

Application for North Falls Offshore Windfarm

Essex County Council (ECC) and Tendring District Council (TDC) Joint Response to ExQ2 issued on 13 May 2025

ExQ2	Question to:	Question:
1. General and Cross-topic Questions		
Q1.0.1	The applicant (Parts (i), (ii) and (iii)). Essex County Council and Tendring District Council (Part (iii) and iv) only).	<p>Outline Code of Construction Practice – Working Hours</p> <p>The Outline Code of Construction Practice (OCoCP) (Rev 2) (Tracked) [REP3-018] sets out the proposed Working Hours and timing of the works in Section 1.3.1. Paragraph 50 provides a list of exceptions for activities outside of these hours which includes “<i>daily start up or shut down</i>”. Given the concerns raised by Essex County Council (ECC) [REP4-072] regarding working hours and in particular noise levels before 7am:</p> <ul style="list-style-type: none"> (i) What consideration has been given to limiting the timings or noise levels of the daily start up or shut down activities? (ii) What consideration has been given to restrict high impact and noisy activities between 8am to 6pm? (iii) What is your view on what noise limits (and in what locations) would be appropriate to limit high impact and noisy activities outside of the hours of 8am to 6pm? (iv) Do you agree with the applicant's Response to Written Questions (ExQ1) Rev 0 [REP2-020] Q1.4.6 regarding the control of noise and vibration during construction? If not, what changes would you propose to the dDCO to secure additional measures, and / or sufficient certainty and detail regarding if and how monitoring would be undertaken?
	TDC response:	(iii) - TDC maintains its position that the exceptions outlined in paragraph 50 of REP3-018 are unenforceable, effectively permitting further extended construction hours—provided the noise generated is not audible beyond the order limits. However, this condition is itself unenforceable and imprecise. The order limits are mostly drawn lines on a plan and those lines are mostly not reflecting any physical features on the land - ‘inaudible’ in this context is not only not defined, it is also imprecise because works that could be ‘inaudible’ to the occupiers of one property a certain distance away from any order limit boundary, could be audible to another who is perhaps set at a different angle to the noise sources. Wind direction and background noise will also be a very significant factor. Throw in the cumulative effects of other NSIP project and it becomes utterly unenforceable and imprecise. Furthermore, the wording of this provision

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		<p>allows construction activities to further exceed the <u>already unacceptable</u> (to TDC) extensive working hours of 7am to 7pm.</p> <p>TDC firmly believes that <u>no works</u> should take place outside the hours of 8am to 6pm, ensuring affected residents have the clarity they deserve and receive much-needed respite. Given the sheer number of Nationally Significant Infrastructure Projects (NSIPs) concentrated in this area, the region is set to become a vast construction site for a prolonged period, making <u>reasonable, precise and enforceable</u> limitations on working hours essential. We would argue that in this context and for the reason set out none of these tests are met.</p> <p>It is unacceptable to TDC that high-impact and noisy activities are even considered outside of the timeframes indicated, and that such hours could be permitted outside the 8am–6pm timeframe. We have previously submitted our preferred working hours and remain committed to this position. It is also unacceptable that we are now being asked to give our view on what would be appropriate limits for high impact noise activities outside the hours of 8am – 6pm because it will undermine our position set out on construction hours as per previous submissions. We have made our position on this repeatedly clear and find it tiresome that we are asked to consider a proposition that will be even more damaging to the communities that will be affected by this. Should the Examining Authority wish to deviate from the construction hours requested by TDC, we expect clear and justified reasoning for such a decision, along with enforceable restrictions—something currently lacking for the reasons set out above.</p> <p>(iv) - TDC does not agree with the applicant's response to Q1.4.6. TDC has repeatedly emphasised that the primary concern is the cumulative impact of three—and potentially four—large Nationally Significant Infrastructure Projects (NSIPs) situated in a countryside location, surrounded by three TDC settlements.</p> <p>Given the impossibility of accurately assessing the cumulative effects of what will inevitably be four NSIP projects, all constructed more or less simultaneously (due to the very challenging operational deadline of 2030/2031), enforcing breaches will be unfeasible and frankly impossible. Any proposed additional</p>

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		<p>measures would be vague, impractical, and unenforceable due to the vast array of unknowns regarding the cumulative impacts of these projects.</p> <p>Therefore, under these circumstances (and not least given all the unknowns) it is an unfair proposition to expect TDC to propose /suggest further mitigation measures – we are not the applicants and we have repeatedly made our position clear on cumulative effects and the challenges around monitoring noise and vibration during construction. To be clear - TDC has stated repeatedly in numerous previous representations, the cumulative effects of three—potentially four—interlinked NSIP projects make it impossible to guarantee any level of certainty, let alone sufficient assurance for all the nearby affected residents. Since each project is dependent on the others proceeding, any additional measures introduced in isolation (or on a project by project basis) - as is requested here - will invariably fail to give the clarity and certainty that noise and vibration impacts (and monitoring) during prolonged construction periods, across a vast (and ever expanding) construction site, will not result in unacceptable harm to residential amenity, especially given the fact that there is no guarantee that other projects will follow suit and implement the same or similar additional measures, whatever they may be.</p>
	ECC response:	<p>The Council are expecting additional information from the applicant regarding management of employee vehicles that arrive prior to the 07:00 hours, to reduce the impacts of noise or potential queuing on the highway, as per Deadline 4 [REP4-072] response under Agenda 3.3 Traffic and Transportation, Code of Construction Practice.</p>
Q1.0.3	Essex County Council and Tendring District Council.	<p>Works outside of general working hours</p> <p>ECC and TDC response [REP2-036] to ExQ1.4.3 states that <i>“Tendring District Council is of the view that any works outside of agreed working hours should be subject to a written agreement in advance of such work taking place.”</i></p> <p>The applicant’s response to written questions [REP3-036] states <i>“In respect of works outside of agreed working hours, the applicant refers to paragraph 51 of the Outline Code of Construction Practice [REP1-033], which states that this must be agreed with the relevant local authorities in writing in advance: Save for emergency works, full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction activities undertaken</i></p>

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		<p><i>outside of the consented construction hours must be agreed with the relevant local authority in writing in advance, and must be carried out within the agreed time.”</i></p> <p>Could ECC and TDC confirm whether they are content with the wording in the Outline Code of Construction Practice regarding this matter?</p>
	TDC response:	TDC is content with the wording but firmly object substance of the matter under consideration. We wish to reiterate our strong objection to construction works occurring outside the working hours we have previously indicated will be acceptable to TDC. As a result, the question (and indeed our confirmation that we are content with the wording set out above) is purely academic in nature.
	ECC response:	Written agreement of such works should be sought from both TDC as well as ECC as the highway authority.
<p>2. Agriculture and other land uses, ground conditions and soils</p> <p>3. Alternatives</p> <p>4. Aviation</p> <p>5. Climate Change and Resilience</p> <p>6. Compulsory Acquisition</p>		
Q6.0.20	Tendring District Council (TDC)	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The Land Rights Tracker [REP4-020] indicates that the applicant remains confident that the necessary land rights can be secured by voluntary agreement. However, the applicant states that despite its concerted efforts to expedite matters, progress has been limited.</p> <p>Notwithstanding the information already submitted to the examination, the TDC is requested to set out any outstanding areas of disagreement and reasons for objection to the grant of compulsory acquisition powers for the acquisition of rights in plots 01-002, 01-003 and 01-006.</p>
	TDC response:	<p>Since outlining our position to the applicant several months ago, TDC remains unable to accept the proposed terms, which continue to be wholly unsatisfactory—particularly in relation to financial compensation and the legal obligations set out in the draft documents.</p> <p>Despite the issues being raised with the applicant over three months ago, they remain entirely unaddressed. The only material change has been a modest increase in the financial offer—by only a few</p>

