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Sent via email:

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TDC IP Reference Number: [REDACTED]

Tendring District Council (TDC) – Procedural Deadline 3 Response including:

- **TDCs comments on Applicants submissions received by Deadline 2**
- **TDCs responses to ExQ Questions (1)**

Application by National Grid for a Development Consent Order (DCO) for the proposed Norwich to Tilbury project.

Dear Ms Hunt

Please find below TDCs Deadline 3 Submission. To assist the Examining Authority (ExA) we have structured this submission covering TDCs comments on Applicants submissions received by Deadline 2 (see Section A), followed by Section B which covers TDCs responses to ExQ Questions (1).

Section A – TDCs comments on Applicants submissions received by Deadline 2

Executive Summary

TDC welcomes the opportunity to support the ExA by clarifying the points where:

1. National Grid's (NG) rebuttals remain unsupported,
2. Material evidence gaps remain unresolved, and
3. TDC's position therefore stands unchanged, leaving matters appropriately for the ExA's judgement or further instance on seeking the additional information and evidence as requested.

Across the topics below, NG frequently responds by signposting to existing documents – and in a significant number of instances not supplying the like-for-like comparative evidence, quantitative assessments, or binding commitments that TDC has repeatedly asked for in previous submissions. Where this is the case, TDC has not attempted to re-introduce points; instead and where appropriate (or unless states otherwise) we will then take that position that TDC's concerns remain unresolved, NG has not provided the requested evidence or change in approach, and these matters must therefore be determined by the ExA. That said, TDC also notes that a significant proportion of the outstanding issues and information gaps we have repeatedly identified are the very same matters raised by the ExA in its first written questions. This alignment further reinforces TDC's concern that key elements of the Applicant's assessment remain incomplete, unclear, or insufficiently evidenced.

TDC will cover the various issues below under the topic specific heading as set out:

Site Selection, EACN Location & Project Corridor in Tendring

1. Lack of Like-for-Like Comparative Assessment

NG reiterates that strategic and local alternatives have been considered and refers extensively to ES Chapter 3, which include information on “Backcheck Reviews” and the Design Development Report (DDR).

However unfortunately NG does not provide the specific like-forlike comparative evidence TDC requested – including side-by-side mapping, constraints matrices, costed engineering comparisons, -pylon angle counts, BMV -land take comparisons, and construction- -traffic modelling for a strategic road-side alternative and closer to the prevailing project corridor.

As a result, and because NG has still provided no verifiable comparative assessment, the Council cannot undertake a thorough assessment to test NG’s claims about disadvantages of alternative siting or routing. We must reiterate, given the sheer magnitude and consequential nature of the decision to place the EACN in NG’s chosen location, TDC therefore maintains that the EACN siting and Tendring corridor remain insufficiently justified. It is now up to the ExA to decide whether there is sufficient evidence and supporting information to enable such a comparative assessment.

2. Predetermination and “Customer Convenience-” Driven Siting

In summary, NG’s response argues that alternatives were proportionately assessed under the relevant national policies and that overhead lines are the “strong starting presumption” except in National Landscapes. TDC agrees that overhead lines are the “strong starting presumption” except in National Landscapes, but disagrees that alternative, especially EACN alternative locations were proportionately assessed.

Moreover, NG does not rebut TDC’s core concern, which is that, in our view, the key and most important factor that informed the EACN siting between Ardleigh and Little Bromley is around North Falls and Five Estuaries (NF/FE) customer convenience, with other supporting evidence retrofitted thereafter. NG does not provide evidence demonstrating that customer driven- constraints outweighed the policy requirement to minimise harm (including to BMV land, heritage, landscape, the need for new haul routes/significant road interventions and community receptors).

Ultimately, TDC’s position is that the DCO submission, as it stands, still provides no transparent demonstration that the Ardleigh / Little Bromley area was *not* effectively predetermined. In the absence of such evidence, TDC accordingly maintains and preserves its position.

3. ArcShaped-, NonLinear- Pylon Route Around Ardleigh

Unsurprising, NG continues to argue that routing follows Holford/ Horlock principles “as far as practicable”.

However, NG does not provide verifiable engineering evidence showing that the pronounced arcshaped-, highly angular pylon route around Ardleigh (TB3–TB21) could not be avoided if the EACN were aligned with the prevailing corridor near or directly next to existing strategic road network infrastructure. This is one of the areas where NG seems to argue that such evidence is not necessary for a DCO, however TDC disagrees especially when the consequential nature of the decision to place the EACN in NGs chosen location, as well as the wide ranging implications of this decision, is properly taken into account.

Until such evidence is provided, the Council maintains that the current and harmful ‘dog-leg’ into the TDC Peninsula is unnecessarily harmful ()and remains unjustified.

4. Concentration of Infrastructure in Best and Most Versatile (BMV) Core

Whilst NG recognises agricultural effects, they essentially maintain that that these effects are outweighed in the planning balance under EN-1/EN-5’s “critical national priority” (CNP) presumption.

However, NG does not engage with TDC’s key point: that, given the multiple concerns TDC has raised about site selection- sequencing and the criteria NG prioritised, the overarching principle of avoiding BMV land has not been followed. NG provides no verifiable evidence that is capable of public scrutiny, explaining why other sites, including potential sites further west and much closer to existing strategic road infrastructure and avoiding the district’s only concentration of Grade 1 and 2 agricultural land – could not be delivered. Nor does NG challenge TDC’s evidence showing that viable, less harmful alternatives are available. TDC must again underline that, for a decision as significant and consequential as the EACN location, robust, transparent evidence is essential. Such evidence has not been provided.

As such, TDC’s position remains that the agricultural and soil impacts remain unjustified, avoidable and unacceptable.

Transport, Haul Roads & Access

1. Unresolved Evidence Gaps on Highways Impacts

In its responses to TDC’s various concerns raised on this topic, in general NG frequently points to the Outline CTMP and standard mitigation secured through the draft DCO, arguing that impacts are managed and not unusual for NSIPs. To confirm, TDC officers have reviewed the Outline CTMP in detail and, for the extensive reasons set out in our LIR and the Deadline 2 version of TDCs Statement of Common Ground, TDC consider that the mitigation put forward will not be sufficient.

That said, NG still fails to address the Tendring specific issue arising from the remote siting of the EACN, which would force large volumes of HGV traffic onto narrow, rural and fragile lanes. A direct consequence is that Bentley Road would become one of the busiest PARs in the entire project, yet no binding or enforceable coordination mechanism exists across N2T, North Falls/Five Estuaries, or the future Tarchon- Interconnector. In TDC's view, this absence of coordinated control means that cumulative highway impacts cannot be accurately or credibly assessed.

TDC also notes that the ExA's First Written Questions request further detail on cross project- coordination, including a clearer, more readable, and properly labelled plan showing the interrelationship between the projects and any coordinated masterplans. TDC considers that this additional information – if provided – could assist in establishing the evidence base TDC has repeatedly sought in relation to highway impacts and the mitigation required-.

However, given that NG has declined to commit to enforceable HGV caps or to a district-wide (or at the very least, an ALBA focussed) coordinated CTMP, TDC maintains that cumulative and project specific transport harms remain- unresolved. TDC reserves the right to update its position here and once we've had an opportunity to review all the additional information requested by the ExA on project co-ordination etc.

Cumulative Effects (Across NSIPs)

In respect of cumulative effects, NG's position remains that its assessment is "proportionate" and that cross promoter coordination is "ongoing" and appropriate for- this stage of the examination. TDC disagrees. NG's own documentation confirms that no binding inter-project coordination framework exists, nor is there any shared construction programme, binding and meaningful shared haul road strategy, or enforceable -multiproject- traffic management approach in place.

This is despite the ExA having already identified cumulative coordination as a critical matter requiring resolution, and despite clear evidence – accepted by ECC – that Tendring faces unprecedented cumulative construction pressures across multiple nationally significant projects.

TDC therefore welcomes the ExA's First Written Questions (ExQ1), where the ExA seeks greater clarity and justification for NG's conclusion that cumulative inter-project effects around the EACN substation – on matters including air quality, biodiversity, socio-economics, recreation and tourism, and health and wellbeing – would be merely "negligible" or "not significant." TDC considers this intervention and level of scrutiny to be both timely and necessary.

TDC also notes and supports the ExA's further questions on:

- Whether the Horlock Rules have been applied to the North Falls and Five Estuaries substations, and, if so, how cumulative effects were taken into account.
- The requirement for a more readable, clearly labelled plan showing the interrelationship of the three substations (EACN, North Falls, Five Estuaries), including combined planting proposals and how cumulative good design has been or will be achieved.
- The explicit direction that NG should include the Tarchon Interconnector within the same plan or provide a robust justification for its exclusion.

Until NG provides the further information repeatedly requested by both TDC and now by the ExA, TDC maintains its position that the cumulative assessment cannot be considered complete. In the absence of this evidence, TDC's views is that the cumulative effects on Tendring District would be severe.

Construction Noise, Air Quality, Vibration & Working Hours

In response to the wide ranging- concerns raised by TDC under topics in this heading, NG's position is essentially that Best Practicable Means, future contractor-led assessments, and the Outline CoCP provide sufficient control, and that any residual effects would not be significant once mitigation is applied. TDC does not accept this. NG has not modelled *worst case- scenarios* within the Limits of Deviation, as a minimum has not committed to receptor specific controls or monitoring- in Little Bromley or Ardleigh, to name but a few failings. NG also fails to address the very low rural baseline noise levels found across Tendring or offer any binding restrictions on night-time trenchless works.

At the same time, the monitoring mechanisms NG relies upon are vague, noncommittal- and unenforceable. As set out clearly in the Deadline 2 SoCG and in TDC's LIR and RR, these mechanisms function more as optional guidance than firm controls and therefore cannot provide the certainty required for communities likely to experience prolonged construction disturbance. The ExA has raised similar concerns in its published questions, again underscoring the inadequacy of NG's current commitments.

