

**Essex County Council (ECC) - Written summaries of
Oral submissions made at Issue Specific Hearing (ISH) 1 and 2 (2 April to 8 April 2025)**

ISH 1 (2 April 2025 to 4 April 2025)

Agenda 3.1 Landscape and Visual Impact and Design

Landscape and Visual Impacts

The Council's position is that the extent of the viewpoints is very limited. There are particular places where the applicant could have done more to demonstrate what the impacts are. These include having a series of viewpoints along the Public Rights of Way to the northern boundary of the site. It is also unclear why there are no viewpoints to the northwest of the site, from Grange Road in particular, which for the section that runs alongside the application site, is actually pretty much a country lane in character. Elevation of the substation is the one that can be least mitigated with the planting, because that is the elevation from which the overhead lines will be connecting. It is limited in the amount of planting that can happen along that elevation, so it is important to see what the effects potential are from that direction.

We remain concerned about the number of viewpoints from Dedham Vale National Landscape. We raised about this during the Five Estuaries (VE) Examination and VE did 2 additional viewpoints for us in the Dedham Vale, showing what the impacts would be cumulatively as well as with other proposals in this area, including the East Anglian Connection Node (EACN) and the overhead lines. The overhead lines are of particular concerns for all the councils involved here. During the NFOW hearing, ECC requested that the Applicant provide a plan showing the boundary of the Dedham Vale National Landscape in relation to the location of the proposed substation – this was not included in the Environmental Statement.

As the applicant has identified that there are residual impacts even though they proposed that the visual ones are not significant. There is that perceptual element to landscape assessment. It is about how people feel as much as what they actually see, which is an important element. So the fact there are going to be residual glimpses of the substation infrastructure above the tree line, it creates a feeling of unease and a perception of the landscape of having been industrialised in relation to landscape impacts.

Design

We welcomed the applicant's approach to work closely with VE windfarm to have a collaborative approach in terms of design. As mentioned by the applicant, we had a brief meeting with Essex Quality Review Panel and they are happy to act as the independent design panel to work with both projects. There are meetings arranged within the next 2 weeks, so we are hoping that there will be a significant progress made by Deadline 5 in terms of the design review process.

Our understanding is that the Design Council design review panel in their initial meetings with North Falls (NF) called for much more extensive landscape mitigation which actually blended into the landscape beyond which may be one of the reasons why VE chose to extend the redline boundary further.

Perhaps the applicant can tell us why they drew their landscape mitigation or visual mitigation so narrowly. We note that the applicant is willing to consider extending that connectivity into the wider landscape, but not through the Development Consent Order (DCO). We wondered if they could provide more information on how they see that developing and whether they can provide the adequacy and further landscape enhancements that would meet the need for landscape

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mitigation. The applicant still has not clarified what sort of planting that they are proposing is actually landscape mitigation as opposed to visual.

For ECC and Tendring District Council (TDC), in landscape and visual terms, our judgement is very much that VE approach is better in both landscape and visual terms because it gives a layered arrangement, a bit more belt and braces, there are several opportunities to reduce impacts from the southeast and east. To support our colleagues from TDC, about the mitigation planting, it will take a long time to develop, so there being significant effects for quite a long time before that has effect.

Agenda 3.2 Historic Environment and Archaeology

Archaeology

In terms of intrusive investigation, it remains to be a concern from ECC that the applicant is adopting the same approach as advocated by VE, which we had raised objection during the VE examination. We would like the applicant to do more intrusive investigation. This remains to be a matter not agreed between the parties. We have only received the applicant's draft version of the archaeological mitigation strategy (AMS) and the Outline Written Scheme of Investigation (WSI) on Monday, we have not been able to go through the content yet. We will provide a more detailed response at Deadline 4. We will be working with the applicant, hoping that we can agree on the content of these 2 documents so that these will be in an acceptable format for submission at Deadline 5.

The archaeological heritage assets listed in document APP-039 have been largely identified through desk-based research and non-intrusive methods. These methods can only provide an indication of the potential for archaeological features. A geophysical survey is dependent on the receptiveness of the soils and geologies and a number of other factors in its effectiveness to identify below ground archaeological remains. It would not be able to provide sufficient information on the significance of any potential archaeological deposits located below ground. This is almost impossible to state with confidence, in terms of what the applicant consider significant in terms of EIA. Without a level of trial trench evaluation verification is not possible.