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		<p>hundred pounds—which does not materially alter the viability of the proposal or address the substantive concerns previously outlined.</p> <p>It is also inaccurate for the applicant to assert that "concerted efforts" have been made to expedite matters. In reality, there has been minimal engagement with TDC's concerns, and no meaningful attempts have been made to resolve them.</p> <p>To be clear, TDC was asked to grant a four-year exclusivity period for an unreasonably low fee of £3,000, with an option to extend for an additional two years at £2,500. Independent valuation advice obtained by our Property Department confirms these figures do not reflect market value and are grossly inadequate. The valuation, based on deferring potential land sale value over four years at a capitalisation rate of 4%, has been shared with the applicant's project team. Despite this, the applicant indicated that their budget constraints preclude a market-aligned offer—effectively transferring their financial limitations to TDC, which is wholly unacceptable.</p> <p>In light of this, and broader concerns, TDC must confirm that the proposed Exclusivity Agreement cannot be accepted.</p> <p>Moreover, the draft Heads of Terms for an Option Agreement seek to tie up the land for eight years, yet again offer wholly inadequate compensation. The proposed option extension fee of only £62.50 is negligible and may not even have been updated. The land is subject to significant potential impact under both the Exclusivity and Option Agreements, yet the financial terms fall well below the standard required for TDC to meet its legal obligation to secure best value for taxpayers. Acceptance of such terms would put TDC in breach of this obligation and expose the authority to unjustified financial risk.</p> <p>A number of other proposed terms are unduly onerous and remain unaddressed. Key issues include:</p> <ul style="list-style-type: none"> • Granting Power of Attorney to the Grantee in the event of a breach by the Grantor is unnecessary and wholly unacceptable. • Unrestricted vehicular and pedestrian access risks conflict with existing land users (public car parks, residential properties, sailing clubs), without dispute resolution provisions. • Temporary roads and track improvements are proposed with insufficient detail, making it impossible to assess or approve. • Assignment rights without Council consent directly contradict established Council policy and cannot be agreed. • Requirement for direct or step-in agreements with unknown funders lacks clarity and is unacceptable.

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		<ul style="list-style-type: none"> • Lack of information on above-ground apparatus, including size, location, and purpose, prevents informed consideration. • Burden of proving adverse effects is placed entirely on the Council, with significant cost and resource implications. • Prohibition on objecting to planning applications is unacceptable, given TDC's statutory role as Local Planning Authority. • Requirement to obtain occupier consents imposes a significant administrative burden without compensation. • Request to waive mineral rights without adequate compensation is not acceptable. • No allowance for new easement or wayleave fees has been made. • Restrictions on future land use, works, or leasing severely limit TDC's flexibility and diminish land value. • Limitation of the Grantee's indemnity is unreasonable in light of the risks transferred to the Council. • Proposed location for the temporary construction compound, within a Council working depot, is impractical and inadequately compensated. <p>While some of these concerns may have been partially addressed, no such revisions have been clearly communicated to TDC.</p> <p>In addition, the Construction Practice Addendum imposes disproportionate responsibility on the Council to supply and review information, with fees capped at unjustifiably low levels. This is unsustainable given current resource constraints and would divert funds from essential services. There is no provision to recover administrative costs, further misusing public resources.</p> <p>In summary, the proposed financial compensation is entirely inadequate, and the associated legal and administrative burdens on the Council are unacceptable. The cumulative cost and resource implications to the Council—through monitoring, compliance, and dispute resolution—are considerable and unjustifiable. TDC therefore formally rejects the proposed Heads of Terms in the strongest possible terms. As previously communicated, any revised proposal must include:</p> <ul style="list-style-type: none"> • Financial compensation that reflects full market value; • Removal of all liability risks to the Council; • A comprehensive response to the concerns outlined above. <p>Until such a proposal is submitted, TDC will not engage in further discussions on this matter.</p>

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7.	Cumulative Effects	
Q7.0.3	Essex County Council, National Highways	<p>Traffic and Transport Study Area – Cumulative effects</p> <p>SCC's Comments on any submissions received at the previous deadline [REP3-068] item LIR_SCC_08 states:</p> <p><i>"SCC recognises and accepts that the applicant's TTSA was agreed with National Highways and defers to their judgement given that the A12 south of Ipswich is within National Highways' ("NH's") administration. SCC appreciates the clarification given by the applicant on the worst-case peak increase in traffic flows and that the project is not likely to cause significant effects on the A12.</i></p> <p><i>Regarding cumulative impacts, SCC notes that several nationally significant infrastructure projects ("NSIPs") in Suffolk will be using the A12 concurrently with the applicant. The fact that the TTSA's [Traffic and Transport Study Area] of these projects do not overlap with the applicant's does not necessarily mean that there will be limited potential for cumulative impacts. East Anglia ONE North, East Anglia TWO and Sizewell C each include the A12 in their study areas which the applicant will also have to use to access the A120. There will also be other projects using the A12 concurrently with the applicant, including Five Estuaries, Norwich to Tilbury, and Bramford to Twinstead. SCC recognises that this section of the A12 is within Essex and under the administration of NH and so defers to NH and Essex County Council ("ECC") on this issue and the discretion of the Examining Authority as to whether they wish to explore this matter further."</i></p> <p>Could ECC and National Highways comment on SCC's concern regarding the potential for cumulative effects on the A12?</p>
	ECC response:	<p>The Council recognises SCC's valid concern around cumulative impacts on the A12 and the wider region as a result of the large number of projects in the area. The A12 is predominantly a dual carriageway and of strategic importance to Essex and Suffolk.</p> <p>ECC are of the opinion that these impacts will mostly occur on the strategic road network, and so would defer to National Highways regarding specific concerns and impacts on operation (particularly of the slip roads), albeit it is recognised there would be some interaction with the local road network; however, the Council are of the opinion that this would be limited aside from those locations directly assessed by relevant developments e.g. the access routes assessed for North Falls, Five Estuaries, Bramford to Twinstead, and to be assessed for Norwich to Tilbury.</p>

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		<p>That being said, there is likely to be some value in a high-level review of the change in total traffic flows of these projects on the A12 at different locations along its length to determine whether any material impact is occurring.</p> <p>For posterity, the Council are content with the study area and committed developments assessed within Chapter 27 Traffic and Transport of the Environmental Statement [APP-041].</p> <p>It is also correct to point out to the ExA that the A12 to the south and between junctions which serve Boreham to the north of Chelmsford, and Marks Tey, to the south of Colchester, has been the subject of a consented DCO for its widening and partial re-alignment, a proposal ECC has and continues to support as it would significantly improve the free flow of goods and people in Essex as it gears up for change over the next decade.</p> <p>At this time ECC have not been informed by the Department of Transport that a final decision has been made on funding for this new road scheme. Hence although the DCO is consented it is not possible at this time to say when, or indeed if, the scheme will be funded, and all activity on this DCO has now ceased whilst the applicant awaits this decision. However, and if the scheme commences, this could have an impact on the A12 during the construction works which would be relevant if this DCO relies on the A12 to the south of the County for access, particularly in reference to the Abnormal Indivisible Loads.</p>
Q7.0.10	The applicant, ECC	<p>The Cumulative Effects Assessment (CEA)</p> <p>The ECC post hearing summary of oral submissions made at ISH1 and ISH2 [REP4-072] sets out why in terms of cumulative impacts on archaeology, they are not in a position to agree with the applicant that there would not be significant adverse impacts on archaeological grounds.</p> <ul style="list-style-type: none"> (i) ECC is requested to provide further details of the level of intrusive fieldwork that it seeks and why the work carried out to date is considered to be insufficient to adequately assess cumulative impacts. (ii) The applicant is requested to provide further justification to support its position that the level of intrusive fieldwork carried out would be sufficient to assess such impacts.

