speed limit on the B1035 Thorpe Road to include Access 4 and amendment to 40mph
- 3) 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

We welcome that Items 1, 2 and 3 have been addressed in the most recent submission [REP1-010], and as such can be considered closed.

7.16 Outline Construction Traffic Management Plan (OCTMP) (Rev 1) (Clean) [REP1-039]

The Council welcome the following changes to the OCTMP:

- Additional text at paragraph 35 and 37
- Amendments at Table 3.1
- Additional text at paragraph 67
- Amendments at Table 4.1
- Additional text at paragraph 106
- Additional text at paragraph 114 and 116
- Additional text at paragraph 122

As set out in the Council's LIR [REP1-065], the content of the CTMP does reduce our concerns; we are looking for the following changes:

- 1) Clarity on what pre commencement works will be covered by the management plan (as per the current Five Estuaries OCTMP) we are looking for a commitment where if the scale of any works exceeds 20 two-way movements on the same day, the workforce would be required to adhere to use of the agreed OCTMP construction routes.
- 2) That the approval of the CTMP would be discharged by the highway authority.
- 3) Confirmation that the timing of HGV movements will be monitored and reported.
- 4) Confirmation that a high proportion of HGVs will be equipped with GPS (or another suitable method) to monitor routing.
- 5) Further commitments towards monitoring of staff mode share and commitments towards achieving at least the 1.5 persons car share ratio or equivalent sustainable travel percentage, with aspirations for higher proportions.
- 6) A review process to ensure the staff exhibit the shift patterns or if they do not that the impacts are not material.
- 7) Timing of any AIL movements through Colchester to be 'off-peak'.
- 8) Reference to a Framework Highways Agreement for technical approval of the highway works.
- 9) Clarity around the road safety commitments at paragraph 84 and 85 in terms of the extent of the mitigation and how it will be delivered. As per our response to ExA question 17.1.5 below.
- 10) Inclusion of a Road Safety Review process.
- 11) Agreement on a road inspection and remediation process.
- 12) Provision of monitoring reports to the highway authority.

The Council is looking for proportionate, pragmatic management measures to reduce the likelihood of the development exceeding its assessed impact and to achieve reasonable levels of sustainable travel (reflecting EN-1) taking into consideration the relative accessibility of the site.

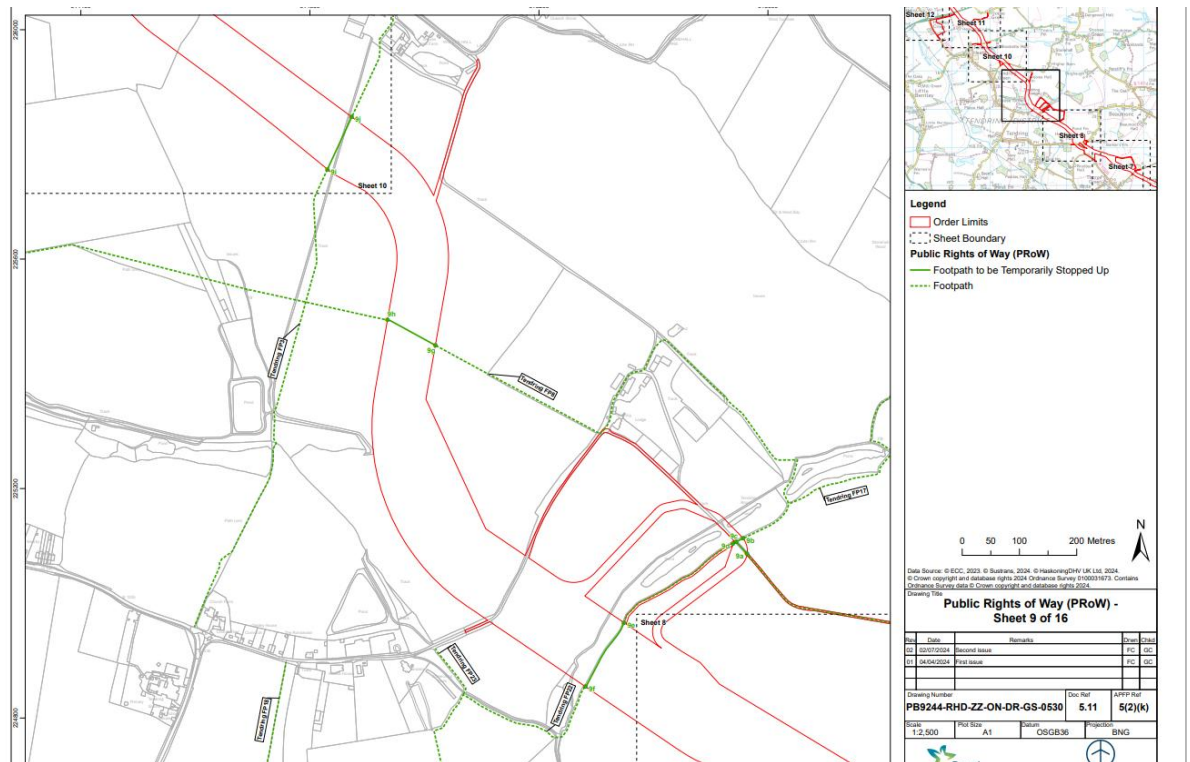
2. **Public Rights of Way**

Page 12 (sheet 9 of 16):

The plan for Footpaths 3 and 8 Tendring shows an out-of-date alignment and number for Footpath 3.