For the two areas that have been trial trenched, some areas did correspond with the geophysics, but other areas there were features that were not picked up by the geophysics. So we do not have enough information from the trial trench evaluation that have taken place to date to state, again, with confidence, that the non-intrusive methods that have been carried out so far are providing a reasonable account of what archaeology maybe within the development area and what archaeology may be impacted.

In terms of adequate assessment, we still feel that there has not been adequate assessment while they think proportionally there has. Although the applicant has proposed the trial trench evaluation as part of their mitigation to allow for project design and flexibility in their design, it is difficult to determine exactly where the impact will be at this stage.

The trial evaluation will be carried out post consent as their first form of mitigation and once we have this information, we will have a much better and adequate assessment of archaeological deposits that maybe within the scheme and how well they can be mitigated through avoidance, which is preferable or through excavation.

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Built Heritage

In our Local Impact Report (LIR), we have raised concerns regarding construction activities on a number of heritage assets, listed buildings and the Great Holland Conservation Area. In terms of the operational impacts, we are largely in agreement with the applicant. However, further clarification is sought regarding the impacts of construction activities. While it is acknowledged that these are temporary and of short duration, it was difficult to understand the sort of effects of the construction activities on the setting of the Jennings farmhouse. The applicant is going to prepare an addendum to the ES chapter to cover this.

Agenda 3.3 Traffic and Transportation

Code of Construction Practice (CoCP) Working Hours

The Councils raise concerns on the working hours as stated in the Outline CoCP. The stated hours are problematic. In reality, there are a lot of sub-contractors arriving before 7am. Even with the gate of the construction site is not open until 7am, it actually means that a lot of the workers will be piling up around the area from 6-ish. It is very difficult from district point of view to enforce if they are arriving early, having a chat or like site briefing. It will end up with situations that the contractors will argue with the Environmental Health team that they are only having some meetings outside of the site before 7am. If there are any complaints received, it will be very difficult for the Environmental Health colleagues to enforce on that point.

The Councils would like reassurance that nothing noisy is going to happen before 7am every day, especially for Saturdays. This is why we have proposed, for the high impact and noisy activities to be restricted between 8am to 6pm. This is something that the applicant could incorporate into the final version of the CoCP.

Heavy Goods Vehicle numbers

The Council have been in discussions with the Applicant on the OCTMP [REP3-021], and, subject to some amendments that we understand will be made, as well as subsequent potential discussions, we are content that it includes appropriate controls and enforcement for managing HGV traffic to ensure the assessed limits are not exceeded.

Section 2 of the OCTMP [REP3-021], sets out the controls on HGV movements based on the assessment scenarios including compliance with the assessed figures at Appendix A or Appendix B. The assessment also includes a control on HGV routeing (2.3) and HGV timing as 2.2 to 0700 to 1900 hours.

The above being said, there are a few elements of the Transport Assessment [APP-165] that we have requested to be provided to us, which the Applicant has recently provided, so that we can undertake a few checks on elements of the assessment, but our expectation is that this review will not impact any conclusions. There is also some further explanation required of some elements of the assessment, but again, these are not expected to alter the current position.

Having had further explanation of the control on links 25 and 35, we are content that the control is reasonable, but are in discussions over one further potential control for Link 33, but this is only in discussion stage at this time, and given Link 33 provides access to Link 35 it is arguably implicit that it is already covered. But we are having discussions around this.

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Personnel travel measures

The Council agrees that with the proposed monitoring of vehicle numbers and adherence to assessed numbers mean that those figures will not be exceeded; however, are looking for a commitment to achieve a reasonable modal split for the site.

Following a meeting this week, we suggested some potential text to the Applicant to be included in the OCTMP [REP3-021], and we understand they are considering this, generally both parties are aligned around the broad aim, but looking to find mechanisms we are both comfortable with. Following these discussions, it is not expected that this matter would not be resolved.

We believe this accords with the thrust of EN-1. The aim of this is to try to reduce impacts on the community and achieve reasonable sustainable transport patterns.

Abnormal Indivisible Loads

The Council are content with the abnormal load strategy for the site given it is subject to a separate approval process.

We have had discussions and requested what we hopefully think is a fairly minor amendment to the OCTMP [REP3-021], at paragraph 43 to make the requirement for a structural review explicit, which we understand the Applicant is considering. But otherwise we are content with the strategy.

Agenda 3.4 Noise and any other Health Impacts

The working hours restrictions were not discussed in the recent meeting with the applicant and will be an on-going matter to be further discussed and will be reflected in the Statement of Common Ground.