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	ECC response:	<p>(i) ECC considers the level of intrusive fieldwork carried out for both North Falls and Five Estuaries to be insufficient and that the information provided does not allow an informed assessment of the impact of both schemes on archaeological remains. Further intrusive investigation would have provided information on both the presence, nature and significance of any archaeological remains along the scheme and provided more certainty on the level of further fieldwork that may be required post consent to record or preserve these remains. The Applicant considers the scheme retains enough flexibility in design to avoid any areas where extensive or highly significant remains may be encountered and proposes these can be preserved in situ. The Applicants for both North Falls and Five Estuaries have proposed a programme of archaeological evaluation post-consent which will inform on the archaeological potential along the scheme and inform on the final design. This has been agreed with the Applicant through the documents, Outline Written Scheme of Investigation and Archaeological Mitigation Strategy, which will be submitted at Deadline 5.</p>
8. Design		
Q8.0.1	The applicant, and other IPs	<p>Design Coordination with Five Estuaries</p> <p>IPs (TDC/ ECC) have concerns about the meaningfulness and transparency of design coordination, specifically coordination of design with VEOWF.</p> <p>(i) Please explain the steps leading to formation of a design review panel that will include: ECC's landscape team, representatives from the National Landscape body, local communities.</p> <p>(ii) To what extent should the coordinated approach be made a binding requirement through the DCO?</p> <p>(iii) Who is likely to be the design champion?</p> <p>(iv) Will there be meaningful early engagement with stakeholders?</p>
	ECC & TDC response:	<p>The Councils understand that landscape expertise will come from Landscape Institute members recruited through the Essex Quality Review Panel (EQRP) and these will be engaged with the proposed project Design Review Panel. ECC Place Services provides a Landscape Design and planning service and will continue to provide support to ECC and TDC planners as necessary. We propose that the agreed approach should be clarified and made binding through the DCO to ensure delivery.</p> <p>In terms of design champion, the Design Vision (APP-234) indicates that it would be appointed internally at board-level who has experience with substation design. The applicant should also consider to appoint a</p>

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		local/community/external design champion to ensure the local views are fed into the process and act as a facilitator with the local communities.
Q8.0.2	The applicant and ECC and TDC	<p>Good Design: Design Expertise</p> <p>Are you satisfied that the Discharging Authority would have access to sufficient design expertise to ensure good design of the OnSS when discharging Requirement 5 and 6 of the dDCO [REP4-004]? Please provide commentary on the need for a Planning Performance Agreement to ensure that sufficient resources for discharging these requirements.</p>
	ECC & TDC response:	<p>The applicant is encouraged to seek independent review from the EQRP which is an organisation providing local design expertise. The EQRP is considered by both Councils to be an appropriate way to offer such advice without prejudice.</p> <p>The Councils' involvement in assisting the applicant to finalise document(s) to discharge Requirements 5 and 6 are essential to ensure that any adverse impacts are minimised and adequately mitigated. It is essential to secure sufficient resources for discharging all requirements, should DCO be granted, to ensure that ECC is involved at a cost-neutral basis on NSIP projects. ECC is in discussions with the applicant to secure a post-consent PPA to cover such costs in due course.</p>
9. Draft Development Consent Order		
9.0 Articles Part 2 – Principal Powers		
Q9.1.5	The applicant, Historic England, Essex County Council	<p>Requirement 11 - Onshore Archaeology</p> <p>The ExA notes that following discussion at ISH2 this requirement was updated in line with the Five Estuaries drafting at Deadline 4 [REP4-004].</p> <ul style="list-style-type: none"> (i) The parties are requested to confirm that the drafting of this requirement is now agreed and that no further drafting amendments are sought. (ii) Please provide an update in relation to the draft Archaeological Mitigation Strategy and Outline Onshore Written Scheme and whether it is agreed that these now provide satisfactory commitments to post-consent surveys and trial trenching.
	ECC response:	(i) The wording of Requirement 11 is now agreed between parties.

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		(ii) The latest draft AMS and OWSI are in agreement. The agreed version is expected to be submitted by the applicant at Deadline 5.
Q9.1.13	The applicant, SCC	<p>Other matters relating to dDCO requirements</p> <p>The SCC at ISH1 [REP4-094] and [REP4-095] confirmed that they seek a phasing requirements as set out in their LIR paragraph 7.3 [REP1-074]. SCC submit that this is reasonable in that it is formulated to trespass lightly on the undertaker's flexibility and the turbines are programmed to begin construction as late as year 4. The requirement would restrict the commencement of the offshore turbine works until it was clear that the East Anglian Connection Node (EACN) had been consented and was to be delivered as part of the Norwich to Tilbury project so as to avoid unnecessary impacts on the SCHAONB. The applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] contends that such a requirement fails the relevant legal tests for a requirement because it is not necessary and is unreasonable.</p> <ul style="list-style-type: none"> (i) The SCC are requested to respond to the applicant's reasons for rejection of such a requirement as set out in [REP4-036]. (ii) The applicant relies upon their connection agreement with NESO which requires NESO to provide a connection which has been identified as the EACN. However, that is a commercial agreement which may have other consequences should its terms not be met. The applicant is requested to explain further its reliance upon the connection agreement as providing a basis for the assertion that a phasing requirement would be unreasonable in this case. (iii) Whilst the applicant states that it is not aware of any precedent for the imposition of a requirement of this sort, is it aware of any case where such a requirement has been suggested and rejected by the SoS? (iv) The applicant is requested to fully explain and provide time estimates of any delay to the proposed development that it submits would result from the imposition of the suggested requirement given the current programming of offshore turbine works and that only the commencement of those works would be restricted. (v) For the avoidance of doubt, can the applicant confirm that its position is that the precedent effect and the wider consequences that might flow from such a decision would render the imposition of the requirement unreasonable? Please also comment on whether subsequent decisions in relation to the imposition of such requirements would be based upon the particular circumstances and justification provided in each case?

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		(vi) Please comment on whether the Hinkley Point C project referred to provides a reasonable comparison to the particular facts of this case in terms of the timing of that scheme and the related connection project and the applicable landscape protection policies. Is it known whether any equivalent requirement was suggested and considered by the SoS in relation to the Hinkley Point C application?
Q9.1.14	The applicant, ECC, Tendring District Council (TDC)	<p>Other matters relating to dDCO requirements</p> <p>The ECC Post hearing submissions including written summaries of oral submissions made at the hearings [REP4-073] confirms that the Councils are seeking the addition of a phasing/Grampian requirement, which they state is preceded in the recent Viking Carbon Capture and Storage Pipeline Order 2025. They point to the link between NFOWFs and the EACN. ECC and TDC are requested to provide further details and reasons to support their reliance upon the recent Viking Carbon Capture and Storage Pipeline Order 2025 in support of the inclusion of such a phasing requirement. The proposed requirement as set out in ECC's post hearing submissions [REP4-073] states: "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."</p> <ul style="list-style-type: none"> (i) ECC and TDC are requested to provide further details and reasons to support their view that such a requirement would comply with NPS EN-1 paragraph 4.1.16 in that it would be necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. (ii) Is the proposed requirement as currently drafted sufficiently precise to be readily enforceable, and/or are any amendments required to make it so. (iii) Please can the applicant indicate whether it agrees that the recent Viking Carbon Capture and Storage Pipeline Order 2025 provides a precedent for such a phasing requirement in this case. (iv) Does the applicant agree that if a DCO is not granted for the EACN substation, the Council's would be in a position whereby there would be no benefit as there would be no connection of the NFOWF to NG's proposed EACN substation and such a requirement is necessary to provide a safeguard against that scenario?
	ECC & TDC response:	(i) The Overarching National Policy Statement for Energy (NPS EN-1) states that the Secretary of State:

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		<p>• should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects (paragraph 4.1.16).</p> <p>There is a functional link between North Falls and the EACN 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 EACN substation is proposed to connect renewable energy generated by North Falls to the national 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 whereby if the North Falls DCO is granted, but a DCO is not granted for the EACN substation, ECC will be in a position where there will be only harm and no benefit as there will be no connection of the North Falls development to National Grid's proposed EACN substation. EACN is currently the only connection option available to the project. To mitigate this risk, ECC requests a phasing condition that should Development Consent be granted for the EACN substation, the North Falls development can commence.</p> <p>As such, it is necessary and relevant in planning terms to impose such a condition. It is also reasonable and relevant to the development permitted due to the interdependence of the two projects as this ensures that the link between North Falls and the EACN substation benefits the administrative area.</p> <p>(ii) No further amendments currently proposed. The proposed requirement is sufficiently precise and enforceable as drafted because this prevents <i>Commencement</i> (which is a precise defined term under section 56(4) of the Town and Country Planning Act 1990) to of the North falls project until evidence of DCO being granted for the EACN project has been provided. This can be evidenced by proof of grant. Evidence of development consent granted by the Secretary of State should be submitted to the discharging authority, i.e. ECC.</p> <p>(iii) N/A - for the Applicant to address.</p> <p>(iv) N/A - for the Applicant to address.</p>
Q9.1.15	The applicant, ECC, TDC	Other matters relating to dDCO requirements