Given the scale of likely construction impacts, TDC's requested Tendring specific DCO Requirements – fully supported by ECC – remain essential. Their continued absence means these issues remain- unresolved, and until they are addressed in a clear, enforceable manner, TDC maintains its objection.

Health & Wellbeing

In response the TDCs detailed and serious concerns expressed around impacts on health and wellbeing, including the health and wellbeing of the most severely affected communities of the Ardleigh/Little Bromley Area (ALBA), NG maintains that, following mitigation, no significant residual health effects would arise (ES Chapter 10). NG argues that TDC's LIR overstates the scale of impacts. TDC strongly disagrees. TDC maintains

the view that NG's assessment relies heavily on population level averaging, rather than recognising the settlement- level- vulnerabilities that are particularly relevant in Tendring. As a result, it does not adequately address:

- Tendring's above average- deprivation and poor health outcomes,
- Severe and prolonged construction traffic impacts on Bentley Road,
- Cumulative stress arising from the overlap of multiple NSIPs, or
- The absence of any Tendring specific- health monitoring or mitigation framework.

TDC strongly welcomes the ExA's question: *"What evidence supports the conclusion that a four y-ear construction period would have limited impacts on mental health and wellbeing?"* TDC has repeatedly raised the same point – namely that extended stress over a multiyear period (and in reality, likely longer once future NSIPs such as Tarchon- are factored in) may have very significant material mental health consequences, and that the -socal -led "intermittency" of impacts may itself exacerbate uncertainty and anxiety if not confined to short, clearly defined time periods. We similarly endorse the ExA's request for NG to clarify what it actually means by "intermittent", as this currently lacks precision and cannot be relied upon for assessment or mitigation.

TDC also supports the ExA's questions seeking further justification around electric and magnetic fields (EMFs) and the adequacy of NG's engagement and communication strategy. In addition, TDC notes and agrees with the ExA's wider concerns about how NG have reached the conclusion that cumulative inter-project effects in the EACN area – on air quality, socio-economics, recreation and tourism, and health and wellbeing – would be "negligible" or "not significant." These conclusions require far clearer explanation backed up by verifiable evidence capable of public scrutiny.

Overall, TDC maintains that significant health and wellbeing impacts remain and are not yet adequately assessed or mitigated. TDC reserves the right to update its position once NG provides the further information requested both by TDC and by the ExA.

Historic Environment

NG response to TDC's heritage related issues is, in essence, limited to reiterating that its ES methodology- is robust and that impacts are proportionate and mitigated. However, NG does not directly address or seek to resolve the specific points raised by TDC, including:

Significant setting impacts around Ardleigh

NG has not responded to TDC's detailed concerns regarding the significant setting impacts on multiple heritage assets in the Ardleigh area. These assets are identified in TDC's LIR and RR, with further clarity provided in ExA1, including question HE 1.41 (referenced later in this document). TDC cannot identify where NG has adequately assessed the cumulative level of harm to heritage assets, nor is it clear how cumulative heritage impacts have been approached within the project's assessment framework.

“Arc” intrusion into historic landscape character

TDC maintains that the arc intrusion into this sensitive historic landscape should have been avoided entirely. TDC is concerned that this alignment appears to be the result of a predetermined approach linked to early connection offers made to customers for connection to the EACN in this location. TDC has not been provided with verifiable evidence regarding the timing or basis for selecting the EACN site or the two wind farm substation locations vs the level of evidence that was available at the time of those decisions (and upon which those decisions were made), despite repeated requests. Without this information – and without evidence demonstrating that alternative, less harmful locations closer to the existing pylon corridor were fully and robustly assessed with the necessary evidence – TDC remains concerned that avoidable heritage harm has been embedded in the project.

Under-assessment of non-designated heritage assets

TDC considers that several non-designated heritage assets have been insufficiently assessed in terms of their significance and sensitivity.

Vibration risk to heritage assets

Concerns remain regarding vibration risks, particularly for fragile listed buildings in areas such as Little Bromley (we have provided the locations of these buildings in our response to ExA question HE 1.41 below), where the construction and movement of heavy plant could pose damage risks that have not been adequately addressed.

Limit of Deviation (LoD) flexibility

TDC is concerned that the proposed LoD flexibility may lead to an increased level of heritage harm, which has not been transparently assessed or justified.

Furthermore, TDC supports the ExA’s questions seeking greater clarification, evidence, and justification regarding heritage impacts. Where questions are specifically directed to TDC, responses will be provided in Section B of our submission.

TDC’s position therefore remains unchanged: NG has not addressed the Tending specific heritage concerns raised, and our objections stand. TDC reserves the right to review its position upon receiving the additional- information requested by TDC and now sought by the ExA in the first set of written questions, insofar as these relate to heritage matters.

Agriculture & Soils

NG acknowledges the loss of BMV land but relies primarily on national need and the presumption in favour of overhead lines under EN-5.

However, NG still fails to justify why a route has been selected that passes directly through the district's only significant concentration of BMV land, despite the availability of less harmful alternatives.

TDC remains without any clear explanation of how BMV land quality was taken into account during route selection, including in relation to:

- the location of the EACN substation,
- the siting of the three wind farm substations
- the decision to “dog-leg” the alignment into the Tendring Peninsula.

It is still unclear how the applicant has demonstrated avoidance of BMV land, or even minimisation of harm, when determining the alignment and associated infrastructure locations.

TDC notes that the Examining Authority has raised **similar concerns** and therefore look forward to reviewing the further clarification and evidence that the applicant has now been asked to provide, especially the Applicants' response to question LUS 1.9.

Air Quality, Contaminated Land & Geology

Here, NG's responses generally align with TDC's technical review and – *subject to full enforceability of mitigation* – TDC accepts NG's findings.

Overall Conclusion

Across the majority of Tendring relevant topics, NG's responses do not provide the clear, quantified, comparative, and binding evidence required- to resolve TDC's concerns.

Accordingly, TDC respectfully states that:

1. Where indicated, TDC's positions and objections remain,
2. NG has either declined to provide the requested further evidence or maintains positions that TDC cannot agree with, and
3. These matters appropriately fall to the Examining Authority for judgement, given their scale, complexity, and long term implications for communities, landscapes- and agricultural economy in Tendring.

TDC remains committed to constructive engagement and will work collaboratively with the Applicant and ExA wherever evidence based- solutions are possible.

Section B – TDC response to ExA Q1

Question Reference	TDC Response
GEN 1.1	Noted TDC agrees with approach requested by the ExA as set out in the question
EN 1.2	TDC do not use Artificial Intelligence to generation submissions on the Norwich to Tilbury DCO. TDCs use of AI is restricted to that of a spelling and grammar checker, and occasionally using AI to improve upon drafts created by TDC officers.
GEN 1.3	TDC has already dealt with changes to policy, including the ongoing work on our emerging Local Plan to 2042 in our local impact report (LIR) (TDC have recently concluded the Regulation 18 consultation on our emerging Local Plan).
GEN 1.4	The Tendring Colchester Borders Garden Community Development Plan Document (DPD) is not an emerging document anymore, instead it was adopted on June 9, 2025. The adopted Tendring Colchester Borders Garden Community Development Plan can be viewed at this link
GEN 1.6	<p>The Applicant correctly states the position in paragraph 3.2.5. There, the Applicant does not treat CNP policy as a freestanding additional aspect of the need case, but as a policy lens that applies after the ordinary assessment of need and the application of the mitigation hierarchy to the effects of the project.</p> <p>The Applicant correctly emphasises that, where there are residual non-Habitats Regulations impacts after all possible mitigation has been applied, the urgent need for CNP infrastructure, together with other benefits, will generally support grant of permission because it outweighs those residual impacts (unless exceptions apply). The Applicant rightly does not suggest that the fact that the project is CNP Infrastructure means it is subject to any less stringent obligations to mitigate impacts through the full application of the mitigation hierarchy (see especially paragraphs 7.1.7-7.1.12 on the requirement to apply the mitigation hierarchy). CNP policy applies only to residual, non-Habitats Regulations, impacts.</p> <p>Focusing on the Applicant’s approach to residual impacts from paragraph 7.2.52 onwards:</p> <ol style="list-style-type: none"> 1) Green Belt: TDC has no specific comments to make in respect of green belt but would defer to district authorities within Essex where there is designated green belt land affected by the proposal. 2) SSSI: TDC agrees that the Applicant’s strategic mitigation has resulted in a development route that avoids any predicted impacts on SSSIs.

- 3) **Designated landscapes:** TDC defer to the submissions of the National Landscape team in respect of the Dedham Vale National Landscape and the measures necessary for the SoS to discharge the statutory duty to further the purpose of the designation.
- 4) **Heritage assets:** Paragraphs 7.2.56-57 of APP-085 consider Substantial harm to or loss of significance to Heritage Assets. Paragraph 7.2.57 states that the project has been carefully designed to avoid, reduce or mitigate potentially significant effects on cultural heritage and archaeology assets. The harm is considered necessary to achieve the substantial public benefit of delivering CNP infrastructure that outweighs the heritage impact. TDC cannot agree with the Applicant's approach because the CNP policy approach can only be applied after the mitigation hierarchy has been applied in light of an adequate level of information. Accordingly, the CNP policy approach cannot yet be applied to residual impacts in relation to archaeology.
- 5) **Flood Risk:** So long as the appropriate mitigations are included in the CEMP and secured in the DCO (REP1-161, paragraphs 4.7.20-4.7.26)), TDC agrees that there will not be residual impacts from flooding.

