

Wendy McKay

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Our Ref: 20048269
PINS Ref: EN010119
Date: 25 April 2025
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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 provide a written response to the Applicant's submission at Deadline 3. The written summaries of oral submissions made by ECC at Issue Specific Hearing (ISH) 1 and 2 between 2 April 2025 to 10 April 2025 are also attached. ECC understands that TDC is also submit their additional comments from district's perspective and oral summaries separately.

1. Highways**6.1 Draft Development Consent Order (Rev 4) (Clean) [REP3-008]**

The Applicant had resolved our queries relating to the discharge of Article 9, and we are in discussions around the wording of the discharge of Article 10.

7.13 Outline Code of Construction Practice (Rev2) (Clean) [REP3-017]

The Councils have raised a query around whether it would be helpful for certain project aims around traffic and transport to be embedded within the OCoCP. That is to say general commitments within the OCoCP to achieve the following:

- i. Implement the Outline Construction Traffic Management Plan (OCTMP) and look to minimise vehicle mileage on the road network.
- ii. Where practicable, for deliveries to be outside of the peak hours.
- iii. Minimise disruption to the local highway and PROW network through closures.

We are in discussions around this element. However, given the presence of the relevant controls within the OCTMP, these are not considered to be a significant issue. However, we would welcome consideration on the matter.

7.16 Outline Construction Traffic Management Plan (Rev 2) (Clean) [REP3-021]

The Council welcomes the additional text at paragraph 43.

There are no further comments beyond those made on the content of the Construction Traffic Management Plan (CTMP) in our LIR [REP1-065]. We have been in discussions with the Applicant and understand that some changes to the OCTMP will be made, subject to those changes, and potentially some further discussions, the Council's concerns are likely to be addressed.

7.17 Outline Public Rights of Way Management Plan (Rev1) (Clean) [REP3-23]

The Council welcome the following changes:

- Table 1.1
- paragraph 15 at Section 4.1.1
- paragraph 16 at section 4.1.2, the Council welcome the changes.

There are no further comments on this document.

9.27 Applicant's comments on other Deadline 2 Submissions and Applicant's responses on comments to Relevant Representations (Rev 0) [REP3-038]

Applicant's Ref	Theme	Applicant's Response	Council Comments
REP2-035_a	Traffic and Transport	The Applicant has scheduled a meeting with Essex County Council on the 20 March 2025 where it is proposed to discuss the content of the Outline Construction Traffic Management Plan with an aim of agreeing where updates may be required.	As noted by the Applicant, meetings occurred on 20 March and 31 March 2025, where significant progress was made. There remain some areas of discussion, but subject to the discussed updates to the CTMP, and potentially some further work, it is considered that these are likely to be resolved.

9.25 Applicant's Comments on Responses to ExQ1 (Rev 0) [REP3-036]

The table below includes responses to transport matters raised in the Applicant' Deadline 3 submission Applicant's Comments on Responses to ExQ1 (Rev 0) [REP3-036].

ExQ1	EXQ1	Applicant's Response	Council Comments
Q17.1.2	<p>Assessment of onshore traffic and transport impacts</p> <p>Do you consider that the Outline Construction Traffic Management Plan (OCTMP) [APP-251] and the proposed approval as the CTMP under Requirement 9 of the DCO [APP-005] addresses all relevant issues, including cumulative effects, from the assessment of onshore traffic and transport impacts for the Proposed Development, as set out in ES Chapter 27 [APP-041] and Appendix 27.1 Transport Assessment [APP-165]? If not, what are your concerns and how might they be addressed?</p>	The Applicants have scheduled a meeting with Essex County Council on the 20 March 2025 where it is proposed to discuss the content of the Outline Construction Traffic Management Plan (and Requirement drafting) with an aim of agreeing where updates may be required.	As noted by the Applicant, meetings occurred on 20 March and 31 March, where significant progress was made. There remain some areas of discussion, but subject to the discussed updates to the CTMP, and potentially some further work, it is considered that these are likely to be resolved.
Q17.1.3	<p>Proposed mitigation - limiting Heavy Goods Vehicle (HGV) numbers</p> <p>ES Chapter 27 Traffic and Transport [APP- 041], Table 27.42 presents proposed mitigation measures of</p>	The Applicant would clarify that the proposal is to limit the number of HGV movements along these links from the peak assessed of 106 and 126 HGVs per day for Link 25 and 35 respectively, to no	The Council welcomes the clarification and the control.