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 number too, so an amended plan will be required for the final PAMP. No other discrepancies have been found between their plans and the PROW mapping.

Footpaths 3 & 8 Tending:



Outline Public Rights of Way Management Plan (PROWMP) (APP-252)

ECC PROW Team has not assessed/validated the proposed mitigations for each individual PROW as that would require an in-depth knowledge of every footpath and bridleway, which we do not necessarily have.

Instead, the PROW team has looked at the applicant's analysis of these PROW and the principals that they have applied to mitigating the impact.

The applicant is required to clarify the following mitigation measures requirement

- 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?
- In respect of O&M access we obviously accept that this will be necessary and recognise that this is anticipated to involve a very small number of light vehicles driving at walking pace.

That notwithstanding, 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 doesn't acknowledge the possibility of this circumstance in respect of remedial works.

Where temporary diversions or closures are proposed, we would request that in addition to the sensible measures already indicated in the Outline PAMP, 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.

We look forward to seeing more detail (routes and duration of the temp. diversions) in the final PROWMP.

3. Landscape

REP1-036 7.14 Outline Landscape and Ecological Management Strategy (Rev 1) (Tracked):

We note that there is no specific reference to Green Infrastructure in the contents of the document and would seek inclusion of a section or sub-section within the document which identifies how the OLEMP addresses GI.

4. Ecology

(no further comments except those in ExQ1)

5. Green Infrastructure

REP1-012 dDCO

Comments provided on 7 February 2025 are still relevant and provided below:

- 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) must not commence until details of that work, including landscaping, have been submitted to and approved by the relevant planning authority.
- The Green Infrastructure Plan (APP-134) 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 discharging authority ...*
- 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...”
- Five Estuaries windfarm have proposed changes to their DCO to better align with North Falls 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.

REP1-036

The previous comments made on 7 February 2025 on APP-249 is still relevant for REP1-036 and is provided below:

Outline Landscape and Ecological Management Strategy (App-249/ REP1-036)

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 (CEMP), Landscape and Ecology Management Plan (LEMP), phased delivery, biodiversity net gain (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 (OLES). The OLEMS will then inform the final Ecological Management Plan (equivalent to a LEMP) and written Landscape Schemes.

We note that there is no specific reference to GI in the contents of the document and would seek inclusion of a section or sub-section within the document which identifies how the OLEMP addresses GI.

We support the dDCO requirement on page 46 (48 of 198) 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.*

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.

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.

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

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. 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.

6. Flood, Surface Water and Drainage

Noting that Requirement 22 of the dDCO (REP1-011) requires an Operational Drainage Strategy, the LLFA also requests a requirement on temporary surface water drainage strategy for construction activities covering the whole project area, not just the

onshore substation. This document is required to be submitted to and approved by the LLFA prior to commencement.

7. Code of Construction Practice (CoCP)

It is noted that a final CoCP is required to be approved by the discharging authority under Requirement 8 of the draft DCO (REP1-011). The Councils is of the view that reference should also be made for a complaint investigation mechanism in the Outline CoCP for investigation on noise and vibration complaints.

8. Cumulative impacts

In the LIR (RER1-065), the Councils raise concerns on the cumulative impacts of the various DCO projects within the area, in particular the co-location of the 3 substations from Five Estuaries, North Falls and the Norwich to Tilbury projects. It is noted that a Joint Noise Complaint Protocol is prepared and agreed between North Falls, Five Estuaries and National Grid for the Norwich to Tilbury DCO.

The Councils have commented on this document as part of the Five Estuaries Examination, however, this is not yet submitted for this Examination.

The Councils maintain 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.

9. Legal/dDCO

Applying the same approach as with the Five Estuaries Windfarm, the Councils would expect the applicant to include Protective Provisions on highways in the draft DCO, alongside a Framework Highway Agreement. Suggested wordings will be provided to the applicant for their consideration and subject to the further discussions between the parties.

The Councils look forward to continuing the dialogue and further discussions with the applicant, in an attempt to minimise and resolve outstanding matters, which will be reflected in the forthcoming Statement of Common Grounds.

Yours sincerely

[Redacted]
[Redacted]

Technical and Operational Lead, Nationally Strategic Infrastructure Projects
Essex County Council

[Redacted]
[Redacted] [essex.gov.uk](https://www.essex.gov.uk)

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