Turning to the areas where the CNP policy approach is disapplied:

- 6) **Human health and public safety:** TDC maintain concerns regarding long term impacts on public health and safety, including mental health and wellbeing as outlined in ECC's LIR (REP1-161 – paragraphs 4.9.16-4.9.55).
- 7) **Defence:** TDC defers to the Ministry of Defence and other relevant bodies on the matter of defence.
- 8) **Irreplaceable habitats:** There are several irreplaceable habitats within or adjacent to the Order Limits. The Arboricultural Impact Assessment (AIA) should be used to inform the detailed design stage and micro-siting of all works, to further reduce impacts on trees, in particular irreplaceable habitats, such as veteran trees. Mitigation must be secured via the Requirements of the DCO. TDC agrees that the felling of veteran trees is the type of residual harm that falls outside of the application of CNP policy
- 9) **Flood Risk:** Please refer to section 16 *Hydrology, Land Drainage and Flood Risk* of Tendring District Council (TDC) Norwich to Tilbury (N2T) – Local Impact Report.
- 10) **The HRA:** No comment

The 2025 NPSs do not change this analysis or add anything material.

GEN 1.17	<p>1. Updates to Developments Rated ‘Green’ in Table A12.2.7 (TDC Area)</p> <p>TDC understands that the ExA is seeking updated status information for the developments in the Tendring District Council area identified as “green” in Table A12.2.7. The updated positions are set out below.</p> <p>Updated Status Summary</p> <p>Site ID T3 – 21/02070/FUL <i>Land adjacent to Lawford Grid Substation, Ardleigh Road, Little Bromley, CO11 2QB50 – Construction and operation of a 50 MW BESS, and related infrastructure with associated access, landscaping and drainage</i> Development commenced</p> <p>Site ID T15 – 20/00480/DETAIL <i>Land East of Bromley Road, Lawford, CO11 2HS</i> Reserved matters for 100 dwellings (Phase 3 of 15/00876/OUT). Development commenced and well underway</p> <p>Site ID T16 – 20/00547/OUT <i>Hamilton Lodge, Parsons Hill, Great Bromley, CO7 7JB</i> Outline permission with detailed phase commenced. Development commenced (phase 1) Construction on hold (developer in administration)</p> <p>Site ID T19 – 20/00782/OUT <i>Land South of Long Road, Lawford, CO11 2HS</i> Up to 76 dwellings with associated infrastructure. Development commenced and nearing completion</p> <p>Site ID T22 – 21/00197/DETAIL <i>Land South of Long Road and West of Clacton Road, Mistley, CO11 2HN</i> Reserved matters for up to 485 dwellings and 2ha employment land. Development commenced, approx. 25% complete</p> <p>Site ID T26 – 22/00958/FUL <i>Land South of Long Road, Mistley, CO11 2HN</i> 80 dwellings and a local convenience store. Development commenced</p> <p>2. Other Major Developments in TDC Not Included in the Long / Short Lists</p> <p>25/00176/FUL <i>Ardleigh Oaks, Old Ipswich Road, Ardleigh CO7 7QR</i></p>

Demolition of buildings and creation of openair B8 storage facility.

Application submitted Feb 2025; approved May 2025

TDC notes that this development is not included in either the long list or short list but is relevant to cumulative assessment in this area.

3. TDC Comments on Interrelationship with Other Infrastructure Projects (REP1134)

Lawford Power Ltd (para 3.3.22)

Land Adjacent to Lawford Grid Substation, Ardleigh Road, Little Bromley – 21/02070/FUL

TDC disagrees with the Applicant's position that the only point of interaction with the Norwich to Tilbury (N2T) project is via *Ardleigh Road*. The cumulative and in combination interactions are far more extensive, given that construction and operational traffic associated with this development will also rely on:

- Bentley Road
- Little Bromley Road
- Grange Road
- Waterhouse Lane
- and several other rural lanes

With multiple NSIPs and related projects likely to be all under construction concurrently, construction vehicle movements will overlap, and it will be impossible to determine which construction traffic relates to which project. This severely limits the LPA's ability to enforce haul route proposals/mitigation and / or require project specific traffic management. TDC therefore maintains that the Applicant has underrepresented the extent of interrelationship and the cumulative impacts associated with this development.

Flying Trade Group Development (paras 3.3.23–3.3.25)

Land Adjoining Ipswich Road and Wick Lane, Ardleigh – 20/00594/FUL

TDC has confirmed with the Flying Trade Group that:

- They intend to begin submitting precommencement condition discharge information imminently;
- They must commence development within the remaining validity period of the permission (approx. 2 months left before planning permission expires);
- Construction is therefore highly likely to begin later in 2026, overlapping with all NSIP schemes affecting the Tendring Peninsula.

Despite this, TDC cannot identify any meaningful assessment within REP1134 (or the cross referenced documents) that deals with:

(a) In combination or cumulative effects

	<p>The Applicant’s response in the above-mentioned paragraphs is narrowly limited to maintaining flexibility in design to avoid sterilising the Flying Trade Group’s approved scheme. It does not address the environmental, highways, landscape and other consequences of multiple overlapping construction programmes.</p> <p>(b) Landscape and ecological impacts</p> <p>In particular, the Applicant has not properly and accurately assessed how the N2T pylon route and associated haul routes will affect historic hedgerows along Wick Lane, including those the Flying Trade Group relies on for visual screening of its approved warehouse. TDC considers these trees and hedgerow losses to be a significant omission from the cumulative assessment.</p> <p>(c) Highways impacts</p> <p>TDC cannot identify any assessment that adequately considers the combined construction traffic arising from:</p> <ul style="list-style-type: none"> • N2T • Five Estuaries (FE) • North Falls (NF) • Lawford Grid Substation • Flying Trade Group’s warehouse development • Other major local housing schemes <p>TDC therefore considers the cumulative highways assessment to be incomplete and inconsistent with the scale of overlapping development activity expected in the locality – and this is not limited to only this development (as set out multiple times in TDCs LIR and RR).</p>
GEN 1.21	<p>Norwich to Tilbury will have significant and lasting impact on Tendring as a result of the projects construction and visual presence.</p> <p>TDC would therefore wish to see the Applicant engage positively with Local Authorities to secure and deliver an appropriate level of mitigation and/or compensation commensurate to the magnitude of impact.</p> <p>TDC though its Local Impact Report has identified a number of locally significant effects arising as a result of the construction and operation of the Project. TDC in conjunction with other local Authorities has commenced discussions with the Applicant regarding the nature and level mitigation to be delivered through a s106 legal agreement. to cover the following:</p> <p>i) BNG</p> <p> i) to deliver a 10% biodiversity net gain together with appropriate management and monitoring for at least 30 years within Essex</p>

	<p>ii) Tree Planting – Replacement / Mitigation/ Compensatory</p> <p>i) to secure the deliver an ‘Off-Site Planting Delivery Scheme’ prepared in accordance with the Reinstatement Planting Plan pursuant to Requirement 9 of the Development Consent Order. The Reinstatement Planting Plan to for offsite tree planting to also cover any additional mitigation planting or compensatory planting.</p> <p>iii) Skills Supply Chain Employment and Training</p> <p>i) to secure an Employment, Education, Skills and Supply Chain strategy for the project together with appropriate funding through a Section 106 agreement.</p> <p>v) Highways</p> <p>i) to require the Applicant to enter into a Framework Highways Agreement,</p> <p>ii) to require the Applicant to enter into a Developers Forum as a vehicle to coordinate construction activity associated with multiple development projects with the aim of minimising cumulative impacts.</p> <p>iii) to secure a financial contribution towards offsetting the additional “wear and tear” associated with the construction works</p> <p>vi) Wellbeing & PROW</p> <p>i) To secure a contribution towards improving the use of the PROW network</p> <p>The above matters are under discussion with the Applicant and a draft s106 agreement being prepared with the intention of being finalised in time for Deadline 7. Updates will be reflected in the State of Common Ground to be submitted at Deadline 4.</p>
DES 1.9	<p>TDC supports the ExA’s request for detailed information on the height, type, and specification of all lighting installations at the EACN site, together with lighting contour plans and a full nighttime assessment of operational lighting effects on landscape character, visual amenity, and ecology. TDC has consistently highlighted the highly rural and sensitive nature of the EACN location and maintains that this siting is inappropriate, not least due to the significant potential lighting impacts and associated cumulative harms.</p> <p>To date, NG has not engaged directly with TDC on enabling the relevant planning authority to approve the operational lighting details for the EACN. However, NG has recently (20 March 2026) approached TDC to initiate discussions on entering into a post DCO Planning Performance</p>

	<p>Agreement. TDC is hopeful that such discussions will provide a route for appropriately securing approval of operational lighting details.</p> <p>Notwithstanding this, TDC’s detailed objections to the EACN remain unchanged. These concerns relate to the site selection process, which TDC continues to view as predetermined and insufficiently evidenced, and to the ongoing absence of operational lighting information, which TDC considers likely to result in unacceptable levels of local and National Landscape harm.</p>
DES 1.12	<p>TDC does not consider the Applicant’s proposed approach to mitigating the adverse landscape and visual effects of the EACN to be effective. The ExA’s question relates specifically to the EACN in isolation and does not seek views on the effectiveness of mitigating the compounded, in combination effects that would arise alongside the NF, FE substations and the likely Tarchon Interconnector. Even when considered alone, the EACN would generate significant and unmitigable landscape harm.</p> <p>Effectiveness of Proposed Mitigation</p> <p>While comprehensive, dense, and – where necessary – wide to very wide belts of new planting and earth bunding would be essential both adjacent to the EACN and at greater distances, such planting would only ever provide partial screening. Given the exceptional size, height, and horizontal spread of the EACN and associated fringe and linear (i.e. Pylons) infrastructure, TDC’s view is that no realistic level of planting or bunding could successfully mitigate the resulting landscape and visual harm, either within the local area or across the wider landscape.</p> <p>Constraints on Mitigation Delivery</p> <p>The Applicant’s chosen location is heavily constrained by an established network of narrow rural single country lanes, field boundaries, and Public Rights of Way, which permanently subdivide the landscape in organic agricultural fields and other typical undeveloped countryside uses (such as horse grazing etc). While some planting near these lanes and PROWs could reduce visibility of lower elements of the infrastructure, significant and harmful views would always remain – including from medium and long distance viewpoints. This is from all direction including from the north, northwest, and northeast, in and from the direction of the nearby National Landscape and its setting, where this development and all the associated infrastructure that will follow and spread across large swathes of unspoiled countryside in the middle of TDC agricultural heartland, would remain highly prominent.</p> <p>Furthermore, care must be taken to avoid creating continuous “green tunnels” along country lanes. While such planting might maximise</p>