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		<p>The applicant's Response to Actions List for ISH1 and ISH2 [REP4-036] asserts that the imposition of a DCO requirement of the type proposed by ECC requiring the coordination of the construction phases of the NFOWF and VEOWF projects would be inappropriate because it fails the relevant policy tests. The applicant's summary of oral submissions made at ISH1 [REP4-026] confirms that the additional impacts of a sequential build-out of the two projects which have been assessed in the ES.</p> <ul style="list-style-type: none"> (i) ECC and TDC are requested to provide further details and reasons to support their view that such a requirement would comply with NPS EN-1 paragraph 4.1.16 in that it would be necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. In particular, please explain why such a requirement would be necessary to make the development acceptable in planning terms and reasonable in the circumstances of this case given that the impacts of a sequential build-out of the two projects has been assessed in the ES. (ii) The applicant's position is that a DCO requirement for both projects to align their construction phases would increase the risk of delay to the NFOWF project which could jeopardise its ability to deliver the project by 2030 and contribute to the UK's renewable energy targets. The Councils are requested to comment as to whether in the light of the prospect of such delay it would still be reasonable to impose the requirement sought. (iii) The applicant is requested to provide further details of any delay to the proposed development that it submits would result from the imposition of the suggested requirement. (iv) The applicant submits that the imposition of such a DCO Requirement would put it at a competitive disadvantage in relation to other comparable proposed offshore wind farms. The parties are requested to comment on whether that represents a legitimate planning concern. (v) The applicant submits that the precedent effect of the decision to impose a requirement of this type could have wider consequences for the rapid delivery of offshore wind and the ability of the sector to meet the urgent need for increased generating capacity set out in the NPSs. Does this represent a serious concern given the particular circumstances of the NWOWF and VEOWF in terms of their common aspects which may not apply more generally to other offshore wind projects thus limiting the precedent effect? (vi) The applicant [REP4-026] mentions that there is already a requirement to notify which build option is being selected. The Councils are requested to comment on whether requirement 19 in the dDCO is sufficient to overcome their concerns in relation to co-ordination?

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	ECC & TDC response:	<p>(i) The Councils would like to clarify that, while we continue to encourage the 2 windfarms to actively coordinate with each other during design, construction and operational stages, additional DCO requirement is not required to force the 2 projects to align their construction phases, given the 3 build-out scenarios have been assessed within the CEA. Ideally it would be better if the 2 projects could construct at similar timeframe to achieve efficiency and to shorten the buildout timeframe. We would expect the 2 projects to continue to coordinate where possible and when discharging their respective requirements, aiming to reduce any potential negative impacts and minimise the nuisance to the nearby residents.</p> <p>(ii) Addressed under point (i) above.</p> <p>(iii) N/A, For the Applicant to address</p> <p>(iv) These are commercial/investment decisions, not a planning consideration. This would be better addressed once the applicant has provided further submissions under point (iii) above, however the Council's views remain as outlined in point (i) above.</p> <p>(v) ECC is only requesting a phasing/Grampian requirement to tie the North Falls and Five Estuaries windfarms to the EACN, subject to EACN obtaining development consent. Each of the windfarm itself would have no tangible benefits if it were not able to connect to the grid via EACN. Therefore, the project is wholly dependent on the EACN to come forward as part of the Norwich to Tilbury (N2T) DCO in order to be successful to deliver the renewable energy generated. If the N2T were not consented, the windfarm substations would be of no functional value and would have no benefits. The harm caused by the windfarms therefore would not be outweighed.</p> <p>A pre-cautionary approach must be adopted given that the applicant of the N2T has yet to apply for or obtain all of the consents required to deliver the EACN. The timetable of the N2T has slipped already and other interested parties have already indicated their intention to lodge judicial review even if consent is granted on N2T. It is this ambiguity that has undermined confidence in the consenting process and whether a connection is ultimately available for the subject windfarm.</p>

ExQ2	Question to:	Question:
		<p>Any un-anticipated delay to the Norwich to Tilbury project would unavoidably cause delay to the wind farm projects, which is a risk that has been highlighted to the applicant at pre-application stage and should be reasonably be expected by the applicant.</p> <p>(vi) Requirement 19 only requires the applicant to notify the discharging authority whether the undertaker is constructing its own works (Build Option 1) or sharing the onshore cable ducts with the other windfarm (Build Option 2). The requirement itself does not guarantee nor maximise the co-ordination between the 2 windfarms which the Council's consider necessary to significantly reduce the impact of both projects. It is understood that the 2 projects had signed "Good Neighbour Agreement" to enables closer liaison, information sharing and joint planning. However, this is a private agreement which the public would not have the ability to access. To give the public reassurance, it would be advisable to certify the latest Co-ordination Report in the dDCO.</p>
9.1 Planning obligations and other agreements		
Q9.5.1	The applicant, Essex County Council (ECC)	<p>Planning obligations and other agreements</p> <p>At ISH 2 the prospect of a community benefit fund was discussed. The ECC Post hearing submissions [REP4-072] confirm that a community benefit fund is something that they consider would work to contribute towards a range of initiatives. ECC seek to replicate previous DCO arrangements whereby the fund is secured via a section 106 agreement during the DCO process. The applicant's Response to Actions List for ISH1 and 2 [REP4-036] confirms that the parties met on 8 April 2025 to discuss matters relating to community benefits and further discussions on this topic are anticipated.</p> <ul style="list-style-type: none"> (i) Please provide an update on the progress of those discussions and indicate whether it is anticipated that such a fund would be secured by means of an agreement before the close of the examination. (ii) Is it intended that any such agreement should be taken into account by the ExA and the SoS in the planning balance or would it sit entirely outside the examination process?
	ECC response:	<p>(i) Discussions on the provision of a Community Benefit fund have commenced with the applicant's team. Currently all are busy engaging at Examination on this NSIP so it is not anticipated that these discussions will reach agreement prior to the close of the Examination but will continue and be in place prior to the commencement of construction works, which is currently an unknown date.</p>

ExQ2	Question to:	Question:
		<p>(ii) ECC have been informed at previous Hearings that this is not a material in the ExA's consideration of an NSIP proposal. ECC notes the publication of the recent guidance into Community Funds for Transmission Infrastructure: Guidance, published in 2025, which established guidance for Community Benefits. ECC notes that the DCO currently under consideration is solely an electricity generation project but also has elements including the creation of a substation which would be akin to one needed for a transmission project. In addition, ECC are currently in the development phase of introducing its own Community Benefits Policy, publication anticipated in June 2025, which will further guide discussions on what we would wish to see as a Community Benefits contribution from an offshore windfarm DCO. Whilst Community Benefits may fall outside the DCO process, but compensation remains part of the mitigation hierarchy. ECC remains concerned that significant impacts could arise, for instance, in LVIA terms as part of this proposal, both alone and cumulatively. Therefore, an approach to compensation is required to be confirmed as part of the DCO process. We do not consider the applicants have yet met the test of '<i>as far as possible</i>' within the EIA Regs or EN-1 requirements in relation to compensation on all issues. The Councils also note the recent consultation as issued by Government on the 21 May 2025 on "Community Benefits and Shared Ownership for Low Carbon Energy Infrastructure", something we are considering and will respond to by the due date. However, this does, to us, show a clear direction of travel on potentially making such necessary and mandatory in the consideration of NSIP proposals.</p>
10. Ecology/Biodiversity/BNG/HRA		
Q10.0.13	MMO NE The applicant Essex Wildlife Trust Essex County Council/Tendring District Council	<p>Marine Environment/ Deemed Marine Licensing/dDCO</p> <p>(i) Essex Wildlife Trust (EWT)/Councils - the "Working in Proximity to Wildlife Plan" (is referred to by EWT's Relevant Representation). Firstly, the ExA request this document is submitted to the examination and secondly, can EWT/relevant Essex Council's indicate the status/weight of this document/role in local decision making?</p> <p>(ii) EWT/NE advise that the applicant should commit to specific mitigation measures, particularly NAS, in the MMMP. The MMO acknowledges that EWT consider that this should sit alongside a Working in Proximity to Wildlife Plan to reduce the risk of disturbance from ships, boats and other vessels and the risk of them colliding with marine mammals. Can EWT clarify why the inclusion of the document is an important? Secondly, what is the applicant's most up to date position to these points?</p>