	<p>“Commitment to limit HGV numbers no greater than the average HGVs per link” for Link 25 (B1032 from Holland Road to Kings Parade) & 35 (B1035 north of B1033 to Whitehall Lane). The OCTMP [APP-251] Appendix A: Peak Vehicle Movements Per Link – Option 2 and Appendix B: Peak Vehicle Movements Per Link – Scenario 1, only show mitigated flows for Links 20 and 35. (i) For Link 25, confirm if the HGV numbers in Appendices A and B, are in accordance with the above commitment? (ii) For Link 20, advise how the need for the mitigated flow has been derived?</p>	<p>more than 71 and 83 HGVs per day respectively (equivalent to the average number of HGV movements). This commitment represents a significant reduction in peak HGV movements that could occur via these links (approx. 33% reduction). It can be noted from Table 27.20 of ES Chapter 27 Traffic and Transport [APP-041] that the average flows would result in an assessed negligible magnitude of impact, as opposed to a low magnitude of impact for the peak flows.</p> <p>This commitment to controlling the numbers of HGV movements along Links 25 and 35 to no more than 71 and 83 HGVs per day would be managed through the measures outlined within Section 2.2.1 of the Outline Construction Traffic Management Plan [REP1-039], which is secured by Requirement 9 of the draft DCO [REP2-007].</p>	<p>The Council note our previously raised point around controlling to an average; however, as the control is embedded within the CTMP, this is considered to not be a concern for the Council. On this basis we have no further comments on this point.</p>
Q17.1.4	<p>HGV movements through Thorpe-le-Soken</p> <p>ES Chapter 27 [APP-041] identifies that there will be delivery time restrictions (outside of school start</p>	<p>The Applicant welcomes Essex County Council’s agreement that the HGV movements are low and likelihood of conflict is reduced. The Applicant acknowledges that there is a difference</p>	<p>The Council notes the Applicant’s comments and their position, but maintains our position that our <i>preference</i> is for consistency and therefore the Five Estuaries routing. However, as set out, it is noted that the peak</p>

	<p>and finish times) for HGV movements through Thorpe-le-Soken and that these will be managed through the OCTMP [APP-251] which would be secured by the DCO. Has consideration also been given as to whether HGVs can safely pass in opposing directions given the potential for on-street parking and / or deliveries to businesses, which may temporarily restrict the available width at certain points along this route?</p>	<p>in routing between North Falls and Five Estuaries but would initially note that both routes are via main B roads, both pass through communities that are assessed to be of high sensitivity (Thorpe-le-Soken for North Falls and Weeley for Five Estuaries) and both have areas of on-street parking. The Applicant and Five Estuaries have discussed this matter and consider that it is appropriate to have different routes noting that doing so would avoid the potential for cumulative impacts through Weeley Heath and Thorpe-le-Soken. The Applicant would note that this route has been presented to and discussed with ECC at a number of Expert Topic Group meetings and no objections were raised to the route and no alternatives were proposed. Essex County Council did raise the requirement to avoid school hours along this link which the Applicant accepted and has included within the Outline CTMP [REP1-039].</p>	<p>daily HGV flows along the link are low and the likelihood of conflicts is very low as a result. So, for clarity, we do not require the routeing to be updated.</p> <p>The Council are also aware that any change would require an updated Traffic and Transport Environmental Statement Chapter or at least a sensitivity test on its implications, which may result in additional impacts that would need to be considered and may make the proposed route preferable.</p>
Q17.1.5	<p>Proposed mitigation – enhanced maintenance and driver inductions ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 for Impact 3:</p>	<p>i) The Applicant has scheduled a meeting with Essex County Council on the 20 March 2025 where it is proposed to discuss the content of the Outline CTMP</p>	<p>As noted by the Applicant, a meeting occurred on 20 March, with a further meeting on 31 March, where significant progress was made. The Council welcomes the comments</p>

	<p>Highway Safety and Table 27.43 for Cumulative Effect 3: Highway Safety, state that: “Enhanced maintenance measures as well as enhanced driver inductions” are proposed as mitigation measures for Cluster 8 (St John’s Roundabout junction, A133/St John’s Road/London Road) and Links 22 (A133 south of the B1033 to Progress Way) and 23 (A133 south of Progress Way to the B1032). The OCTMP [APP-251], paragraph 84 states: “With regard to Cluster 8 it is proposed that prior to the commencement of construction of the relevant phase, the condition of the road marking and surfacing upon the approach to the roundabout will be reviewed and if markings and high friction surfacing (on the A133 approach to the roundabout) are deemed to require refreshing, the Applicant will facilitate conversations with Essex County Council to prioritise the delivery of these maintenance measures.”</p> <p>(i) Given that the above maintenance measures have been identified as</p>	<p>(and Requirement drafting) with an aim of agreeing where updates may be required. This would include discussions upon how Essex County Council consider that the Road Safety Review would be expected to operate.</p> <p>(ii) The Applicant welcomes Essex County Council’s views on how the enhanced driver inductions would work and notes that the views of the Council align with those of the Applicant. The Applicant is willing to update the Outline CTMP [REP1-039] to extend this commitment to all construction workers who will be driving to work and will make these updates following the meeting with ECC on the 20 March 2025.</p>	<p>and subject to the amendments to the OCTMP, have no further comments.</p>
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	<p>mitigation for safety reasons, can this be made into a commitment and secured in the OCTMP for this aspect? Can the wording be revised and agreed such that it is precise and enforceable. ES Chapter 27 Traffic and Transport [APP- 041], Table 27.42 identifies that enhanced maintenance measures as well as enhanced driver inductions are proposed for separately for Cluster 8 and Links 22 & 23. Paragraphs 193 and 253 indicates that mitigation for Links 22 & 23 would be covered by enhanced driver inductions and training measures</p> <p>(i) Please clarify what enhanced maintenance measures are proposed for Links 22 & 23, and are they sufficient?</p> <p>(ii) Given the reliance in the OCTMP on driver inductions and training, how will the effectiveness of these be measured?</p>		
Q17.1.6	<p>Travel plan measures to reduce single occupancy vehicle trips</p> <p>The OCTMP [APP-251] states in</p>	<p>The Applicant refers to its response to Q17.1.6 in Applicant's Responses to Written Questions (ExQ1) [REP2-020]</p>	<p>The Council agree that with the proposed monitoring of vehicle numbers and adherence to assessed numbers mean that those figures</p>