	<p>screening, it would harmfully alter the character of these rural routes and diminish public enjoyment of the countryside.</p> <p>Residual Harm and Opportunities</p> <p>TDC considers that the landscape and visual harm arising from the EACN – alone or in relation to the setting of the National Landscape – cannot be adequately mitigated through the measures currently proposed or through any foreseeable refinement of those measures.</p> <p>If, however, the Applicant were to commit to a comprehensively planned strategic, peninsula wide programme of hedgerow and woodland creation – and clear legally binding delivery mechanism covering ALL costs associated with this delivery, this could potentially deliver some broader landscape benefits – but we need to stress, this will not mitigate the harm as set out here and repeatedly set out in TDC’s LIR and RR. An expansion of vast woodland cover in appropriate areas, and the reestablishment of a more connected hedgerow network could, over time, positively contribute to the character of the wider Tendring peninsula. No such comprehensive proposals have yet been put forward, and therefore TDC is unable to attribute any meaningful mitigation value to such measures because it does not exist.</p>
ALT 1.1	<p>The policy context for reasonable alternatives is set out at paragraphs 4.3.22 to 4.3.29 (not 4.3.19 which is presumably a typo) of NPS EN-1. Taking each NPS EN-1 paragraph at a time:</p> <p>Para 4.3.22 is clear that the weight that can be given to those alternatives lies in the hands of the decision maker. The assessment of alternatives must be proportionate and only alternatives that meet the need objectives of the proposed development need to be considered. Whilst at 4.4.25 the applicant notes the 2024 update to the Strategic Options Backcheck and Review considered the ESO’s East Anglian Network Study of March 2024, it is CCC’s opinion that the applicant scoped out alternatives set out in that report which by definition could have met the objectives of the proposed development. Instead, it only contains the Offshore 1 option but makes little reference to it.</p> <p>Para 4.3.24 is only relevant to more discrete sites as it looks to retain them for future energy development.</p> <p>Para 4.3.25 serves to ‘mop up’ alternatives that the decision makers considers to be important and relevant and thus allows the decision maker to take into account the alternatives the Local Authorities and IP’s have noted, namely those in the then Energy Systems Operator’s (ESO’s) East Anglian Network Study of March 2024, and the Offshore 1 option set out in the 2025 Strategic Options Backcheck and Review.</p>

	<p>Para 4.3.26 allows the decision maker to not take into consideration alternative schemes that would not comply with the relevant NPS. But that is not the case here as a number of the options in the aforementioned ESO report along with Offshore 1 could be delivered in a manner that meets the requirements of the NPS.</p> <p>Para 4.3.28 rules out vague and immature proposals. However, those noted in the ESO report of March 2023 were neither vague nor immature as by inclusion in that report they clearly are realistic options. The same is the case for Offshore 1.</p> <p>Para 4.3.29 sets out how it can be the responsibility of a third party to evidence the suitability of an alternative that is tabled once the application is made. That is not the case here as the applicant was in possession of the ESO’s March 2024 report at PEIR stage well before formal submission.</p> <p>Therefore, the reasonable alternatives that the local authorities and IP’s cited from the ESO report and the applicants Offshore 1 do meet the tests for reasonable alternatives as set out in NPS EN-1 and the EIA Regulation as they stemmed from the Energy Systems Operator of the day and the applicant, and therefore by definition are reasonable. The ESO were careful to ensure that the number of alternatives they assessed were workable and deliverable and at Para 5 of that report (page 20) the ESO sets out the preliminary assessment of the options in order to ensure they are workable. At Table 4 on Page 21 the Gate 1 assessment details this. Therefore, the alternatives listed in the ESO report would meet the definition of ‘reasonable alternatives’, as would the applicant’s Offshore 1.</p>
ALT 1.2	<p>TDC has reviewed Section 3.3 of ES Chapter 3 (APP127) and Appendices 3.1 (APP128) and 3.2 (APP129) in respect of the applicant’s approach to options appraisal and the hierarchical assessment. Our comments relate solely to the approach, as requested by the ExA.</p> <p>TDC recognises that the assessment of alternatives must be undertaken within the framework of the relevant National Policy Statements, including NPS EN-1 (2023), which makes clear that alternatives should be realistic, deliverable within a similar timescale, and capable of meeting the Project’s strategic objectives, including energy security and decarbonisation. TDC also acknowledges that alternatives which are not physically suitable, commercially viable, or sufficiently mature may be excluded from further consideration.</p> <p>However, the application of these policy tests depends fundamentally on transparency as to <i>when</i> alternatives were considered, <i>what</i></p>

information was available at the time, and *why* particular options were discounted. It is this evidential and temporal clarity that remains absent from the Applicant’s submissions.

1. ES Chapter 3, Section 3.3 (APP127)

The ES states that “*transparent methods were used to inform decision making, including technical inputs from engineers, planners and environmental consultants*”. While TDC welcomes this principle, we have repeatedly requested access to the **actual evidence** underpinning these claimed technical inputs.

To date, NG has declined to share some of the most crucial of details, for example an unwillingness to disclose engineering constraints or environmental consultant inputs would not be “necessary or proportionate” (as referenced in NG’s responses to RRs and LIRs). Without these underlying materials, TDC cannot verify the transparency or robustness of the approach described in Section 3.3.

In short: the process, as described, appears sound in principle – but TDC has not been shown the evidence needed to confirm that it has actually been applied in practice, particularly in relation to the site selection for the EACN and in relation of pylons within the setting of the National Landscape as well as a reluctance towards altogether avoidance of the National Landscape.

2. Appendix 3.1 – Approach to Options Appraisal and Hierarchical Stages (APP128)

TDC acknowledges that Appendix 3.1 sets out a structured, multistage appraisal process. However, our main concern is that the timing and evidence base for these stages remain unclear.

TDC has asked NG to confirm:

- When each stage was undertaken, especially Stages 2 and 3;
- What information was available at the time of those decisions;
- Which technical inputs were available at the time and used, and how they influenced the key and consequential decisions and outcomes;
- Whether alternative broad corridors or substation locations (including locations outside the Tendring Peninsula) were genuinely assessed at the right stage in the process.

This timing information is not a minor detail – in the context of the various impacts on TDC it is fundamental. It determines whether the options appraisal was truly openminded or whether key decisions (such as the EACN location and the arc of pylons around the north of Ardleigh) have already been constrained by early connection agreements dating from 2020/2021.

At present, Appendix 3.1 reads well as a *description* of a good process – it is merely that. The bottom line is that TDC has not been provided with the underlying evidence showing that the stated approach was actually followed. Until that information is disclosed, TDC cannot endorse the approach as having been applied transparently or objectively.

3. Appendix 3.2 – Options Identification and Selection (APP129)

TDC disagrees with the applicant’s statements on page 11 regarding the role of consultation and how consultation feedback influenced the identification and selection of options.

In particular, TDC has already demonstrated that:

- Alternative locations that avoided the National Landscape (Dedham Vale), the wider Tendring Peninsula, or entirely different EACN locations were not genuinely considered, despite being technically plausible (as acknowledged by NG themselves);
- The lack of clarity on the timing of option generation stages makes it appear that by the time consultation occurred, key decisions had already been shaped by earlier connection agreements, limiting the scope for meaningful change – this is clearly not an approach that TDC can ever agree with
- As a result, consultation appears to have had little practical influence on the range of options considered or taken forward.

In summary: while Appendix 3.2 describes a process in which consultation can shape the location, design, and mitigation, the lived experience of TDC is that this **did not occur** in relation to the EACN or the routing across the Tendring Peninsula and within the setting of the National Landscape.

TDC notes that the options appraisal appears to rely predominantly on applicant defined guidance and processes, rather than a clearly articulated, government endorsed appraisal methodology. In particular, it is unclear whether early environmental appraisal tools—such as a Preliminary Environmental Information Report or equivalent—were used at formative stages to inform the acceptability of alternative options before key strategic decisions were taken.

While TDC recognises that considerations such as cost, technical feasibility, deliverability and programme are relevant in determining whether alternatives are reasonable, the absence of clear evidence demonstrating how these factors were applied at the appropriate stages limits confidence in the conclusions reached.