ExQ2	Question to:	Question:
		<p>(ii) MMO/NE's concerns regarding overlap with the dDCO requirements/Deemed Marine Licences are relevant in that it is alleged they are not accurately capturing all the required maximum parameters of the proposed works and submits that the applicant should update the DCO and DMLs to ensure maximum parameters of all important metrics are appropriately secured. Can the applicant guarantee/signpost/update/provide further evidence maximum parameters "are" addressed or "can be" addressed? Q10.0.10 about the</p> <p>(iii) Applicant. The Site Integrity Plan Condition is advised to be no sooner than 9 months and no later than 6 months owing to in-combination impacts. – Is the applicant in agreement to ensure that formally? If so, signpost the alteration(s).</p> <p>(iv) MMO. In relation to requirements to cease works should noise impacts be exceeded, how is this achieved/regulated? NB:- The MMO agreed that a key mitigation for marine mammals should be included in the condition wording for the DML is that piling activity must cease in the event that the monitoring highlights that noise impacts are in excess of the predicted impacts. The MMO was said to be reviewing the Condition. Are the MMO now content dDCO/DML wise? Please clarify.</p> <p>(v) Applicant/MMO. Would the MMO be notified formally over which piling method is to be up taken in advance of any commencement independent of DML provision? And by which mechanism dDCO/DML would that be achieved?</p> <p>(vi) MMO/applicant. In relation to the technical requirements/conditions for species specific "monitoring" of benthic ecology/fish and shellfish/marine mammals & birds overall and other related matters. Briefly explain if they would/should be independent/interdependent of dDCO requirements/articles covered in the content of any DML or other Licensing mechanisms or vice versa? The applicant is asked to review the approach in the recent Rampion 2 SoS Decision in relation to the administration of the dDCO/DMLs that was secured toward ecology on a species specific level and amend its approach where necessary.</p> <p>(vii) Applicant/MMO/NE. With respect to monitoring. Does the monitoring strategy need to be further tailored given piling methodology changes or any other interests/technicalities at this stage? Can the applicant explain what is intended/options are available and via Adaptive Monitoring with respect to marine wildlife and signpost where it is presently secured? Adjust where necessary. (NB: the ExA acknowledges IPMP [APP-245] outlines the monitoring which would inform mitigation requirements. The detailed methodology for the monitoring presently states it would be developed post consent, in consultation with NE and agreed with the MMO).</p>

ExQ2	Question to:	Question:
	ECC and TDC response:	<p>(i) Our understanding is that a “Working in Proximity to Marine Wildlife Plan” is expected to be prepared and submitted by the applicant. It is intended to minimise the risk of collision with, injury to and disturbance to marine wildlife, as well as to offer guidance to contractors and to set out procedures for reporting collisions with marine mammals.</p> <p>It is noted that elements of a typical “Working in Proximity to Marine Wildlife Plan” have largely been embedded in the Outline Project Environmental Management Plan (OPEMP) [REP3-011], in particular within Appendix B (Protocol for Reducing Disturbance to Red-Throated Diver) and Appendix C (Vessel Good practice and Code of Conduct to Avoid Marine Mammal Collisions). Given that Condition 13 of the dDCO requires the undertaker to issue a code of conduct to operators of vessels and such code must be in accordance with the OPEMP, ECC is of the view that a separate document is not required.</p> <p>However, it is noted that Natural England has requested Five Estuaries to impose seasonal restrictions on cable laying activities to limit disturbance of red-throated divers in the area. This may be a matter for Natural England to liaise further with the applicant whether such restrictions also apply here and whether the OPEMP needs to be strengthened further. Both Councils have no further comments on marine environment.</p>
Q10.0.17	The applicant NE MMO Essex County Council/ Tendring District Council RSPB/National Trust IPs	<p>Overall HRA derogation/Ecological Compensation/Schedule 15 Wording</p> <p>The ExA notes the applicant’s point that in the Secretary of State’s decision letter (DESNZ, 2024) for the Sheringham Shoal Extension Project and Dudgeon Extension Project (SEP & DEP), it is stated that “The Secretary of State agrees with the applicant and NE that strategic compensation represents the best option for delivering compensation for impacts of OWFs. Given all relevant technical disputes with Natural England/MMO (as statutory consultees) as well as other representations such as from the National Trust and the RSPB combined -mixed with the risks/uncertainty of other scheme outcomes the ExA acknowledge these are important examination factors.</p> <p>(i) NE/MMO – a) Does any further HRA related derogation case (without prejudice or otherwise) above what is already provided in the examination material need to be addressed by the applicant? b) Secondly, does any other designated site/species specific compensation measure need to be requested from the applicant? For the avoidance of any doubt please confirm if there is any omission presently or not having regard to all marine life and related protected sites.</p>

ExQ2	Question to:	Question:
		<p>(ii) Applicant. How can the ExA be satisfied compensation measures can be in place before any negative effect on a European site or sites begins given there is no control over when MRF funding systems will become functional nationally?</p> <p>(iii) Applicant. Expanded Schedule 15 compensation wording was requested from the applicant by the ExA during the recent Issue Specific Hearings for the proposal. Please provide that if not already undertaken. For without prejudice Schedule 15 wordings dealing with compensation purposes to be provided, the ExA notes that the definition of 'relevant planning authority' (which could be taken as meaning Tendring District Council, or any successor planning authority) may not be adequate to ensure the inclusion of any existing strategic nature board or all relevant Councils. Does the applicant intend to cover this issue?</p> <p>(iv) IPs. The UK Government 29 January issued interim guidance for the Marine Recovery Fund (MRF), a mechanism designed to support strategic compensation measures for offshore wind activities that impact marine habitats. The guidance provides information on ornithological and benthic compensation measures available in the Library of Strategic Compensation Measures. It serves as a resource for offshore wind developers to reference appropriate compensatory strategies prior to the MRF becoming fully operational. Do NE/RSPB/MMO Local Councils/IPs have any other views on the potential adequacy compensatory measures overall? Is there anything else that should be included to ensure effectiveness/the most suitable delivery outcomes?</p>
	ECC response:	No comments.
Q10.0.27	The applicant NE	<p>Bats</p> <p>(i) Applicant. Noting the comments of the Netherlands Ministry of Infrastructure and Water Management at [REP3-065] has the applicant considered a zone of influence for European sites in the UK designated for bat features that could be affected by off-shore pathways? If so, can the applicant confirm the zone of influence used, and reasons why, and if any bat features of sites within the zone are migratory. If this assessment has not been performed, can the applicant explain why that is the case? Update the CEA where necessary.</p> <p>(ii) NE/applicant. The effects on migratory bats is noted in the submission from the Netherlands [REP3-065] can Natural England confirm whether or not it considers that the proposed development would result in any adverse effects on migratory bats. If not, why not? If so, what mitigation would be required (if any)?</p>