	<p>paragraph 43 that: “ES Chapter 27 Traffic and Transport (Document Reference: 3.1.29) assessed a worst case scenario of all employees travelling by vehicle, with a car share ratio of 1.5 employees per car (or three employees per every two cars).” Furthermore, while Table 3.1 Personnel Travel Measures includes “Identify car share, pick up locations” and “Walking / cycling facilities”, these are qualified in paragraph 50 as measures that could be adopted.</p> <p>(i) Given the importance of the above car share assumption in determining the effects from construction traffic, how will this be effectively implemented and controlled in the CTMP?</p> <p>(ii) To what extent will walking /cycling facilities be provided at the various construction compounds to support sustainable travel?</p>	<p>which outlines the mechanism within the Outline Construction Traffic Management Plan [REP1-039] to ensure that assessed impacts are not exceeded. With regard to comments on the Outline Construction Traffic Management Plan [REP1-039] “not minimising worker impacts” or “offering access by non-car modes”, the Applicant would respond as follows:</p> <p>The Outline Construction Traffic Management Plan [REP1-039] includes targets for the numbers of vehicle movements, based upon an employee to vehicle ratio of 1.5. An employee to vehicle ratio of 1.5 equates to a 67% car driver percentage. In contrast the average car driver percentage from Census for Tendring is 71%¹ (equivalent to an employee to vehicle ratio of 1.4). The approach adopted by the Applicant therefore represents a significant commitment to minimising worker impacts beyond the established baseline for Tendring.</p> <p>With regard to the comments on non-car modes, the Applicant refers the Council</p>	<p>will not be exceeded; however, are looking for a commitment to achieve a reasonable modal split for the site.</p> <p>We believe this accords with the thrust of EN-1. The Five Estuaries DCO included the following at paragraph 3.2.5, and we would request a similar or corresponding approach, which we would accept would not need to focus on discrete methods of travel.</p> <p>“Notwithstanding the above, the Principal Contractor will make best endeavours to reduce the number of peak hour and daily workforce vehicle movements from those identified in Table 3-1 to a target car driver mode share of 61%, which would be 10 percentage points lower than the average for the areas of Tendring in which the project is located)) through the implementation of the measures set out in Section 4 and a regular review of the measures and potential additional measures to be implemented.”</p> <p>We understand that the Applicant are considering some options around what could be included as a secondary measure, and believe we are broadly outlined with the</p>
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		<p>to Table 3.1 Outline Construction Traffic Management Plan [REP1- 039]. Table 3.1 includes a range of non-car based travel plan measures such as measures to promote walking, cycling, bus and train travel. The Applicant would highlight that the primary metric for measuring compliance is to minimise peak vehicle trips, rather than focusing upon discrete methods of travel.</p> <p>With regard to comments upon monitoring car-share and modal split, the Applicant refers Essex County Council to Section 5.2.4 of the Outline Construction Traffic Management Plan [REP1-039], which includes commitments to monitoring employees' methods of travel.</p> <p>With regard to comments upon implementing measures if the mode share targets are not met, the Applicant directs Essex County Council to Section 5.3 of the Outline Construction Traffic Management Plan [REP1-039] which defines an exceedance of target daily vehicle numbers (which are based upon</p>	<p>general principle albeit need to agree the general mechanics.</p>
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		a car-share ratio of 1.5) as non-compliance requiring corrective action.	
Q17.1.7	<p>Travel outside of known peak times (Light Vehicles)</p> <p>ES Chapter 27 Traffic and Transport [APP- 041] paragraph 52 includes “During this engagement it was agreed with the relevant highway authorities at an ETG meeting on the 05 September 2023 (detailed within ES Appendix 27.4 (Document Reference: 3.3.67)) that no detailed assessment of driver delay (capacity) would be required. The rationale for this agreement was a commitment by the Applicant to ensuring that 80% of employees arrive prior to the morning network peak hour (07:15 to 08:15) and depart before or after the evening peak hour (16:30 to 17:45).”</p> <p>Paragraph 52 of the OCTMP [APP-251] states that: “The assessment of driver delay (capacity) presented within ES Chapter 27 Traffic and Transport (Document Reference: 3.1.29) is predicated upon industry experience that highlights that the</p>	<p>The Applicant refers the Council to section 3.2.2 of the Outline Construction Traffic Management Plan [REP1-039] which includes a commitment to ensuring that no more than 20% of the peak daily vehicle movements occur during the network peak hours.</p> <p>With regard to comments upon monitoring shift times and by extension arrival and departure times, the Applicant refers the Council to section 5.2.4 of the Outline Construction Traffic Management Plan [REP1-039], which includes commitments to monitoring employees arrival and departure times.</p> <p>With regard to comments upon implementing measures if the shift patterns (arrival/departure times) are not met, the Applicant directs the Council to Section 5.3 of the Outline Construction Traffic Management Plan [REP1-039] which defines construction traffic operating outside agreed hours as</p>	<p>With regards to section 5.2.4, this is welcomed, however, was not being disputed.</p> <p>With regards to Section 5.3, the concern was whether this was explicit enough, as some may infer construction traffic, as a definition has not been identified, as HGV movements only.</p> <p>This was covered specifically in the Five Estuaries DCO within the Travel Plan [REP7-057].</p> <p>That being said it is noted that there is a control and monitoring, so the request is whether the movements that are covered within the enforcement can be made more explicit.</p> <p>ECC would like to see some monitoring mechanism and/or mitigation to control the amount of light vehicles arriving before 7am to avoid vehicles queuing/clustering outside work areas, in particular along rural roads.</p>