In terms of the measures in relation to noise and vibration during construction phase, as a final Code of Construction Practice will be required to be discharged with the Council as a requirement, there is no further comments nor further measures required at this stage.

Noise Complaints Protocol

Both Councils had previously raised strong objections to the Joint Noise Complaint Protocol submitted to the VE Examination. We noted that the applicant has submitted the same version at last deadline. The Councils would like to highlight that we still strongly maintain the view that any noise complaint during operational stage should be addressed by all 3 developers, i.e. Five Estuaries, North Falls and National Grid. The reason being these 3 projects are co-located and could be responsible for individual or cumulative noise breaches. There should be a collective responsibility. We could not find any precedent case for a joint complaint panel in other consented DCOs, however we believe that it is essential to establish a collective approach to monitor, investigate and resolve any potential cumulative impacts, given the nature of this DCO.

We would also like to point out that the current version is still having a very prolonged complaint handling timeframe. We consider this to be unacceptable as the complainant will have to endure the problem for a long period of time. The Councils jointly request that the timeframe to be shortened, especially for the initial site walkaround should be reduced to 48 working hours,

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for appointing a noise consultant it should be done within 5 working days, and subsequent measurements and report or identification of any recommendation or mitigation, it should be within 10 working days.

Our request for the initial site work around to be done within 48 hours has taken into account a scenario that if a complaint is made on a Friday, the complainant will have to suffer for 4 days before it could be undertaken. There is a significant different in terms of timing if this is happening during the weekend.

Both Councils request that Requirement 17 on controlling the operational noise of the draft DCO should be revised to reflect a collaborative complaint handling approach in the Noise Investigation Protocol.

Electromagnetic Fields (EMF)

The Councils have been in discussions with both Five Estuaries and North Falls about EMFs, we have requested that both projects to work on their FAQs to outlines the EMF and the potential implications , if any, on human health. We have also requested that there should be visual representation include to make it very clear, so that people can understand what the levels are and what the implications would be.

Agenda 3.6 Flood Risk, groundwater and surface water

ECC as the Lead Local Flood Authority (LLFA) would not comment on drinking/well water or water supply matters, which may be more matters for Environment Agency (EA).

The LLFA agrees with EA that with regards to the best practices of the Flood Risk Assessment (FRA), it is always the best practice to engage the LLFA and the EA as early as possible in the process. While we understand that the project is not at detailed design yet, we would like to stress that it is important for the applicant to engage with LLFA as early as possible with regard to the FRA, but also the drainage strategy and the construction management plan. It is essential to evidence that there will be no increase risk of flooding to adjacent parties and downstream residents and ensure how surface water will be disposed off without increasing risk of pollution in adjacent waterways.

For dDCO Requirement 15 Groundwater monitoring, ECC note that there is currently no trigger in the wording. The Councils would like to request the trigger to be pre-commencement of onshore works, in alignment with the proposed VE dDCO.

Agenda 3.7 Socio-Economic Effects

Skills and Employment

ECC acknowledges that the applicant has looked into the incentives and various different projects. The submitted Outline Skills and Employment Plan only provide an insight, outlining the aims and objectives but currently does not contain solid or tangible provisions on what will be provided. The Councils would like to see a commitment to investment in the research and development within the Harwich area. Harwich is identified by the University of Essex as being a prime location for an innovation hub, ECC would like to see this referenced in the oSEP. 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. The

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Councils would like to see clear commitments from the Applicant to align relevant areas of the proposed development with available opportunities within Harwich.

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 Tendring District Council, Suffolk County Councils, education providers and relevant stakeholders to achieve synergy effects.

Local Supply Chains

The main thing that both Councils would like to point out is that it is not only about the applicant engaging with the local suppliers, but actually the need to go to them. Like when we had the Accompanying Site Inspection the other day, the transportation is actually not even provided by local supplier. We do not want all those things mentioned to be only putting on paper, but it actually needs to be embedded in the mindset, the applicant should have priority to use local suppliers in the first instance.

Community Benefits

ECC has approached the developer with an initial discussion on community benefits. As indicated by the Applicant, a discussion is due to take place next week. The community benefit fund is something that we consider would work to contribute towards a range of initiatives, for example:

- the use of green space and other green features in both urban and rural areas
- schemes which can deliver quality of life and environmental benefits to the communities
- matters such as implementing initiatives and measures to meet net zero standards in buildings and the urban landscape
- increasing active and sustainable travel provisions within the county
- reducing reliance on the car
- creating new cycling and walking opportunities

ECC are looking to replicate previous DCO arrangements whereby the fund is secured via a S106 agreement during the DCO process.