ExQ2	Question to:	Question:
		<p>(iii) The LIR's from Essex County Council and Suffolk County Council cite likely harm to migratory bats – in particular Nathusius' pipistrelle, caused by the wind turbine rotor blades. It appears that migratory bats and especially juveniles, could potentially be vulnerable to death from collision with, or proximity to, moving wind turbine blades based on the assertions made. Considering the LIR's does the applicant think that its surveys and current evidence base are adequate to respond to and address this issue? What is its response concerning the successful protection of bats including migratory bats? Please detail in full.</p> <p>(iv) Suffolk County Council have suggested that due adjustment to wind cut-in speeds secured through addition of parameters in the DCO or a suitable control document as a requirement. Is the applicant able to confirm the suitability such a potential requirement and its preferred wording if it is required by the SoS at any stage?</p> <p>(v) NE. As a migratory species, the ExA notes that Nathusius' pipistrelle is protected by the Convention on the Conservation of Migratory Species, to which the UK is a signatory state. What obligations under these treaties in relation to Nathusius' pipistrelle are relevant to the proposal? Are they met or capable of being met through requirements if they were deemed necessary? NE advise by Deadline 5.</p>
Q10.0.28	<p>Tendring District Council</p> <p>Essex County Council</p> <p>The applicant</p>	<p>(i) Councils. Is a Community Infrastructure Levy (CIL) Charging Schedule in place in the affected DCO administration area? If so, provide the charging details.</p> <p>(ii) Councils. Is there any proposal to set a Charging Schedule up? if so, what is the timescale?</p> <p>(iii) Has the applicant made any provision for CIL compliance in the administrative areas being discussed? Or elsewhere to deliver compensation.</p>
	ECC & TDC response:	Both ECC and TDC do not currently have CIL Charging Schedule in place. There is also no clear timeline to setup the Charging Schedule in the near future.
Q10.0.29	<p>Essex County Council</p> <p>Tendring District Council</p> <p>Essex Wildlife Trust</p> <p>IPs</p>	<p>Biodiversity Net Gain (BNG)/Ecological Enhancement</p> <p>(i) Councils. With respect to the indicative BNG Calculations: Natural England has reviewed both versions of the BNG Technical Note [REP1-050 and REP3-028] and does not oppose the technical figures initially given. BNG calculations and metric scores are indicated to be updated as the detailed design is refined. Do you have any further comments on the calculations? Do you find the figures to be reliable for the purposes of the examination record?</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> (ii) Essex County Council via their LIR accepted that watercourse biodiversity units are difficult to create or enhance on site. But are referring to the identification of local offsite measures to deliver the missing units. Can Essex County Council cite practical examples within its administration area for the applicant to at least consider through the submission of plan location material? (iii) The emerging Essex Local Nature Recovery Strategy (LNRS) is also referred to in Essex County Council's LIR –the ExA requests that the full detail of the document be submitted to the examination record by the next timetable deadline? (iv) Toward tree planting endeavours - Essex Forest Initiative and Big Green Internet are mentioned in Essex County Council's LIR. Explain what these are and how there could be an opportunity (if any) to tie in with requirements/commitments within the dDCO? (v) Consideration towards any other local projects headed by Essex Wildlife Trust or those in forthcoming financial years is requested by the ExA. The ExA is mindful there are active seagrass and saltmarsh restoration projects which may be pertinent to mention. (vi) Do Councils/IP's have any other local projects or initiatives or information for the ExA to consider which would further enhance ecological gain or effectiveness which the applicant should be invited to include/consider?
	ECC response:	<p>(i) ECC does not oppose the technical figures or biodiversity gain - calculation tool. However, it does not agree that the applicant has sufficiently explored opportunities to deliver a 10% net gain for the watercourse units. This should include off-site units by an off-site provider.</p> <p>The Viability Assessment of Biodiversity Net Gain in Essex (August 2024) states that the addition costs to achieve 20% BNG is relatedly small percentage of overall cost for NSIPs in Essex. Therefore. 20% BNG should be investigated by the applicant.</p> <p>(ii) Currently ECC is not aware of any available nor forthcoming local offsite projects to deliver watercourse biodiversity units. The applicant is therefore strongly encouraged to explore local opportunities identified in the consultation version of the Essex Local Nature Recovery Strategy (LNRS) before purchasing BNG credits outside of the Essex administrative area.</p>

ExQ2	Question to:	Question:
		<p>(iii) The Essex LNRS went out to public consultation end of August 2024 and has been updated and revised based on feedback from the consultation. The final version is expected to be published and adopted in July 2025. ECC is expecting to submit the adopted version at Deadline 7.</p> <p>(iv) The Essex Forest Initiative (EFI) was initially a 5-year project started in October 2019, to plant £1 million worth of trees. This included planting 375,000 trees, over 150 hectares, equivalent to the size of 210 football pitches. The project has finished in March 2025 exceeding its planting target but, the LNRS team is open to discuss opportunities to support development schemes with advice on trees on woodlands and planting opportunities. However, more recently due to the lack of urban planting grants from Forestry Commission (which the EFI had previously benefited from), the LNRS team has limited capacity to fund the planting of mature trees. They are currently exploring various funding opportunities to support urban greening efforts and are in discussions with potential partners and grant providers.</p> <p>The EFI and The Big Green Internet have collaborated closely in the past 4 years towards mutual tree planting goals. The Big Green Internet aims to support wildlife by creating new habitats and improving existing ones through Nature Recovery. The project focuses on planting wildlife corridors and hedgerows to connect isolated woodlands, with a goal of creating over 100 miles of corridors from Epping Forest to the North Sea. This initiative will benefit wildlife and the environment for generations. In September 2022, it received the Green Leader award from the Essex Wildlife Trust. They have Woodland Connectivity Facilitators, and their role is to establish relationships with local landowners, identify opportunities to plant wildlife corridors, and organise the planting, which the NFWF may present an opportunity to contribute to this project.</p> <p>As mentioned in the LIR, the proposal may cross the path of The Big Green Internet and the applicant should explore whether there are opportunities to contribute to this scheme as part of the mitigation to its potential effects. If appropriate, this should be reflected in the OLEMS and BNG Strategy.</p> <p>As the EFI is not directly related to the subject development, it would not be reasonable to tie it as a requirement of the dDCO. The applicant should consider whether to include EFI or similar scheme(s) as a wider environmental enhancement in consultation with our Senior Forestry and Woodland Officer. Such proposals could be incorporated into the discussions of Community Benefits, outside of the DCO regime.</p>

ExQ2	Question to:	Question:
		<p>(v) In relation to seagrass projects - Essex Wildlife Trust, Natural England and partners led on a project called ReMEDIES Save Our Seabed, aimed at restoring seagrass across southern England. It focuses on understanding and reducing pressures from recreational activities and raising awareness among coastal communities. Since the project came to an end in 2024 (after 4 years), the Essex Wildlife Trust are working with Project Seagrass to restore seagrass populations at various sites along Essex's coast. This includes conducting extensive surveys on our existing seagrass to learn about its properties and characteristics, as well as trialling restoration techniques such as transplants. Despite the ReMEDIES project has now come to an end, the Essex Seagrass Project will still seek other funding to enable their work to continue. The Essex Wildlife Trust is also working with significant number of partners, (including Uni of Essex) on the ReMeMaRe project - Restoring Meadow, Marsh and Reef.</p> <p>It is understood the NFOWF applicant is consulting Essex Wildlife Trust and recommend continual dialogue to discuss current and future projects.</p> <p>In relation to Saltmarsh, the Essex Wildlife Trust also implements low-cost saltmarsh restoration projects, such as using "saltmarsh sausages" (coir rolls) at Abbots Hall to trap sediment and encourage vegetation growth.</p> <p><u>Another project that maybe of interest:</u></p> <p>A Coastal Adaptation Strategy has been developed and the National Trust are working in partnership with the RSPB, with funding through the EU Life programme. The aim at Northey Island is to retain, create and sustain the saltmarsh over 100-year timeframe. The island is approximately 100 hectares in size of which 90 ha is saltmarsh. It is expected that the amount of saltmarsh will reduce over the 100 years but that, without their interventions much more would have been lost. They have utilised the beneficial use of dredged sediment using sediment from dredging at nearby Maldon and undertaken a number of managed realignments which will allow the saltmarsh plants to migrate inland, which increases its lifespan and provides better biodiversity. It is not clear that the Coastal Adaptation at Northey could be impacted (even indirectly) by the NFOWF, however, it is recommended to contact Rebecca Bromley at the National Trust to consult whether the potential implication from NFOWF on Northey Island.</p>

ExQ2	Question to:	Question:
		(vi) Apart from the above, the applicant has been requested to consider additional planting to fill the existing gap along Barn Lane as part of ecological gain as well as visual screening mitigation.
Q10.0.30	Essex County Council Tendring District Council	BNG Habitat Management Period Essex County Council - are seeking appropriate reassurance that all BNG habitats created or enhanced will have at least 30 years secured for management not just their establishment phase - to avoid being considered as losses from the development. Does Essex County Council maintain that view, please explain? Please make any other comments you deem to be pertinent.
	ECC response:	Essex County Council still recommends that significant on-site enhancements within the onshore substation must be managed and monitored for the 30-year period from completion of development, in line with the principles of mandatory biodiversity net gain. However, it is agreed that enhancements for hedgerow re-establishment for the onshore cable route will only be managed and monitored for a 10-year period.
Q10.0.32	The applicant Essex County Council Tendring District Council	BNG/Ecological Management and Maintenance <ul style="list-style-type: none"> (i) Applicant. The applicant's documents suggest a 5-year management and maintenance plan would be in place for reinstated hedgerows, which is stated as typical for NSIPs. However, para.101 in the revised BNG Strategy states the project would provide up to 10 years of post-reinstatement surveys only. Thus, would the surveys refereed to be linked to potential further maintenance as well, if surveys indicate the need for further action? Clarify. (ii) Applicant. A 10-year management plan proposal is indicated. Would it be possible to have management plans in place until the end of operations? If not why not? (iii) Para 156 of The Outline Ecological Management Strategy (OEMS) [REP4-006] states reinstated habitats will be subject to an aftercare period of "up to" 10 years following reinstatement, to be extended (if required) if reinstatement is not deemed to have been successful. Moreover, during the establishment phase, failed plants will be replaced like-for-like as required to prevent any significant gaps in planting and as agreed with landowners for "up to" 10 years post-construction. Para 250 indicates that Habitats created as part of the landscaping within the onshore substation works area will be subject to a 30-year management and maintenance period, to ensure habitats created can contribute towards BNG targets. All other reinstated habitats would be subject to the 10-year aftercare period only. The specific details of the 30-year management and monitoring period for