	<p>majority of the construction workforce would arrive before the morning network peak hour of (07:15 to 08:15) and depart before or after the evening peak (16:30 to 17:45)."</p> <p>The OCTMP paragraph 53 includes: "To ensure that there would not be an adverse impact upon capacity, the TMCo would limit these movements to no more than 20% of the peak daily LV demand (outlined in Appendix A)."</p> <p>(i) Has consideration been given to how the workforce arrival and departure times might vary in the winter, due to shorter daylight hours, compared with the summer?</p> <p>(ii) What further mitigation could be implemented to retime travel outside of peak periods?</p>	<p>noncompliance requiring corrective action.</p>	
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2. Landscape

Comments on Outline Landscape and Ecological Management Strategy V2 (REP3-019)

Paragraph 206 - The proposed development is not in the National Landscape but still not clear if there are impacts on the setting.

Paragraph 214 - Implies there are residual impacts but does not identify how these are compensated for.

Paragraph 215 - The landscape mitigation plan is described as an 'illustration'. However, this is the plan on which the LVIA is based so there needs to be clarity that any variations from it should only be minor operational or similar wording. Does mitigation also include landscape compensation for the residual adverse impacts? If so, these need to be distinguished.

Paragraph 216 - The implication is that the screen planting mitigates for landscape impacts when the reality is that 90% of the adverse impact is caused by the loss of the agricultural character of the landscape not impacts on the features at the field boundaries. The Joint Councils ask how are residual adverse landscape impacts compensated for, and the applicant is asked to clarify this point.

Paragraph 218 - The proposed screen planting is created relatively close to the structure that needs screening so reducing the capacity for visual impacts to be mitigated.

Paragraph 221 – The design vision identifies mitigation but does not clarify if this represents compensation as well. Clarity is needed.

Paragraph 223 - Should reference the District Landscape Character Assessment i.e. LCA 7A Bromley Heaths not the character area listed.

Paragraph 230 - The wording implies that only landscape features such as trees and hedgerows contribute to the character of a landscape when on most greenfield sites, it is 90% made up of agricultural land and identified in the character assessment as a key characteristic.

Table 3.2 - Identifies habitat creation as having a 30-year management period but only 10 years for landscape. This needs clarifying if by 'landscape' the OLEMP is referring to the reinstatement works in the cable corridor only. Also needs to clarify that 30-year management period also applies to landscape mitigation / compensation round the sub-station.

Section 3.11 / Paragraph 246 - 'Landscape maintenance' needs to be prefaced by 'Cable Corridor' to clarify issues identified in Table 3.2 above.

RE: Indicative planting Cross Sections

Cross-section AA' Year 1 - An indicative human receptor needs to be shown in Grange Road/Ardleigh Road. Both ends of the cross section are labelled A and Grange Road. One end needs to be A' Ardleigh Road. The height of the hedgerow with trees in Year 1 is shown as c5m, whilst the majority of the planting will be hedgerow c1m in height. This is misleading.

As shown on the cross-section, the width of the locally native broadleaved woodlands is wider than the 20m width committed to on the indicative plan. How will the applicant ensure this additional planting will be delivered?

Most of the sub-station structure will be visible in Year 1.

Cross-section AA' Year 15 - The height of the hedgerow with trees in Year 15 is shown as c10m, whilst the majority of the planting will be hedgerow likely managed at c2-3m max. The tallest elements of the sub-station structure will still be visible.

Cross-section CC' Year 1 - C' lies on the PRow along the northern boundary and should be labelled as such. An indicative human receptor needs to be shown in Grange Road/Ardleigh Road and the PRow.

Same issue with indicative height of hedgerow with trees being overstated and width of locally native broadleaved woodlands.

Cross-section CC' Year 15 - Same issue likely with visibility Year 1. The height of the hedgerow with trees in Year 15 is shown as c10m, whilst the majority of the planting will be hedgerow likely managed at c2-3m max. The tallest elements of the sub-station structure will still be visible at Year 15.

RE: REP3-036 Applicant Responses to EXQ1

REP2-030_d Q8.1.7 Design Mitigation – Earthwork Bunds: We agree with the Applicant's response in relation to bunds.

REP2-030_f Q14.1.5 Impact on AONB and Heritage Coast: We welcome the intention to provide updated visualisations showing the Norwich to Tilbury overhead lines for certain viewpoints where there are views of the North Falls onshore substation. And that these will be provided into the Examination at Deadline 4. We may wish to comment further once these are available.

