

25 April 2025

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Subject: **Tendring District Council (TDC) Representation – Deadline 4 Submission**

**For the attention of NSIP Case Officer- National Infrastructure (Energy) dealing with the North Falls DCO application**

Please find below TDC's response to the relevant points under Deadline 4. To assist with clarity and ease of reference, and to ensure a succinct response, TDC has limited its comments to areas where it is warranted to do so. Our comments are set out under each relevant heading and where applicable to matters affecting TDC and the local communities impacted by this proposal, including the combined effects of other interlinked proposals.

**Responses to ExQ1 - Questions 1.4.2 and 1.4.3**

TDC continues to object to the proposed working hours of 07:00 to 19:00, Monday to Saturday. These hours offer little respite for affected communities. Very young children are typically in bed by 7pm, and most residents are still asleep at 7am, particularly on Saturdays. These extended hours are therefore unacceptable. It is well established that construction noise, especially early in the morning and into the evening, has significant adverse impacts on human health.

TDC's Environmental Health team also objects to the proposed hours. They have previously advised that the North Falls Project's proposed working times fall outside the standard timings TDC recommends, which are:

- No vehicle related to the works should arrive on-site before 07:30 or leave after 19:00 (except in emergencies);
- Working hours should be limited to 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays;
- No working of any kind should be permitted on Sundays or Public/Bank Holidays.

These standard hours are applicable to any project with the potential to generate noise disturbance.

We note that the Five Estuaries Development has also proposed similar working hours. TDC raised concerns during that examination, including the combined impacts of excessive working hours across multiple projects.

Moreover, the Five Estuaries Code of Construction Practice (CoCP) (REP8A-015) fails at least two of the six national planning tests for conditions – namely, *precision* and *enforceability*. For example, vague exceptions such as permitting works during “continuous periods of construction” lack definition. The term “continuous” is not explained – what duration qualifies? Further, while ‘core working hours’ are referenced, it is implied that any work not audible beyond the order limits could continue beyond those hours, introducing ambiguity.

These ambiguities render the proposed condition unenforceable. These matters were not brought to TDC's attention at the relevant time due to a staff transition. However, a condition that fails the NPPF tests should not be reused simply because it was accepted elsewhere. Allowing a flawed precedent sets a concerning example, particularly in a region facing several Nationally Significant Infrastructure Projects (NSIPs). Each could then justify similar imprecise and unenforceable conditions.

Ultimately, the Examining Authority must ensure that any planning conditions meet **all six** NPPF tests.

#### **Q7.1.4 - Noise Monitoring and Mitigation**

While TDC's Environmental Health team confirmed that the mitigation measures and noise monitoring as set out in OCTMP [APP-251] appear adequate, we remain deeply concerned about how these will function in practice.

Specifically, it is unclear to residents who they should contact if mitigation measures are not delivered or breached. Who will enforce conditions? How will residents know which development—North Falls, Five Estuaries, or others such as EACN or Tarchon—is responsible for the breach? This confusion creates an unsatisfactory situation for local communities.

#### **Post Hearing Submissions**

This section of our response includes both written summaries of TDC's oral submissions made during the hearing and any additional post-hearing comments, grouped under the corresponding agenda points as set out in the hearing agenda.

#### **3.1 Landscape, Visual Impact, and Design**

##### **Bullet 2 – Adequacy of Assessment During Construction and Operation**

While we do not dispute that the LVIA was undertaken in accordance with best practice, the scale and breadth of impact—both individually and cumulatively with other projects—will be considerable. This particularly affects residents in Ardleigh, Little Bromley, and surrounding rural areas.

The Environmental Statement (ES) includes a wide range of construction-related documentation. However, from the community's perspective, there is still major uncertainty over cumulative impacts, timescales, roles and responsibilities, and enforcement mechanisms.

##### **Screening During Operation**

TDC believes that full screening is unachievable given the size and industrial nature of the substations. The LVIA itself acknowledges that landscape mitigation will take up to 15 years to be effective—assuming proper management. A person in their mid-40s will not see adequate screening until retirement. This supports our call, in line with ECC's position, for enhanced compensatory measures.

Furthermore, the industrial character of the substations, pylons, and enclosures will always appear discordant with the open rural landscape.