ExQ2	Question to:	Question:
		<p>created habitats would be detailed in the Project's final BNG Assessment Report, submitted post consent and secured through DCO Requirement. The ExA request could the "up to" terms/ the aims of habitat reinstatement be better formalised i.e. minimum and maximum timeframes? Please review having regard to local climatic factors/local planning policy for the area.</p> <p>(iv) Could 15 years aftercare not be committed to as a safer alternative? Given the 30 year management of BNG referred to. Please review.</p>
	ECC and TDC response:	<p>(iii) ECC requests that the initial aftercare period for habitat re-instatement (other than the substation works area) is consistently referred to as '10 years' within the OLEMS not 'up to 10 years'.</p> <p>(iv) While a 10-year aftercare for reinstated habitats other than those in the substation works area is acceptable to both Councils, a longer aftercare period is welcomed.</p>
11. Flood Risk, groundwater and surface water		
Q11.0.1	Environment Agency and Essex County Council as Lead Local Flood Authority	<p>Ground Investigation for infiltration rates</p> <p>The Outline Operational Drainage Strategy [APP-254] states that further ground investigation is required to determine infiltration rates at the site. This will determine the suitability of infiltration-based SuDS components which could be considered at detailed design. Infiltration testing shall follow the methodology outlined BRE Digest 365</p> <p>(i) Are BRE Digest 365 Guidelines the most appropriate for a project of this scale, both individually and cumulatively with other proposed projects in and around the proposed Onshore substation?</p> <p>(ii) If BRE Digest 365 Guideline are not appropriate for this project individually or in combination with other proposed projects what would be the most appropriate test or tests to accommodate, to date unknown, attenuation volumes?</p>
	LLFA response:	ECC are content that the BRE Digest 365 testing is appropriate for this project, both individually and cumulatively with other proposed projects.
Q11.0.2	ECC (as LLFA)	<p>Other Flood Risk</p> <p>The site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater which are the responsibility of the LLFA. Has the applicant adequately addressed matters relating to risk of flooding from sources that are not under the EA's jurisdiction?</p>

ExQ2	Question to:	Question:
	LLFA response:	<p>There is currently insufficient information to demonstrate that there would not be increased surface water flood risk as a result of the development. Detailed modelling and further information are required to ascertain the surface water flood risk during construction and operational stage.</p> <p>A temporary drainage strategy for construction stage will be developed as part of the detailed Code of Construction Practice (CoCP) to be discharged under Requirement 8. The LLFA requests that such temporary strategy should be submitted to and agreed by the LLFA prior to commencement of the relevant construction works. Requirement 22 also requires an Operational Drainage Strategy to be submitted to and agreed by the LLFA. Subject to compliance to these 2 requirements to the satisfaction of the LLFA, it is considered that the applicant could adequately address this matter.</p>
Q11.0.3	ECC (as LLFA)	<p>Flood Evacuation Plan</p> <p>Are the measures contained within the Outline Code of Construction Practice [REP3-017], specifically those which relate to the Flood Warning and Evacuation Plan, considered adequate, and in accordance with best practice?</p>
	ECC and TDC response:	TDC did not receive a response from our internal specialist. Should this be required we will provide an update in due course.
12. Historic Environment & Archaeology		
Q12.0.8	The applicant, and other IPs including ECC	<p>Temporary effects on the setting of designated and non-designated heritage assets</p> <p>Can the applicant provide further justification for its view that any impact during construction would be “short term and reversible” and that impacts would be “slight due to the perceptibility of the works from the identified receptors”. On this basis, it is considered that any change to setting and associated heritage significance would result in a negligible adverse magnitude of impact [APP-039 para 355]. Please can IPs also comment on the temporary nature of effects.</p>
	ECC Response:	<p>In terms of the temporary nature of these effects, the Onshore Construction Programme Table 5.29 of 3.1.7 Environmental Statement Chapter 5 Project Description [APP-019] identifies that the Onshore cable route construction would run for 18-27 months and the Onshore substation construction would run for 21-27 months. 3.1.28 Environmental Statement Chapter 26 Noise and Vibration [APP-040] states that the construction works for the cable route would be a rolling phase of works, at a worst-case scenario of:</p> <ul style="list-style-type: none"> - Route preparation – 34.3m/day;

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> - Trench excavation and backfill – 21.2m/day; and - Re-instatement works – 38.3m/day. <p>Therefore, it is agreed that the construction effects would be temporary. However, this does not negate the short-term adverse effects arising from the development.</p> <p>It is considered that the following temporary effects on the setting of designated heritage assets would be as follows:</p> <p>Church of All Saints (NHLE 1165610 – Grade II* Listed Building) - O&M Access from immediately south of the Church – existing track which may see increased vehicular movements in close proximity of the Church whereas Church Lane is currently no through route. This will have an adverse impact on how the listed building is experienced.</p> <p>Great Holland Conservation Area – O&M Access from the Conservation Area – new route which may see increased vehicular movements and noise in the Conservation Area.</p> <p>Great Holland Lodge (NHLE 1337116 – Grade II Listed Building) – Temporary Construction Compound (TCC) within approximately 100m opposite the listed building. Change in setting by virtue of large compound area, increase in noise, dust and vehicular movements from the compound. This will have an adverse impact on how the listed building is experienced.</p> <p>Ring Cottage and Tudor Cottage (NHLE 1317222 – Grade II Listed Building) – within approximately 200m of Onshore Cable Route with Off Route Haul Road to support Trenchless Crossing Zone – increased vehicular movements and potential vibration impacts with HDD used in this location. This will have an adverse impact on how the listed building is experienced.</p> <p>Great Holland Mill House (NHLE 1111532 – Grade II Listed Building) with approximately 100m of Onshore Cable Route. Off Route Haul Road to support Trenchless Crossing Zone – increased vehicular movements and potential vibration impacts with HDD used in this location. This will have an adverse impact on how the listed building is experienced.</p>

ExQ2	Question to:	Question:
		<p>Thorpe-le-Soken Conservation Area – within approximately 750m of the Onshore Cable Route with Off Route Haul Roads to support Horizontal Directional Drilling potentially affecting the setting of the Conservation Area through increased noise and vibration.</p> <p>Barker's Farmhouse (NHLE 1322630 – Grade II Listed Building) within approximately 400m of the Onshore Cable Route whereby the route will be trenched. The existing agrarian landscape contributes to the significance of the listed building as a farmhouse. This will see a large area excavated for the cable. This will include vehicle movements, noise and dust from the construction works. Furthermore, a large Temporary Construction Compound and Off Route Haul Road will be located within approximately 500m of the listed building to support Horizontal Directional Drilling around the road junctions of B1035 / Swan Road / Whitehall Lane. It is understood that there is potential for 24hr construction works at this location [APP-040]. This will have an adverse impact on how the listed building is experienced.</p> <p>Hempstall's Farmhouse (NHLE 1240504 – Grade II Listed Building) is within approximately 200m of the Onshore Cable Route whereby the route will be trenched. The existing agrarian landscape contributes to the significance of the listed building as a farmhouse. This will see a large area excavated for the cable. This will include vehicle movements, noise and dust from the construction works. It is understood that there is potential for 24hr construction works at the Trenchless Crossing Zone as the cable route crossing the A120 to the north of the listed building which is reported has having a significant effect on this asset [APP-040]. To support the Trenchless Crossing Zone to the north of Hempstall's Farmhouse a large Temporary Construction Compound and Off Route Haul Road are required which will lie approximately 400m to the west of the listed building. These will have an adverse impact on how the listed building is experienced.</p> <p>Church of St Mary (NHLE 1337175 – Grade II Listed Building) is located approximately 200m of the Onshore Cable Route whereby part of the route is trenched and the section which crossing Little Bromley Road is a Trenchless Crossing Zone and will have Horizontal Directional Drilling instead. Whilst there is some tree planting in the churchyard, this is likely to have a limited effect of the construction works visually. The tranquillity which contributes to the significance and setting of the listed building will be affected by the construction works through increase noise, dust and vehicular movements. This will have an adverse effect on the listed building.</p>