Our position remains that the collective effect of these combined projects would have an industrialising effect on the landscape and to visual receptors, or the perception of the same, even when viewed from a distance including in glimpsed views from the National Landscape.

REP2-030_g Q14.1.7 Mitigation Planting at 15 Years – Onshore Substation: The Councils agree that as planting matures it will help to soften and filter views of the proposed

North Falls onshore substation. However, our position remains that, with uncharacteristic elements remaining visible above the projected vegetation levels after 15 years, the residual impact would have an industrialising effect on both the landscape and for visual receptors. This would be exacerbated and extended by the cumulative impact of Five Estuaries and the East Anglian Connection Node (EACN) with its overhead line, not just during the operational stage but during the successive periods of construction.

REP2-030_h Q14.1.8 Onshore Substation – Screening impact on surrounding residential receptors: The Councils welcome that North Falls and Five Estuaries Offshore Wind Farm (VEOWF) have committed to the production of a joint Design Guide, which will encompass both onshore substations and their immediate settings.

Our position at the current time remains that in terms of landscape character, the VEOWF proposal creates a more coherent strengthened landscape framework, whilst also extending the green infrastructure further into the landscape as advised at the outset by the Design Review Panel. The NFOWF scheme has the advantage of providing better screening to the north/north-west of the scheme and has committed to a 20m width buffer as a parameter.

REP2-036_f Q9.2.7 Requirement 5 Substation works: We welcome the inclusion of The Landscape Mitigation Plan (Figure 30.1.6, ES Chapter 30 Figures Part 1 of 6 [APP-083]) as an appendix to the updated version of OLEMS [7.14 (Rev2)] to avoid any uncertainty about the extent and nature of the proposals.

In relation to Green Infrastructure, we acknowledge that the establishment of new planting *within the site* provides corridors or ‘stepping stones’ from the site to features at the boundary. However, our position remains that it fails to establish a truly landscape scale approach to conservation and enhancement by connecting green sites as described under the Lawton Principle and by extending the green infrastructure further into the landscape, as advised by the Design Review Panel

Works Outside the Red Line Boundary: We welcome that The Applicant is open to exploring measures to enhance further GI connectivity beyond the Order limits by agreement with local partners. We would need to have an appropriate legal agreement for securing or delivering any off-site planting should it not be secured through the DCO, however.

3. Ecology

REP3-018 OCoCP v2

- Glossary - ECoW is the acronym for Ecological Clerk of Works not Environmental Clerk of Works (which would be ENvCoW). These roles have separate skillsets but the OEMP and OLEMS specifically refer to ECoW.
- Table 1.1 - We welcome the additional text in Section 1.14 to cross reference with OLEMS and OEMP.

REP3-020 OLEMS v2

- Table 1.1 - We welcome the additional text in Sections.
- 2.2.3.2 para 45 and 2.2.3.7 para 83 to detail mitigation for bats and Hazel dormouse.

REP3-048 ES Chapter 23 Onshore Ecology Supplemental Information Technical Note Rev 0

Table 3.1 Additional impacts - We note that construction Impact 6 and the related Impacts 10,12 & 14 Permanent and temporary loss of hedgerows and on bats, GCN & Hazel dormouse needs to be reviewed

We welcome the updated assessment and agree that, with additional mitigation measures proposed, the significance remains as assessed at DCO submission.

For Impact 10, we request additional text for “The Project will avoid and protect veteran trees within hedgerows”.

REP3-036 Applicant Responses to EXQ1 - No comments at this time.

Biodiversity Net Gain (BNG):

The NFOW REP3-028 7.22 Biodiversity Net Gain Strategy (Rev 1) (Tracked) is clear about the watercourse units at section 4.4.1 Baseline value calculation para 69 “the Project is not currently proposing to commit to achieving 10% BNG in the Metric watercourse module”.

We do not agree that the applicant has sufficiently explored opportunities to deliver a 10% net gain for water course units. Whilst it is accepted that at present, there is no mandatory requirement for NSIPs to achieve any BNG, ECC wishes to support the applicant in securing additional watercourse units offsite (via a local Habitat Bank ideally in Tendring District) to demonstrate best practice BNG.

We therefore seek an in-principle agreement that, if these watercourse units are available post-DCO, the project would secure them so that NFOW are able to achieve the BNG uplift on this type. This should be added to the SoCG with ECC and TDC.

It is highlighted that creation of “other neutral grassland” at the substation site instead of “Lowland meadow” Priority grassland habitat would be more likely to be successful and deliver more BNG units.

The Viability Assessment of Biodiversity Net Gain in Essex (August 2024) states that the additional costs to achieve 20% BNG is a relatively small percentage of overall cost for NSIPs in Essex, therefore ideally 20% BNG should be investigated.

Migratory bats:

We note that Natural England have advised the applicant that, due to the limitation of available data, there is no proportionate mitigation approach for potential impacts on migratory bats from the operational stage of the offshore wind farm. However, ECC and TDC seek a response from the applicant relating to their request to consider monitoring of this type of impact on migratory bats over the lifetime of the development.

This would contribute to Recommendation 40 of the UK Government's Offshore Energy Strategic Environmental Assessment 4 ("OESEA4") Appendix 1, as this migratory species is protected by the Convention on the Conservation of Migratory Species, to which the UK is a signatory state.