##### **Bullet 4 – Design Coordination with Five Estuaries**

TDC welcomes steps toward design coordination between North Falls and Five Estuaries. However, we remain concerned about the meaningfulness and transparency of such coordination. Who is the design champion? Will there be meaningful early engagement with stakeholders?

We request that a design review panel—including ECC’s landscape team, representatives from the National Landscape body, and local communities—be formed at the outset. It is not acceptable for a design to be developed without input and then presented for late-stage comment.

This coordinated approach must be made a binding requirement through the DCO.

### **Bullet 6 – Adequacy of Visual Screening at OnSS**

TDC prefers the North Falls screening approach at Normans Farm due to its lesser impact on agricultural yield. However, we note that both proposals (North Falls and Five Estuaries) are only partially effective—screening cannot fully obscure infrastructure of this scale. Again, this highlights the need for clear, enforceable mitigation and balanced decision-making.

## **3.3 Traffic and Transportation**

### **Bullet 2 – HGV Numbers and Mitigation Measures**

While coordination is claimed “where practicable,” this phrasing introduces uncertainty for affected communities. Clarity and enforceability must be strengthened.

The booking system appears to apply only to deliveries, while HGVs linked to site clearance or construction works are excluded. Monitoring cumulative exceedances is unrealistic, and enforcement agencies won’t be able to differentiate between HGVs from North Falls, Five Estuaries, or others.

### **Peak HGV Movements (from A120 and Bentley Road works):**

- Up to 605 HGV trips per day.
- 1346 employee trips, 898 LV trips daily (based on 1.5 employees per vehicle).

These volumes are significant and in TDCs view likely to result in an unacceptable impact on the amenity of affected communities. The complexity and overlap of multiple NSIPs mean that tracking exceedances will be near impossible, making mitigation unenforceable.

Residents in Little Bromley, Ardleigh, and Bentley Road, particularly east of Ardleigh, are left in the dark about what to expect. They have no clear information on:

- Construction schedules;
- Peak movement periods;
- The scale of disruption;
- Enforcement mechanisms.

All this points to a flawed site selection process and serious concerns about the suitability of the area for such large-scale infrastructure.

### **Bullet 3 – Personnel Travel Measures**

TDC notes that this aspect is still under discussion between the applicant and the Highways Authority. Much remains unresolved, and the lack of finalised measures creates further uncertainty.

## **3.7 Socio-Economic Effects**

### **Bullet 3 – Community Benefits**

TDC disagrees with the applicant's assessment that tourism impacts are negligible. The absence of clear information on construction timelines creates uncertainty for tourism-reliant businesses. No mitigation currently addresses their financial losses. We therefore call for a compensation mechanism as part of a meaningful community benefits package.

### **3.9 Coordination and Alternatives**

#### **Bullet 3 – Prematurity of the Application**

TDC has consistently argued that the North Falls and Five Estuaries applications are premature, given their reliance on infrastructure (EACN and Norwich to Tilbury) that is only at the pre-application stage.

Using a planning analogy: submitting an application to extend a house that hasn't yet been approved or built would be irrational. No reasonable applicant would commit resources to such a plan without assurance of approval for the primary development.

This analogy applies here. Without certainty that the Norwich to Tilbury and EACN DCOs will succeed, progressing NF and FE is speculative and unsound. The logical sequence of approvals has not been followed.

#### **Site Visit – VP08 and the National Landscape Boundary**

TDC was asked to clarify the extent of the National Landscape, particularly regarding VP08. We confirm that:

- The boundaries are accurately represented in the map titled 'Information Plan', Drawing Number: 208886\_PLN\_INFO\_1123.1.
- VP08 lies within the Dedham Vale National Landscape—approximately 400m inside the boundary.
- The proposed substation lies just 1.8km away.

It is concerning that the applicant was unable to confirm this during the site visit. The combined visual and environmental effects of all NSIPs in the region—North Falls, Five Estuaries, Tarchon, Norwich to Tilbury, and EACN—must be thoroughly assessed.

I would be grateful if these comments submitted under Deadline 4 can be formally taken into consideration by the Examining Authority.

Yours faithfully,



**Planning Policy Team Leader  
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