ExQ2	Question to:	Question:
		<p>Thorpe Park Farmhouse (NHLE 1307196 – Grade II Listed Building) is located approximately 200m from the O&M Access which will provide access from Thorpe Park Lane to the Trenchless Crossing Zone over the railway line. Whilst it is acknowledged that there is an existing track here, the construction works are likely to see an increase in vehicle movements which may have an adverse effect on the setting and significance of Thorpe Park Farmhouse and how it is experienced.</p> <p>Landermere Cottage (NHLE 1112116 – Grade II Listed Building) is located approximately under 100m from the O&M Access which will provide access from Walton Road to two areas of Trenchless Crossing Zones to the north of Thorpe-le-Soken. Whilst it is acknowledged that there is an existing track here, the construction works are likely to see an increase in vehicle movements which may have an adverse effect on the setting and significance of Landermere Cottage and how it is experienced.</p> <p>Hannams Hall (NHLE 1265148 – Grade II Listed Building) is located within approximately 300m of the Onshore Cable Route whereby the route will be trenched. Whilst the construction works are unlikely to have a visual effect on the significance of the listed building, its tranquillity and how it is experienced is likely to be affected due to noise arising from construction activity. It is understood that there is potential for 24hr construction works at this location [APP-040]. Noise effects are reported as having a significant effect on this asset [APP-040]. This will have an adverse impact on how the listed building is experienced.</p> <p>Brocketts Hall (NHLE 1112121 – Grade II Listed Building) is located approximately 200m from the Onshore Cable Route whereby the route will be trenched. The existing agrarian landscape contributes to the significance of the listed building as a farmhouse. This will see a large area excavated for the cable. This will include vehicle movements, noise and dust from the construction works. This will have an adverse impact on how the listed building is experienced.</p> <p>Abbotts Hall (NHLE 1261150 – Grade II Listed Building) is within approximately 200m of the Order Limits for the Construction Access Zone and Off Route Haul Road to support Horizontal Directional Drilling across the B1035 Clacton Road. Whilst it is acknowledged that there is tree planting between Abbotts Hall and the B1035 so a visual effect is unlikely, there will be an increase in noise. This will have an adverse impact on how the listed building is experienced.</p> <p>Grove Farmhouse (NHLE 1337174 – Grade II Listed Building) is within approximately 400m of the Onshore Cable Route whereby the route will be trenched. The existing agrarian landscape contributes to the significance of the listed building as a farmhouse. Whilst there is some existing screening around</p>

ExQ2	Question to:	Question:
		<p>Grove Farmhouse, the wider setting will see a large area excavated for the cable. This will include vehicle movements, noise and dust from the construction works which will have an adverse impact on how the listed building is experienced.</p> <p>The Old Rectory (NHLE 1111420 – Grade II Listed Building) is within approximately 250m of the Onshore Cable Route whereby the route will be trenched. The existing agrarian landscape contributes to the significance of the listed building as a farmhouse. Whilst there is some existing screening around the listed building, the wider setting will see a large area excavated for the cable. This will include vehicle movements, noise and dust from the construction works which will have an adverse impact on how the listed building is experienced.</p> <p>Bounds Farm (NHLE 1147743 – Grade II Listed Building) is located under 100m from the EACN which adjoins the Order Limits and Onshore Substation Works Area. This has the potential to have a significant effect on the setting of the listed building and how it is experienced, whereby the existing agrarian landscape will be replaced by the EACN.</p> <p>Hungerdowns Farmhouse (NHLE 1112091 – Grade II Listed Building) is located approximately 300m from the EACN which adjoins the Order Limits and Onshore Substation Works Area. This has the potential to have a significant effect on the setting of the listed building and how it is experienced, whereby the existing agrarian landscape will be replaced by the EACN.</p>
Q12.0.9	Historic England, ECC	<p>Archaeological mitigation</p> <p>Are you satisfied with the wording of Requirement 11 of the dDCO [REP4-004]? If not, could you provide details of what you would wish to see included and why?</p>
	ECC response:	Following discussions with the Applicant there is now agreement on the wording of Requirement 11.
Q12.0.10	The applicant, Historic England and ECC. Other IPs may optionally comment.	<p>Archaeological Mitigation Strategy and WSI</p> <p>Please provide an update on the updated version of the Archaeological Mitigation Strategy and Outline WSI referred to at ISH1.</p>

ExQ2	Question to:	Question:
	ECC response:	Both documents (AMS and OWSI) have been updated in line with comments provided by ECC and are now agreed by ECC. The agreed versions are expected to be submitted by the applicant at Deadline 5 and to be added as certified documents.
13. Human Health		
Q13.0.3	The applicant	<p>EMF</p> <p>The Electro Magnetic Fields Technical Statement [REP4-024] and Electromagnetic Fields Non-Technical Statement [REP4-025] are noted. In connection with the information provided:-</p> <ul style="list-style-type: none"> (i) Who will be responsible for the monitoring of the EMF levels and compliance with the limits set out in the guidelines; (ii) When will the monitoring be undertaken and at what intervals; (iii) Where will testing be undertaken and at what locations; (iv) How will complaints relating to EMF levels be dealt with; (v) How will residents and landowners be able to raise issues relating to EMF levels ; and (vi) What methods of enforcement will be used if the EMF levels are found to be in breach of the limits set out in the guidelines.
	ECC comments:	ECC considers that any answers provided by the applicant should also be available on the Project webpage for public information.
14. Landscape, Visual and Seascape Effects		
Q14.0.2	TDC/ECC and the applicant	<p>Screening During Operation</p> <p>TDC and ECC [REP2-036, REP4-072] suggest that full screening is unachievable given the size and industrial nature of the substations. Please can the applicant set out any further enhanced compensatory measures. In particular please identify steps to assess and mitigate the perceptual element to landscape assessment.</p>
	ECC & TDC response:	In REP2-036 at EXQ1 Q9.2.7, we highlighted the need for a landscape scale approach in line with the Lawton principles and the early calls by the Design Council Design Review Panel for this approach and for the project team to think outside the red line boundary to create an integrated landscape approach which could include the planting of trees and renewal of hedgerows in the wider landscape area.

ExQ2	Question to:	Question:
Q14.0.4	The applicant, TDC and ECC	<p>Visual mitigation within the substation zone</p> <p>(i) With respect to the visual mitigation within the substation zone, how effective do you consider orchard planting combined with hedgerows and hedgerows with trees (Indicative Planting Cross-sections at the Onshore Substation [REP4-023]) would be, having regard to the likely height of the proposed substations and their proximity to Grange Road?</p> <p>(ii) Please can the applicant provide an additional VP from the north, at Grange Road.</p>
	ECC & TDC response:	<p>(i) The Councils consider the orchard planting, hedgerows and hedgerows with trees insufficient to mitigate major visual impacts from the proposed substation. We have sought greater tree-planting along the north-north-west boundary, preferable in the form of small copses or wide buffer planting where these are constrained by the existing OH lines or proposed cable runs. We understand the orchard has some merit in biodiversity and amenity terms if maintained appropriately but does not fulfil the role of serious visual mitigation.</p> <p>(ii) The Councils had requested additional VPs to be provided, including one at Grange Road to the immediate north of substations.</p>
Q14.0.7	The applicant, SECHP	<p>Guidance on lighting within the National Landscape</p> <p>Please confirm that, following ISH2, parties are satisfied that the proposed development has (a) taken account of relevant guidance regarding lighting within the National Landscape area, or (b) that the guidance is not relevant for the purposes of the proposed development.</p>
	ECC and TDC response:	The Councils consider that the guidance is relevant to the development and will defer to National Landscape Partnership to comment on whether the submission is in line with the guidance.