TDC considers that alternative strategic solutions, including integrated offshore connections and high voltage direct current undergrounding,

	<p>have not been explored in sufficient detail to demonstrate whether they could deliver improved environmental outcomes overall when assessed holistically against the submitted proposals, whilst still meeting the Project’s strategic and policy objectives.</p> <p>Conclusion</p> <p>TDC supports the principles of a structured and transparent options appraisal approach. However, our position remains that the necessary technical evidence, timing information, and consultant inputs have not been provided, and therefore we cannot confirm that the approach, as described in the ES and appendices, was applied in practice.</p> <p>Until NG discloses the evidence requested – as set out in detail in TDC’s LIR, RR, and this submission – the appraisal process reads as a highlevel narrative rather than a transparent, evidenced assessment of reasonable alternatives.</p>
ALT 1.3	<p>TDC confirms that it has reviewed the Strategic Options Backcheck and Review (SOBR) 2024, Appendix B, and the August 2025 update, alongside the applicant’s alternatives assessments within ES Chapter 3 and the Design Development Report.</p> <p>These documents identify a series of environmental, technical and socioeconomic constraints associated with Offshore Option 1, including the requirement for a long offshore HVDC cable route, associated marine ecological considerations, and challenges relating to landfall and converter station siting at Tilbury amidst wider Freeport and port related development pressures.</p> <p>While TDC recognises these strategic level constraints, it also notes that the appraisal of Offshore 1 remains relatively high level, particularly when compared to the scale and permanence of the impacts that the proposed onshore overhead line would generate within north Essex and the Tendring Peninsula in particular with the high concentration of substations, pylons and other associated infrastructure, including the associated wide ranging National Landscape, local landscape, residential amenity, heritage, highways, business, health and well-being, agriculture, noise/vibrations and all other related and associated impacts (this list is not exhaustive).</p> <p>The Council further notes findings from the Hiorns Report indicating significant uncertainty in the generation background and suggesting that the need for reinforcement may be deferrable by up to five years without constraining offshore wind development, which raises questions over whether strategic offshore alternatives (including Offshore 1) have been explored with sufficient depth prior to dismissal.</p>

	<p>In light of this, and given the potential for offshore options to reduce or avoid extensive onshore environmental and community impacts, TDC considers that further justification and updated sensitivity testing should be provided before concluding that Offshore 1 is not a reasonable alternative. The Council therefore invites the ExA to seek additional evidence from the applicant and the National Energy System Operator (NESO) regarding the need case, offshore feasibility and converter station siting, consistent with the proportionate alternatives requirements of EN1 and EN5.</p>
<p>ALT 1.9</p>	<p>TDC rejects the applicant’s assertion (as set out in ES Chapter 3 paragraph 3.2.28) that the LoD proposal provides sufficient certainty and that a “worstcase scenario” has been robustly assessed. Affected local authorities identify the same problem:</p> <p>TDC is of the view that the LoD regime as currently set out in the draft DCO is excessively wide, and materially and collectively increases the risk of environmental, heritage, landscape, residential amenity, arboricultural, and cumulative impacts beyond those assessed in the ES.</p> <p>TDC, in consultation with ECC, has already provided detailed reasoning and supporting evidence within its Relevant Representation and Local Impact Report to explain the basis for this position. In summary, however, TDC submits that paragraph 3.2.28 of ES Chapter 3 is, in practice, incorrect and cannot be relied upon to justify the degree of design flexibility sought, because:</p> <p>The proposed LoD introduces significant uncertainty and allows materially worse impacts than assessed.</p> <p>TDC highlights that LoD powers allow pylons and overhead lines to move:</p> <ul style="list-style-type: none"> • Laterally by up to 50 m • Longitudinally anywhere within the Order Limits • Vertically by up to +6 m (and up to +18 m for some pylons) • Permanent structures (substations / CSECs) to move anywhere within their Works Plan envelopes, with up to 10% height uplift. <p>TDC is of the view that these tolerances fundamentally undermine the assertion that the ES has assessed the “reasonable worst case”. In practice, the final constructed form and location of structures could be materially different – potentially closer to sensitive receptors, of greater height or massing, or differently aligned within the LoD. Such variations, and the resulting individual and cumulative effects, have not</p>

been assessed within the ES. Moreover, these changes could arise repeatedly across multiple locations within the project, thereby compounding unassessed impacts and rendering the purported worst-case assessment unreliable.

Heritage reasons: LoD can convert low level harm into midlevel harm- TDC position is that the ES impact ratings are based on fixed pylon positions, not the full LoD envelope.

- TDC has identified that LoD can bring pylons up to 50m closer to listed buildings and conservation areas, potentially raising harm from “low” to “midlevel” Less Than Substantial Harm (LTSH).
- Also, there are instances in the ES where heritage assets have been assessed as “midlevel LTSH” – utilising the excessive flexibility allowed for in the LoD may then result in greater harm if pylons shift closer or become taller.

TDC is of the view that the LoD undermines the robustness of the heritage assessment and creates unacceptable risk of greater harm to designated assets.

Landscape & Visual: LoD could potentially materially worsen visual, residential, and community impacts

TDC argues that the applicant’s assertion that LoD does not worsen effects to be incorrect, for example:

- The proposed LoD regime creates risk of pylon relocation much closer to already severely affected residential properties, not only in the district of Tendring but also along the entire project corridor. Such relocations could introduce even more harmful encroaching towards private garden areas and will undoubtedly increase already harmful overbearing and domineering effects.
- The proposed LoD regime is likely to increase risk of landscape harm in valued local Tendring landscapes such as open plateaus and valley landscapes. For example, a vertical deviation of +6m (or +18m) will undoubtedly intensify intrusion.
- For these and the numerous other reasons set out in TDC’s LIR, TDC rejects the applicant’s assertion that movement within the LoD cannot give rise to worsened significant landscape effects. This is particularly the case in locations that are clearly visible from the National Landscape, where even modest shifts in alignment or height have the potential to

further intensify adverse impacts on both the setting of the National Landscape and the National Landscape itself.

For these reasons TDC's position is that the proposed LoD regime directly conflicts with NPS EN1 / EN5 requirements to minimise harm through siting and design, because it introduces excessive post consent freedom to worsen harm, and this worsening of harm has not been adequately assessed in the ES.

Ecology, arboriculture and hedgerows: LoD could potentially increase unassessed loss

- An overly flexible LoD regime such as the one proposed may cause additional tree and veteran tree loss.
- As set out in relevant submissions in the district of Tendring the proposed LoD regime could threaten protected lanes such as Wick Lane and local wildlife sites especially those around Ardleigh Reservoir.
- Some of the baseline information relied upon by the applicant in respect of protected trees and important hedgerows appear to be inaccurate. At the very least the applicant should be required to produce mapping of all important hedgerows and protected trees within LoD because the maximum allowed movement could capture assets not previously assessed.

The proposed LoD regime therefore enlarges the environmental footprint beyond what the ES has assessed.

Noise, vibration, highways, and construction impacts not assessed across full LoD

- TDC's view is that current noise assessments do not model full LoD worst case positions
- Construction impacts, haul routes, access tracks and temporary compounds could shift inside the LoD corridor, worsening effects on residents and other sensitive receptors.

TDC considers that there is inadequate justification for such broad LoD flexibility

TDCs position is that:

- The applicant has not justified why such extensive LoD is needed.

	<ul style="list-style-type: none"> • LoD powers are far wider than in comparable NSIPs (e.g., Bramford–Twinstead). • NPS EN1 requires proportionate flexibility, and EN5 requires siting and design mitigation – neither of which is achieved here. <p>TDC considers that significantly tighter and more clearly defined LoD controls are required. In broad terms, TDC is asking for:</p> <p>A reduction in the overall scale of permissible deviation, ensuring any vertical, lateral, or longitudinal flexibility remains genuinely proportionate and does not enable materially greater impacts than those assessed.</p> <p>Robust micro siting- and deviation controls in sensitive areas, including a requirement for meaningful Local Planning Authority oversight and approval for any deviations in environmentally or socially sensitive areas (with such areas to be appropriately identified through the Examination process).</p> <p>Clear definition and transparent mapping of the outer limits within which any deviation could occur, so stakeholders and affected communities fully understand the potential envelope of impacts.</p> <p>Stronger binding safeguards to ensure that LoD cannot lead to increased harm to heritage assets, landscape character, ecological receptors, residential amenity, or other sensitive environmental or community interests.</p> <p>Appropriate constraints to prevent deviations that would move infrastructure closer to high sensitivity- receptors or otherwise intensify effects beyond what has been assessed in the Environmental Statement.</p>
AQ 1.4	TDC’s currently Local Plan does not contain any standards or expectations related to air quality that exceed government targets.
DCO 1.A2	TDC supports the ExA’s concern regarding the unacceptable length of many of the time periods contained in the draft DCO especially where the expiration of a time period is linked to deemed consent. Timeframes set out in the DCO must be sufficient for TDC and district authorities to register (5 working days), consult with stakeholders (15 working days), consider responses and seek amendment, if necessary (10 working days), write reports and arrange for decisions to be issued (5 working days).

	<p>Based on ECC’s direct experience with the discharge of requirements for Longfield Solar Farm NSIP and Bramford to Twisted NSIP, while extensions of time are often agreed through good working relationships, the discharge of the requirements is best facilitated on a strong, collaborative working partnership with the Applicant. TDC consider that 56 days (8 weeks) would be a reasonable period to facilitate the efficient processing of Requirements. TDC would also highlight that in many instances decisions on the discharge of requirements will be made before the 56 days period being requested.</p>
DCO 1.A7	<p>TDC acknowledges the need for clarity around ‘order land’ and would suggest that that the definition of Order Land is amended to ensure that land not required/ intended to be subject to CA or TP is appropriately excluded from articles pursuant to CA (articles 24 and 25) and TP (articles 27, 28 and 29). It is suggested the definition could be Order Land means with the exception of uncoloured land (Class 8 – Land not subject to powers of acquisition nor temporary use) the land shown on the land plans and described in the book of reference”.</p>
DCO 1.A10	<p>a) TDC considers clarity is needed on what would constitute a ‘stage’ of development to ensure transparency for all stakeholders. This is due to the vast scale and diverse elements of the proposed scheme.</p> <p>The definition of “stage” in Schedule 3, para 1 is circular in that it is referable to a scheme of works submitted by the Applicant to [x] relevant planning authority. Thus, the stages are set by details submitted by the Applicant. It is unclear how “stages” correlates with “Works”. It may be that each element of “Works” – i.e. “Work No. 1” is its own stage with the relevant planning authority/authorities referable in turn. The Applicant needs to clarify.</p> <p>TDC would also welcome the Applicant engaging with the local authorities in respect of their programme of requirements and construction works. This will increase the transparency around the works which are expected to be undertaken, and where construction impacts may be felt and when.</p> <p>b) The answer to this is predicated on what a “stage” is – as noted in part a) above. Where there is “deadlock” between parties this can be resolved by the use of “an appointed person” (see e.g. Art 55 dDCO and Schedule 4, paragraphs 4 and 5) or arbitration (see e.g. art 62 and Schedule 16, Part 4, paragraph 12). It is recommended that there is consideration of a local administration discharge, with relevant county council also engaged.</p>