It states that "the potential impact of offshore wind farms on bats (collision, barotrauma) is widely acknowledged but there is a paucity of information on bat distribution and behaviour on which to undertake robust assessment of the potential impact of offshore wind farms. Further research is required to understand the potential implications of offshore wind farm expansion on species of migratory bat and to inform potential mitigation measures."

The SoS therefore has an opportunity under this treaty in relation to Nathusius' pipistrelle to contribute to the European dataset available to the offshore wind industry to ensure that any Nathusius' pipistrelle migrating to the UK are not significantly harmed by Offshore Wind Farms operating in UK waters.

Dormouse in hedgerows:

We support the applicant's agreement to undertake follow up surveys of hedgerows for Hazel Dormouse pre-construction to be detailed in the CoCP. This would be secured by a DCO Requirement as a good practice measure for due diligence and inform any ongoing need for a licence to disturb this European Protected Species.

4. Archaeology

Revised versions of the Draft Development Consent Order (DCO) (**REP3-009**) and Outline Code of Construction Practice (CoCP) (**REP3-018**) have been submitted at Deadline 3. Neither document has included the suggested changes provided by ECC (Archaeology) in response to the Applicant's submission at Deadline 2. These documents will need to be revised in line with comments provided by ECC (Archaeology) (**REP3-054**) and do not need to be repeated here.

In discussions with the Applicant the changes proposed by ECC (Archaeology) are seen as acceptable and will be reflected in the updated DCO and CoCP by Deadline 5. In addition, an Archaeological Mitigation Strategy (AMS) will be produced to support these changes at Deadline 5.

No further comments are provided in response to the Examiners questions (ExQ1) Q12.1.4, Q12.1.6, Q12.1.7 and Q12.1.13. ECC (Archaeology) is in discussion with the Applicant to agree a project-wide programme of post consent archaeological evaluation to the standards required by ECC. This should result in a more comprehensive assessment of the archaeological and geoarchaeological potential within the scheme and facilitate a more informed mitigation strategy. In discussion there is also progress with agreeing the content of the documents that would be required to be submitted and approved to ensure that there is effective mitigation of archaeological and geoarchaeological remains. These documents, including the Onshore OWSI, proposed AMS and trial trench evaluation plans will need to be submitted for approval at Deadline 5.

5. **Built Heritage**

Responses to comments on WR and ExQ1:

We currently have no further comments on RE and ExQ1. At a meeting with the Applicant and their Heritage Consultant on 20th March 2025 the matters raised were discussed and it was agreed that an Addendum to the ES Chapter would be prepared that included:

- Rationale taken to assessing changes to setting during construction.
- Rationale regarding the changes to the setting of Jennings' Farmhouse during operation.

The applicant indicated that these will be submitted at Deadline 4 and we will provide further comments in the next deadline upon review.

Post hearing submissions including written summaries of oral submissions made at the hearings:

At the Hearing on 2nd April 2025, ECC raised concerns regarding the approach to construction effects, the operational setting impacts to the Grade II Listed Jennings' Farmhouse, and approach to mitigation. We noted the agreement with the Applicant and their Heritage Consultant that the production of an Addendum to the ES Chapter would be prepared to set out the rationale and approach taken – as noted above.

As was raised in the Local Impact Report [REP1-065] and as was raised by the Joint Councils at the Hearing, the construction effects on a number of heritage asset along the cable route have not been fully explored in the submitted in 3.1.27 Environmental Statement Chapter 25 Onshore Archaeology and Cultural Heritage (APP-039) and accompanying Appendix 25.3 Onshore Infrastructure Settings Assessment Part 1 (APP-148) and Part 2 (APP-149).

There is no assessment of significance or contribution of setting for the following heritage assets in Appendix 25.3 Onshore Infrastructure Settings Assessment Part 1 (APP-148) (Page 14, paragraphs 37 and 38):

- 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).

Therefore, the impact assessment (at page 14, paragraphs 39 to 41) cannot be considered to fully assess the construction effects on the above identified heritage assets.

Furthermore, as identified in the Local Impact Report [REP1-065] and noted at the Hearing, the construction effects may also impact the following heritage assets with close proximity to the Project Area:

- Thorpe Park Farmhouse NHLE 1307196 – Grade II Listed Building
- Landermere Cottage NHLE 1112116 – Grade II Listed Building
- Hannams Hall NHLE 1265148 – Grade II Listed Building
- Brocketts Hall NHLE 1112121 – Grade II Listed Building
- Abbotts Hall NHLE 1261150 – Grade II Listed Building
- Grove Farmhouse NHLE 1337174 – Grade II Listed Building
- The Old Rectory NHLE 1111420 – Grade II Listed Building
- Bounds Farm NHLE 1147743 – Grade II Listed Building
- Hungerdowns Farmhouse NHLE 1112091 – Grade II Listed Building

These appear to have been scoped out based on the ZTV for the Substation, rather than fully considering their significance, contribution of setting and any potential for construction effects to arise (including non-visual effects which the ES Chapter (APP-039) recognises at 25.4.3 Impact assessment methodology, paragraph 42).

It is requested that consideration is given to the above in the preparation of the Addendum to ES Chapter 25.