Agenda 3.8 Cumulative Effects

ECC has no further comments nor requiring further mitigations with regard to the noise levels during construction stage assessment in cumulative scenarios.

The applicant is asked to clarify on the difference of noise levels referred to the Noise Complaint Protocol and those listed under Requirement 17 of the dDCO.

In terms of the cumulative impacts on archaeology, ECC notes that Five Estuaries adopts the same approach in terms of the low level of intrusive fieldwork prior to the DCO consent, which we have objected to, similar to the North Falls project. The level of intrusive fieldwork undertaken to date are insufficient to clearly demonstrate that there would not be significant impacts on archaeology for the respective project alone, and hence cumulatively, ECC is not in a position to agree with the applicant that there would not be significant adverse impacts on

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archaeological grounds. This would remain to be a matter of disagreement between the parties which will be reflected in the Statement of Common Grounds.

The Cumulative Effects Assessment (CEA) currently only identifies the offshore elements of the Tarchon project. Based on the current non-statutory consultation booklet, Tarchon has identified an area directly to the east of the EACN substation as proposed by National Grid. It is looking to have an interconnector substation of about 10 hectare in size. Therefore, the onshore aspects of Tarchon also needs to be assessed within the CEA due to its scale and its proximity to the NFOW onshore substation proposal.

Agenda 3.9 Coordination and alternatives

ECC have asked National Grid to look at alternative options to the onshore grid upgrade. The Government Offshore Coordination Support Scheme concluded that an offshore route was not viable. We are unaware as to whether Sea Link would be able to play a role in the transmission of offshore energy to land to join the National Grid. ECC does not question the need for the timing of delivery on this proposal by 2030.

The Norwich to Tilbury (EACN) proposal is one of the most controversial planning proposals in Essex and in the Eastern region for decades.

ECC maintains its position that the application is premature as the onshore connection component, the EACN has not been submitted. ECC expressed concerns that if this application and that of Five Estuaries are both granted consent prior to National Grid submitting Norwich to Tilbury (EACN) proposal, would these projects add to the need for N2T in advance of it being considered.

At present the Tendring District, specifically Ardleigh, is the focal point of four separate NSIP applications. ECC acknowledge that a single examination of all these projects together would be a considerable undertaking for all involved, it would prevent potential piecemeal development and ensure that a holistic overview of the proposals would be assessed in their entirety.

ECC would like to draw the ExA's attention that according to the applicant's figure, 26.9% of the cable corridor is Grade I best and most versatile (BMV) agricultural value. If a 3-year build programme is required for each project, and if one proposal is to follow the other, i.e. 6 years construction programme, it would have significant impact not only on the amenity level of the nearby residents but also the productivity of these BMV agricultural land. It is an issue that we would like the ExA to consider. As stated during the Five Estuaries Examination, we would explore the possibility of a Grampian condition to link the 2 developments together.

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Agenda 3.1 Draft Development Consent Order (draft DCO)

The Applicant confirmed that for both Article 12 and Article 14 of Part 3 – Streets, the time period has been altered to 56 days, ECC have no further comment. Regarding the Design Vision, ECC confirmed it does not need to be directly secured by the draft DCO as it is referenced in the Design Guide which is covered in the draft DCO.

ECC confirmed it is content with the wording of Requirement 5, this ensures that the Design Guide is secured via the Design Vision as a certified document and the Applicant will be required to discharge the design details.

ECC requested a new specific paragraph (5) to be added to Requirement 11, which refers to the Archaeological Mitigation Strategy and the Written Scheme of Investigation. The Applicant confirmed that wording is being included and will be consistent with the Five Estuaries DCO.

For clarity ECC requested that the defined build options 1 and 2 in Requirement 19 of the NFOW DCO align with the Five Estuaries.

Agenda 3.1 Planning obligations and other agreements

ECC outlined the purpose of the Framework Highways Agreement (FHA), to be read in conjunction with the Highways Protective Provisions. The FHA removes the need for another agreement prior to implementation. This is the most expedient approach for both the Applicant and ECC, mindful that as a public body the most time and financially efficient outcomes are sought. It also prevents the need for separate legal agreements (section 278) further down the process between the contractors and the highways authority.

Agenda 3.2 Onshore and Offshore Ecology

With regards to the migratory routes of bats (Nathusius' Pipistrelle) ECC propose a monitoring programme is considered should the DCO gains consent. This would enable a greater understanding of any impact the turbines are having on migratory bats and subsequently facilitate measures to mitigate this.