	<p>c) TDC would be supportive of a requirement for a stages plan – to be submitted and approved by the relevant authority prior to the commencement of works. It is considered that this would be preferable to the above, providing clarity/certainty if the Application is allowed. TDC notes that it will be a challenging scheme to manage given sections include multiple district / county authorities (and local highway authorities). Adequate time must be allowed for any discharge to ensure necessary liaison between relevant district / county authorities and relevant consultees, with open dialogue as may be required to resolve any issues which may occur.</p>
DCO 1.A16	<p>TDC would support the concern expressed by CCC in its LIR regarding the uncertainty surrounding the final height and design proposed for the pylons proposed in the vicinity of ‘the Walthams’ and would defer to CCC in terms of providing an update on the current position.</p> <p>TDC is concerned with the use of “to such extent the undertaker considers necessary or convenient” which it feels is too ambiguous. TDC therefore considers such wording would not be sufficiently precise to support enforcement should that situation arise.</p> <p>TDC is of the opinion that the following wording could be used instead “to such extent the undertaker considers necessary and the proposed alteration would not raise any new or materially different environmental or amenity considerations”.</p>
DCO 1.A19	<p>Relevant local authorities and the Applicant are discussing a Framework Highways Agreement, the latest draft of which was provided in the week of 23 February 2026. TDC would be grateful for more time to consider the ExA’s question in consultation with High Authority and so will answer at Deadline 4.</p>
DCO 1.A35	<p>TDC shares the ExA’s concerns regarding the potential for noise to impact the amenities of local residents especially in the absence of details for the detailed design of the EACN.</p> <p>The potential to cause harm though operational noise is accentuated by the presence of the EACN in combination with the substations serving North Falls and Five Estuaries within the immediate vicinity EACN. which would be followed by the Tarchon interconnector, which is proposed in close proximity with the three other mentioned developments should it receive development consent.</p> <p>The local authorities are working with the Applicants for North Falls and Five Estuaries and more recently, the Applicant in respect of Norwich</p>

	<p>to Tilbury Project, to develop a joint noise protocol linked to a Requirement specifying an operational noise limit. The joint noise protocol sets out how the effects of operational noise will be managed and any complaints investigated.</p> <p>It is intended that a final protocol in accordance with this outline is prepared and submitted to the LPA prior to operation and for the document to be a certified plan within each application. A copy of the latest version of the ‘Onshore substations operational noise and the outline noise complaints protocol’ is attached as Appendix D.</p>
DCO 1.A42	<p>TDC supports the response submitted by Essex County Council, which is copied below.</p> <p>‘ECC has reviewed Schedule 17 of the dDCO. Where duplicated, ECC notes the public general legislation referenced in Schedule 17 reflects those in contained in the B2T DCO with the exception of Land Drainage Act and the Highways Act. ECC would suggest however, in the interests of clarity that for the Neighbourhood Planning Act 2017, the words “will not apply” is added to the end of the sentence.</p> <p>In respect of the Highways Act, the Highway Authority has no comment on its inclusion unless the provisions are not contained in the model agreements being discussed with the Applicant.</p> <p>In respect of the Land Drainage Act, ECC as LLFA, objects to the inclusion of these provisions at this stage. Section 23 of the Land Drainage Act (1991) requires applications to be made for proposals affecting existing ordinary watercourses. Though it is possible for it to be covered in the Protected Provisions, ECC needs to be satisfied the interests of the LLFA are safeguarded. In addition, Section 24 of the Act prohibits the erection of obstructions or the making of alterations to existing structures which impedes the flow of ordinary watercourses while Section 25 of the Act requires that appropriate maintenance is carried out by riparian owners on ordinary watercourses. Failure of riparian owners to comply with Sections 24 or 25 can result in enforcement action if it is considered that a lack of maintenance or alteration to a watercourse poses a flood risk. AS a result, the LLFA consider there is a risk of harm to land drainage and surface water flooding.</p> <p>In respect of ecology and biodiversity matters, Schedule 17 as pertains to the Hedgerow Regulations 1997: <i>Article 57 1. For the purposes of regulation 6(1) of the Hedgerow Regulations 1997(a), the removal of any hedgerow to which those regulations apply is permitted if it is required for the purposes set out in article 50 (felling</i></p>

	<i>or lopping) of this Order.</i> ECC is considering this matter further and will respond in more detail at Deadline 4.'
DCO 1.S5	<p>a) TDC is comfortable with the definitions for discharging authority, relevant planning authority & relevant highway authority and note they reflect the approach taken on Bramford to Twinstead. For certainty, given forthcoming local government reorganisation, the definitions of reluctant planning authority and relevant highway authority could be amended to add “any successor or successors in function”, in case the relevant function is split across more than one successor.</p> <p>b) TDC would welcome clarity on this point and would refer to commentary raised across ECC’s Relevant Representation submission (RR-1083) and LIR (REP1-161) on the drafting of the “start up and close down activities” and concerns regarding the potential impacts on communities and the environment arising from the extensive construction hours proposed through the DCO.</p>
DCO 1.S7	<p>The Richborough Connection Project offered 10 business days in respect of this requirement, however, TDC would recommend in line with the other requests through the DCO that potentially a more extensive period should be considered given the scale and complexity of the project in respect of requirement 3(1), where the operations may cover more than one administrative area.</p> <p>It is recommended that written notice should be approved in writing throughout part 3(1), but clarity should be considered as to the grounds which approval may not be given, and any dispute resolution matters should be addressed.</p> <p>Furthermore, it is recommended that part 3(2) should also be submitted for approval to the relevant authority.</p> <p>Written notice of commencement should be given prior to commencement.</p> <p>In respect to the latter part of the question, it is recommended that it should be ‘(2) and (3)’.</p>
DCO 1.S19	<p>a) The 2025 Review is noted. It is also noted that post-consent discharge functions will be “in consultation with Local Authority Planning Departments” with schemes of this sort identified as being within the initial focus. The County authority would work with any new unit of DESNZ’s Infrastructure Planning Delivery (‘IDP’) team.</p>

	<p>b) Whilst a matter for the ExA, if post-consent discharge functions are to be dealt with by a new unit within the IPD, then the drafting within Schedule 2 of the Lower Thames Crossing DCO is preferred.</p>
HE 1.9	<p>a) Tendring District Council refers to the position of Essex County Council, as Place Services are leading on all matters relating to the scoping out of Designated and Non-Designated Heritage Assets, including those within the TDC administrative area.</p> <p>b) Disagree – for commentary see TDC’s LIR (Section 7 (EACN Location etc), Section 10 (Cumulative Effect) and Section 15 – (Historic Environment)</p> <p>In respect of the level of harm assessed in relation to Non-Designated Heritage assets (last part of question HE 1.9): TDC Disagree – for commentary see TDC’s LIR (Sections 10 (Cumulative Effect) and Section 15 – (Historic Environment).</p>
HE 1.12	<p>a) Viewpoint Selection – Strong Disagreement</p> <p>TDC strongly disagrees that the Applicant’s chosen viewpoints adequately reflect the potential impacts of the proposal on heritage assets within and around Ardleigh.</p> <p>It appears as though, in a heritage context, only two visualisations in document reference APP-51 (see pages 22-26 of this document) have been provided for Ardleigh – Ardleigh is a historic settlement with a large conservation area and one of the settlements most severely affected along the entire project route. These viewpoints are:</p> <ul style="list-style-type: none"> • Poorly located, with both positions situated adjacent to or in front of dense vegetation, tree belts, or buildings, which significantly obscure or filter views to the north where the new pylon arc will be located. • Nowhere near sufficient to capture the extent, magnitude, or nature of heritage impacts on Ardleigh’s Conservation Area, its numerous Grade II and Grade II* listed buildings, and its Non Designated Heritage Assets (NDHAs) (for exact locations of these – pls see remainder of the response to this question as well as TDCs response to ExA Q1 HE. 141 further below). <p>TDC has repeatedly raised this issue – including in thematic heritage meetings, statutory and nonstatutory consultations, and in both its Relevant Representation and Local Impact Report. Despite this, the Applicant has not provided the additional heritage visualisations necessary to meaningfully assess impacts in the Ardleigh area.</p> <p>Given that the pylon arc passes:</p> <ul style="list-style-type: none"> • Close to the northern and northeastern boundary of the Ardleigh Conservation Area, and

- with the majority of pylons located within 300 metres of the Conservation Area’s northern edge, and as close as 250m from pylond TB11.

Therefore, TDCs position is that the current viewpoint selection is fundamentally inadequate and does not allow the ExA to understand the scale of change affecting these heritage receptors.

b) Additional Heritage Visualisations – Required Viewpoints

TDC submits that a substantial number of additional visualisations are required from clearly defined and specific locations to properly assess heritage impacts in and around Ardleigh.

Below is a detailed list of required viewpoints, with precise location descriptions and heritage justification.

1. Ardleigh Conservation Area – Northern, NorthWestern & NorthEastern Edges

Reason:

These edges directly face the pylon arc, with pylons positioned extremely close to the conservation area boundary. Visualisations are needed to assess how the setting, rural hinterland, and character of the Conservation Area will be harmed from these sensitive edges.

Exact locations required:

- Along Dead Lane and the footpaths immediately north of the Conservation Area.
- The northeastern boundary of the conservation area by the cemetery and allotments
- The northwestern edge, just off Rookery Close and Dedham Road.
- Reverse viewpoints from the north side of the pylon arc, looking southward back toward Ardleigh, to capture how the pylons would visually dominate key heritage receptors.