6. Noise Complaints Protocol

The Councils note that the Outline Noise Complaints Protocol (REP3-043) is the latest version submitted at the end of the Five Estuaries Examination, which we had raised substantial concerns on the approach and timeframe to handle any noise complaints. Section 6 of the revised Outline Noise Complaints Protocol (REP3-043) only highlights that the 3 substations will be designed to meet their individual noise limits, however it still lacks a Joint Panel to collectively deal with the potential cumulative noise impacts, which is disappointing and inadequate to address any cumulative operational impacts. The approach proposed by the applicant is fragmented and down to individual operator to investigate any noise complaints, without considering that there could be a scenario that more than 1 operator(s) may also contribute to the noise issues.

As there is no precedent case for collocation of so many substations in such close proximity and that cumulative impacts on the local residents could not be fully anticipated, the Councils strongly maintain the request that any noise complaints during operational stage are addressed by all three developers (Five Estuaries, North Falls & National Grid) concurrently. These projects are collocated and could be responsible for individual or cumulative noise breaches, this is a collective responsibility.

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

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

7. Tourism

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

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

8. Skills and Employment

The submitted Outline Skills and Employment Plan [APP-253] only outlines the local skills context, the type of roles required and some examples of activities but currently does not contain solid or tangible provisions on what will be provided. The Councils would like to see a stronger commitment to investment in a Skills Fund that could support a variety of functions such as skills infrastructure, research and development, training programmes and skills bootcamps, which fine details on the scale and implementation, monitoring and management could be further developed in the detailed Skills and Employment Plan when discharging the relevant requirement

Harwich is identified by the University of Essex as a prime location for an innovation hub that will provide interim support for offshore wind activities whilst laying groundwork for future renewable energy initiatives. In 2024 Tendring District Council agreed plans for a green energy hub at Harwich, designed to increase the port capabilities to accommodate the rapidly growing offshore energy sector. Both Councils would like to see this referenced in the Outline Skills and Employment Plan (oSEP) and how the project could contribute to the

research and development of the construction, renewable and sustainable sectors. Along with clear commitments from the Applicant to contribute toward a Skills Fund or dedicated programme that would be ring-fenced and dedicated to expanding current and future opportunities within Tendring.

Apart from bridging up the gap of roles required for the development and training for the next generations, objectives and measures should also include boosting up the residents' skill-set, creation of higher paid jobs, attraction and retention of the expertise to allow for coaching within the relevant sectors in the county.

ECC would like to highlight that the oSEP is not a tick-list exercise. It is essential that the preference of using local suppliers to be embedded into every stage of the development, from inception, design, construction, operation all the way to decommission, this could be achieved by ensuring local firms receive positive discrimination in the bidding/commissioning process through awarding favourable weighting for their local connections. The Councils request that contracts that will be up for tender to be shared as early as possible to assist local firms who are looking to make necessary adjustments so they can bid. By identifying local suppliers early on in the process the Applicant can share relevant information that will enable interested companies to make any necessary changes well in advance of works commencing. The Councils acknowledge the RWE Supplier Transparency Engagement Programme (STEP) and would like to see more positive proactive engagement from the applicant to local firms to ensure they are aware of this portal and be actively invited for quotations or tenders for any forthcoming work opportunities.

The Councils request a more co-ordinated approach with the other NSIPs coming forward within Tendring to create a pipeline that local firms can engage with and secure work from. ECC supports the accurate assessment of the local supply chain capacity which could support local firms to win work. Any identified gaps in the supply chain could be addressed by supporting steps to ensure firms can bridge these gaps early and be ready when delivery requires.

Should the proposals receive consent, it is understood that North Falls and Five Estuaries would be working together to deliver skills and employment opportunities. ECC would like to see commitment to funded courses that will be delivered to target identified needs of both projects at all stages. The heightened volume of NSIPs with similar labour and supply requirements within a concentrated geographical area, could exacerbate existing identified shortfalls. The Councils support collaboration with the Applicant and Suffolk County Council to ensure this can be avoided. The Tendring for Growth scheme can be used alongside the Tendring future skills programme as a route to access local suppliers and local employment. The inclusion of the green energy hub and innovation hub at Harwich in future iterations of the Outline Skills and Employment Strategy will serve as a pivotal focus for expanding the capabilities of this and other NSIPs to deliver skills and employment to the local communities.

The Councils would like to see a greater commitment from the applicant when preparing the final document for discharging the Skills and Employment Plan under Requirement 18, and look forward to working with relevant and adjoining authorities such as Suffolk County Councils, education providers and relevant stakeholders to achieve synergy.

9. Community Benefits

The Council's note the publication of recent Guidance from the Department of Energy and Net Zero (DESNZ) entitled "Community Funds for Transmission Infrastructure: Guidance" as published in March 2025 which asks that developments for electricity transmission projects, as are essentially proposed here, provide a contribution to host communities to offset the impact of proposals, and to provide a community legacy going forward.

In light of the above, the Councils have commenced discussions with the applicant, as well as Five Estuaries, as we seek to secure a community benefits package. Such discussions have been positive at this time. We anticipate the same will be assured through agreement with the scheme promoters and secured by way of a legal agreement to secure the same. The Joint Councils hope to have discussions on this concluded prior to the end of Examination whilst also being conscious that the Guidance requires agreement prior to the onset of construction works, a timetable for that not being with the ExA at this time. The Councils also note that start on the project here being considered is reliant on the future consenting of the DCO for Norwich to Tilbury, which itself proposes the EACN into which North Falls will connect, and which is expected to be submitted for Examination in Q3 2025.