2. St Mary the Virgin Church (Grade II*) – Ardleigh

Required viewpoints:

- From Ardleigh Close, located directly to the east of the church.
- From within the churchyard and where views are possible through trees and vegetation towards open sky northwards (ie not areas carefully selected where existing vegetation will obscure view of the sky looking northwards), and particularly to the front and north of the church and where open views towards the proposed pylon arc will be possible.

Reason:

The church is the most significant designated asset in the settlement and the change to its setting must be robustly evidenced.

3. The Vicarage (Grade II), The Street, Ardleigh (CO7 7LD)

Required viewpoints:

- From directly in front of The Vicarage (on The Street) and in front of the two storey cottages (along The Street) looking northwards towards the proposed pylons arc

Reason:

The Vicarage has historically strong visual and functional associations with St Mary’s Church, and sensitive views from these areas facing directly towards the pylon arc are essential to understand the heritage impacts from this position.

4. Badliss Hall and Barn West of Badliss Hall (Both Grade II Listed)

Location: West of Ardleigh, approximately 500m south of Ardleigh Reservoir.

Required viewpoints:

- From within the grounds of Badliss Hall, looking north and northeast.
- From the Barn to the west of Badliss Hall, oriented towards the line of pylons south of Ardleigh Fishing Lake.

Reason:

These assets sit in an elevated position above the lack north of Little Bromley Road with clear, open rural settings highly sensitive to vertical intrusions.

5. Hungerdowns Farmhouse & Bounds Farmhouse (Both Grade II Listed)

Location: Hungerdown Lane.

Required viewpoints:

- From both farmsteads and their curtilages.
- Specific views looking north and northeast towards the EACN and associated pylons emerging on its western edge.

Reason:

Bounds Farmhouse is approximately 170m from both the EACN and emerging pylons – representing one of the closest heritage–pylon proximities anywhere in the scheme.

6. Grade II Listed Buildings Along Wick Lane

Assets include:

- Fountain Farmhouse
- Wick Farmhouse and Wick Farm Barn
- Bloomfields Farmhouse and Bloomfields Farm Barn

Required viewpoints:

- From each asset’s principal elevation and associated setting.
- Across open farmland to the north and northeast where the pylon arc will be visually prominent.

Reason:

This cluster of heritage farmsteads forms a coherent historic rural landscape that will experience pronounced setting impacts.

	<p>7. Western Edge of Ardleigh Conservation Area (Colchester Road)</p> <p>Required viewpoints:</p> <ul style="list-style-type: none"> • From the western boundary of the Conservation Area. • Including viewpoints from the two Grade II Listed buildings on the south side of Colchester Road, located at the Conservation Area’s westernmost extent. <p>Reason:</p> <p>The western part of the Conservation Area rises gently with potential views toward the proposed pylon arc, or at the very least it should be demonstrated to what extent the pylons will or will not be visible from these viewpoints.</p> <p>Conclusion</p> <p>The Applicant’s current visualisation set is therefore insufficient to thoroughly assess impacts on the heritage assets and historic landscape of Ardleigh. TDC therefore requests that the ExA require the Applicant to produce comprehensive, accurate visualisations from all locations listed above to enable a lawful and robust assessment of heritage impacts.</p>
HE 1.39	<p>Protected Lanes</p> <p>TDC considers that two Protected Lanes in the northwest of the district would be adversely affected by the proposed development. These are:</p> <p>1. Wick Lane</p> <p>Wick Lane lies to the east of the A12 and to the north of Ardleigh Reservoir. Its Protected Lane status is shown by the black line on the Policies Map. The approximate location is indicated by the red arrow, with the precise alignment provided in Appendix A.</p> <p>2. Little Bromley Road</p> <p>Little Bromley Road is located just south of the proposed temporary and permanent haul roads, immediately west and southwest of Little Bromley. Its Protected Lane designation is likewise shown by the black line on the Policies Map. The location is again marked by a red arrow, with the exact route shown in Appendix A.</p> <p>There is clear and robust evidence for treating these Protected Lanes as Non Designated Heritage Assets (NDHAs).</p> <p>Both lanes are explicitly referenced in Tendring District Council’s adopted Local Plan, where (on page 197) they are identified – via Essex County Council’s designation – as having <i>particular historic value</i> or making a <i>significant contribution to the character of the countryside</i>. Their Protected Lane status reflects their importance as surviving historic routeways within the rural landscape.</p>

	<p>In addition, the Council’s Emerging Local Plan (Regulation 18 consultation recently concluded) again confirms their heritage significance:</p> <ul style="list-style-type: none"> • Page 27 and Page 137 identify Protected Lanes as features preserved for their <i>historic indication of ancient road patterns</i> within the District. • Emerging Policy PPL3 states that the Council “<i>will protect the rural landscape and refuse planning permission for any proposed development which would cause material harm to its character or appearance, including to protected lanes, other rural lanes, bridleways and footpaths.</i>” <p>Furthermore, under the heading Non Designated Heritage Assets (page 147), the emerging Local Plan states:</p> <p><i>“The District benefits from a wealth of non-designated heritage assets that are locally significant and contribute positively to the area’s character and distinctiveness. This may be due to their historic, aesthetic, evidential, or communal value, or a combination of these factors. Examples include houses, shops, schools, village halls, churches, protected lanes...”</i></p> <p>This makes it unmistakably clear that Protected Lanes fall within the Council’s own defined examples of NDHAs due to their historic and evidential value.</p> <p>Finally, following the Regulation 18 consultation, the council is not aware of any objections being lodged against the continued designation of Tendring’s nine Protected Lanes – two of which would be negatively affected by the Norwich to Tilbury proposals as set out above. Their protection is therefore both well established and currently uncontested within the emerging policy framework.</p>
HE 1.41	<p>Grade II Listed Farmsteads Referenced in TDC’s LIR (Ardleigh Area)</p> <p>The Grade II listed farmsteads referred to in paragraph 15.6 of Tendring District Council’s Local Impact Report are the following heritage assets located along Wick Lane:</p> <ul style="list-style-type: none"> • Fountain Farmhouse (Grade II) • Wick Farmhouse (Grade II) and Wick Farm Barn (Grade II) • Bloomfields Farmhouse (Grade II) and Bloomfields Farm Barn (Grade II) <p>As set out in detail within TDC’s LIR and RR, there will be substantial construction activity in and around Wick Lane, including (but not limited to) significant hedgerow removal, construction and operation of temporary and permanent haul road crossings, increased construction vehicle movements, and associated landscape and setting alterations. Individually and cumulatively, these works will give rise to adverse construction phase effects on the setting and significance of the listed</p>

	<p>farmsteads, or – at the very least – effects which TDC considers to be underestimated in the Applicant’s assessment.</p> <p>Cottages Adjacent to Little Bromley War Memorial (Paragraph 15.4) The cottages referred to in paragraph 15.4 of TDC’s LIR are the two Grade II listed cottages located on the east side of Bentley Road, positioned:</p> <ul style="list-style-type: none"> • Immediately south of The Haywain Public House, and • Approximately 200 metres south of the Little Bromley War Memorial <p>These cottages lie within close proximity to construction activities, including HGV routing and haul road works, and are therefore, in TDC’s view, plausibly at risk from construction related vibration impacts. The precise locations of these cottages and farmsteads are shown in Appendix A.</p>
LUS 1.2	<p>The ALC survey would not directly assess for acid sulphate soils, therefore there is no way of accurately determining whether acid sulphate soils are present using ALC data alone. A response from the Applicant has indicated that the surveyor would be looking for jarosite within the soil, however this would not be a usual requirement of the survey, and this may not be picked up by less experienced surveyors. The response has also indicated that “some” of the soils within the areas identified as being a potential for containing acid sulphate soils were calcareous. Without soil analysis of these soils where they were not identified as being calcareous, there is no other information obtained during the ALC survey that would conclusively determine whether the soils are not acid sulphate soils. Braintree DC’s soil specialist concludes that the ALC data collected is not robust enough to identify whether acid sulphate soils are present or not. A preliminary risk assessment should have picked up the likelihood of these soils being present, and where they have been identified further testing should be carried out. The requirements of this are listed within BRE SD1:2005: (see image below):</p>