10. Design Review

The Examining Authority (ExA) requested an update on the joint Design Working Group. Five Estuaries, North Falls, ECC and the Essex Quality Review Panel are holding their first meeting on 29 of April 2025. In addition to this, there are also monthly Design meetings scheduled starting on the same day between Five Estuaries, North Falls and ECC.

11. Cumulative Assessment

We would also want to point out that the Secretary of State has directed on 7 April 2025 that the Tarchon Interconnector project will require development consent, the potential cumulative impacts are even more imperative to assess.

RE: REP3-042 9.31 Cumulative Effects Assessment Summary

Table 1.1 Projects included in the CEA for offshore technical assessment - Chapter 30 LVIA identifies Norwich to Tilbury project but only references the EACN and not the cumulative effects of the overhead lines. Have these been considered?

The projects listed for Tendring District Council do not include the Tendring Colchester Borders Garden Community (TCBGC) even though the facilitating road link is progressing apace.

Essex Highways website says 'The A1331 will enable important new homes and businesses to be developed to the east of Colchester as part of the 'Tendring Colchester Borders Garden Community' development. Delivered in two phases, in line with the new development, the first phase of the new A133... is due to be completed in 2026.'

TCBGC has reached **the Development Plan Document (DPD) stage**. This was examined by a Planning Inspector in September 2023 and modifications consulted on in late 2024.

Both these proposed developments are substantially located in the same district Landscape Character Area (LCA) as the proposed North Falls and Five Estuaries sub-stations and the EACN, so the cumulative effects on landscape character will be enormous.

12. Legal/dDCO

Requirement 5

ECC requests that for ease as Five Estuaries and North Falls both move forward collaboratively on the onshore substation design, that Requirement 5 Substation Works is renamed to align with the equivalent VE DCO Requirement 5, i.e. 'Onshore substation works and design'

Requirement 11

ECC is awaiting proposed wording from the Applicant to strengthen the current requirement 11.

Requirement 15

The current wording of Requirement 15 Groundwater Monitoring lacks any trigger as to when the schemes will be submitted to the Discharging Authority. ECC request Requirement 15 is amended to the wording in italics below, as in the Five Estuaries DCO:

Ground water monitoring

- 15.—(1) No stage of the onshore works for which a groundwater monitoring plan is required in accordance with the outline groundwater monitoring plan, must be commenced until, for that stage a groundwater monitoring plan has been submitted to and approved by the discharging authority
- (2) Sub-paragraph (1) does not apply to any works or surveying and investigation necessary to inform the preparation of a groundwater monitoring plan.
- (3) Any plan approved under sub-paragraph (1) must be implemented as approved.

Requirement 17

To ensure that the protocol is undertaken with collective responsibility, we request that dDCO requirement 17-(2) is revised to reflect a collaborative complaint handling approach in the noise investigation protocol amended wording in italics below:

- 17.-(2) Prior to commencement of operation of Work No 11, a noise investigation protocol, including a collaborative complaint handling approach, must be submitted to and approved by the discharging authority. The operation of Work No 11 must be implemented according to the approved noise investigation protocol at all times.

Protective Provisions

The Councils expects that the Drainage Protective Provisions would be updated by the Applicant to be in line with the ECC wordings.

As pointed out previously, it is essential for the dDCO to have protective provisions for ECC as local highways authority and a Framework Highways Agreement which will sit alongside the Highways Protective Provisions providing the necessary details.

Phasing / Grampian Requirement

The Councils are seeking the addition of a phasing/Grampian requirement, which is preceded in the recent Viking Carbon Capture and Storage Pipeline Order 2025. There is a link between North Falls and the East Anglian Connection Node Substation that is proposed by National Grid, which is not the subject of this examination and is not being considered in respect of its merits. However, the ExA are asked to note that the East Anglian Connection Node substation is proposed to connect North Falls to the grid. ECC is the local authority for the administrative area in which the onshore works will greatly affect. ECC has considered the impact that the development will have within its administrative area and weighed that against the risk that if the North Falls DCO is granted, but a DCO is not granted for the East Anglian Connection Node substation, we will be in a position whereby there will be no benefit as there will be no connection of the North Falls development to National Grid's proposed EACN substation.

To mitigate this risk, ECC requests a phasing condition that should Development Consent be provided for the East Anglian Connection Node substation, the North Falls development can commence:

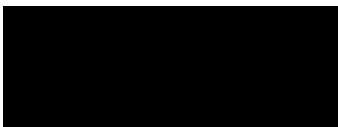
No part of the authorised development may commence until details of the following have been submitted to and approved by the Secretary of State —

evidence of development consent being granted for the National Grid's East Anglian Connection Node substation which will connect the North Falls development to the grid.

13. Conclusion

The Councils look forward to continuing the dialogue and further discussions with the applicant, in an attempt to minimise and resolve any outstanding matters. It is expected that a signed Statement of Common Grounds will be submitted at Deadline 5.

Yours sincerely



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