	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Steps</th> <th style="width: 50%; text-align: center;">Refer to</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">↓</td> <td style="text-align: center;">↓</td> </tr> <tr> <td style="text-align: center;">1 Carry out desk study and walk-over of site to identify type of site (eg brownfield) and any ground conditions that may be aggressive to concrete</td> <td style="text-align: center;">Sections C4.2 and C4.3</td> </tr> <tr> <td style="text-align: center;">↓</td> <td style="text-align: center;">↓</td> </tr> <tr> <td style="text-align: center;">2 Carry out ground investigation to determine: <ul style="list-style-type: none"> ● groundwater mobility (static, mobile, flowing) ● concentrations of aggressive chemicals in soil and groundwater, including: <ul style="list-style-type: none"> ● sulfates, ● sulfides (especially in pyritic ground) ● water-soluble magnesium ● acids (indicators are pH, chloride and nitrate ions) </td> <td style="text-align: center;">Section C3 Section C4.5 and C4.6 Section C5.1.2</td> </tr> <tr> <td style="text-align: center;">↓</td> <td style="text-align: center;">↓</td> </tr> <tr> <td style="text-align: center;">3 Determine Design Sulfate Class for site or site locations</td> <td style="text-align: center;">Step 3 of Sections C5.1.1, C5.1.2 and C5.1.3</td> </tr> <tr> <td style="text-align: center;">↓</td> <td style="text-align: center;">↓</td> </tr> <tr> <td style="text-align: center;">4 Determine Aggressive Chemical Environment for Concrete (ACEC) Class for the site or site locations from Table C1 or C2, taking into account: <ul style="list-style-type: none"> ● Design Sulfate Class, ● type of site (natural ground or brownfield) ● water mobility ● pH </td> <td style="text-align: center;">Section C5.2 and Tables C1 and C2</td> </tr> <tr> <td style="text-align: center;">↓</td> <td style="text-align: center;">↓</td> </tr> <tr> <td style="text-align: center;">5 Proceed to concrete specification in Parts D, E and F of this Special Digest</td> <td style="text-align: center;">Stage 3 of Figure A1</td> </tr> </tbody> </table>	Steps	Refer to	↓	↓	1 Carry out desk study and walk-over of site to identify type of site (eg brownfield) and any ground conditions that may be aggressive to concrete	Sections C4.2 and C4.3	↓	↓	2 Carry out ground investigation to determine: <ul style="list-style-type: none"> ● groundwater mobility (static, mobile, flowing) ● concentrations of aggressive chemicals in soil and groundwater, including: <ul style="list-style-type: none"> ● sulfates, ● sulfides (especially in pyritic ground) ● water-soluble magnesium ● acids (indicators are pH, chloride and nitrate ions) 	Section C3 Section C4.5 and C4.6 Section C5.1.2	↓	↓	3 Determine Design Sulfate Class for site or site locations	Step 3 of Sections C5.1.1, C5.1.2 and C5.1.3	↓	↓	4 Determine Aggressive Chemical Environment for Concrete (ACEC) Class for the site or site locations from Table C1 or C2, taking into account: <ul style="list-style-type: none"> ● Design Sulfate Class, ● type of site (natural ground or brownfield) ● water mobility ● pH 	Section C5.2 and Tables C1 and C2	↓	↓	5 Proceed to concrete specification in Parts D, E and F of this Special Digest	Stage 3 of Figure A1
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LUS 1.4	Braintree DC’s soil specialist concludes the inclusion of GH01 more so than GH02 could ensure that further testing of identified soils that pose that risk as being acid sulphate soils is carried out, but only if the BRE SD1:2005 is followed as part of the ground investigations.																						
LUS 1.14	<p>Response to Bullet point one: TDC does not agree with the assessment or conclusions set out in Table B.1 of Appendix B of the Planning Statement. Our reasons are set out below.</p> <p>(a) Green Infrastructure and Open Space (ECC led)</p> <p>Where matters relate to strategic green infrastructure and districtwide open space assessments, TDC defers to Essex County Council as lead authority.</p> <p>However, TDC raises strong concerns regarding the robustness, evidence base and methodology used by National Grid (NG) in Table B.1 and Appendix B. There appears to be systemic flaws in National Grid’s Open Space Assessment. The Open Space Assessment repeatedly claims that open spaces affected – including fishing lakes – are “surplus to requirements” and “not high quality provision”, yet:</p> <ul style="list-style-type: none"> ● NG did not directly engage with the angling clubs or site operators whose facilities they conclude are “surplus”. There is no evidence of club consultation in the Planning Statement or Appendix B. ● NG offers no qualitative assessment of the social, cultural, or operational importance of these facilities. ● The Assessment is based largely on desktop mapping, not user evidence, not operational data, and not club membership/inclusion data. ● NG’s conclusions assume that all “alternative provision” is functionally equivalent – despite no evaluation of quality, stock 																						

levels, disabled access, capacity, membership availability, or local travel burdens on anglers.

- The Planning Statement admits these assessments are precautionary and based on broad brush categorisation rather than site specific fieldwork or interviews with affected communities.

This makes NG's core conclusions unsupported and unreliable.

Response to Bullet Point two:

TDC **does not agree** with NG's assessment regarding Ardleigh fishing provision. Ardleigh Fishing Lake (north of Little Bromley Road) – NG's conclusion of 'no direct or indirect impacts' is indefensible

NG concludes that construction and operation of pylons and the underground cable corridor will have “no direct or indirect impact on the use or function of the open space for angling”.

This is an extraordinary and wholly unsupported conclusion.

Our concerns, based on the DCO documents, include:

1. Proximity of new pylons and conductors
 - Four tall 400 kV pylons will stand up to 60 metres tall from the southern edge of the fishing lake.
 - The underground cable corridor runs directly south of the lake.
 - Overhead line over sail and EMF based safety constraints will materially compromise angling activity, lakeside access, tranquillity, and rural character.
2. NG's own Open Space Assessment contradicts its narrative
 - Appendix B acknowledges that where overhead lines over sail water bodies, angling is sterilised in a 30m swathe and function is lost – yet they say that it will have no direct or indirect impact on the use or function of the open space for angling
 - The same technical logic applies here – yet NG refuses to acknowledge it.
3. Amenity and economic impact on a countryside enterprise ignored
 - The lake supports angling, informal walking, birdwatching, and local countryside recreation, not just fishing
 - NG provides no assessment of economic viability after construction.
 - No landscape or tranquillity impact assessment specific to the facility exists, despite the site functioning as an important local rural amenity.
4. No evidence provided for NG's claim of 'no impact'
 - The Planning Statement does not cite any field survey, community consultation, operational fishing study, or

	<p>expert angling assessment to support the “no impact” conclusion.</p> <ul style="list-style-type: none"> ○ The statement is therefore assertive, unsubstantiated and methodologically unsound. <p>This represents a fundamental failure of NG’s impact assessment for this location.</p> <p>Ardleigh Fishing Pond (between TB13–TB14) and Ardleigh Reservoir – NG’s classification of these as “surplus to requirements” is baseless Appendix B explicitly records that:</p> <ul style="list-style-type: none"> • Ardleigh Fishing Pond (OS/46) is entirely sterilised for angling due to the 30m exclusion zone under the 400 kV alignment. • Ardleigh Reservoir (OS/47) suffers partial sterilisation of its northern section. • Combined, ~9.6 acres of angling water is lost. <p>Despite this, NG asserts:</p> <ul style="list-style-type: none"> • “No evidence suggests these are high quality sites” • “Alternative provision is strong” • “Therefore their loss is acceptable” <p>These statements are not supported by evidence:</p> <p>There is no engagement with affected angling clubs There is no record (in the Planning Statement, Consultation Report or Appendix B) that NG discussed these findings with:</p> <ul style="list-style-type: none"> ○ Ardleigh Reservoir Consortium ○ Ardleigh Fishery ○ Local angling clubs with longstanding community ties (some dating back decades). <p>No understanding of angling as a sport NG provides no assessment of:</p> <ul style="list-style-type: none"> ○ membership pressure; ○ waiting lists; ○ species/stock levels; ○ accessibility or suitability of alternatives; ○ socioeconomic value; ○ Home water importance for local anglers. <p>The conclusion of “surplus to requirement” is methodologically invalid</p> <ul style="list-style-type: none"> ○ A desktop radius based count of alternative lakes cannot justify eliminating community angling assets. ○ No qualitative assessment of value, uniqueness, accessibility, or environmental experience has been undertaken. <p>NG’s own evidence highlights substantial recreational and open space impacts The Open Space Assessment acknowledges material impacts on fishing lakes at OS/46 and OS/47 and classifies the impact as</p>
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	<p>permanent loss of function. Yet Table B.1 glosses these findings over.</p> <p>TDC therefore does not accept:</p> <ul style="list-style-type: none"> • The accuracy of the Open Space Assessment in Table B.1; • The assertion that Ardleigh fishing facilities are “surplus to requirements”; • The claim of “no direct or indirect impacts” on the Ardleigh lake north of Little Bromley Road; • The claim that alternative angling provision is adequate or equivalent; • The suggestion that the viability of these rural recreation businesses will not be harmed. <p>The Council’s view is that significant recreational, landscape, amenity and economic harm will arise, and that NG has failed to evidence or justify its contrary assertions.</p>
LV 1.14	<p>TDC strongly disagrees with National Grid’s conclusion that the operational impacts of the Norwich–Tilbury project on the Dedham Vale National Landscape would be “minor” or “not significant”.</p> <p>National Grid’s own assessment shows that the proposed East Anglia Connection Node and pylons would be visible across approximately 25% of the Dedham Vale, with 11–23 pylons visible from individual viewpoints across 50% of the National landscape (‘the landscape’) and in some locations up to 35 pylons will be visible in the landscape. This represents a substantial and highly intrusive industrialisation of a nationally protected landscape. It is not credible to describe these effects as minor, negligible, or nonadverse-. The scale, extent, and permanence of the intrusion constitute a clear and significant adverse impact on the special qualities and defining characteristics of the Dedham Vale.</p> <p>It also follows that national policy has not been correctly applied. Under NPS EN-5, nationally designated landscapes such as the Dedham Vale should be “avoided altogether” unless that outcome is demonstrably impossible. The proposed overhead line demonstrably fails this policy test, as avoidance has not been achieved and the resulting harm is plainly significant.</p> <p>For these reasons, TDC firmly rejects the conclusion that operational impacts are not adverse and requests that National Grid’s assessment be revisited to reflect the clear and material harm identified in its own evidence.</p>
LV 1.17	TDC strongly disagrees with this conclusion.

National Landscapes have a clearly embedded statutory purpose: **to conserve and enhance natural beauty.**

Public bodies – including decision-makers on NSIPs – have a **legal duty** to *seek to further* this purpose when exercising their functions. TDCs understanding of this is that it means:

- They must actively consider how their decisions will affect the National Landscape.
- They must actively seek avoid harm in the first place and look for opportunities to protect or improve the landscape’s special qualities.
- They must show clear evidence that they took this duty seriously, not as a tickbox- exercise.

In the context of Norwich–Tilbury, this duty means the developer and the ExA must demonstrate that the proposal has been shaped to prioritise the conservation of the Dedham Vale, given its national importance.

In terms of the mitigation hierarchy, TDCs understanding is that relevant national policy requires the use of a **mitigation hierarchy**, which is a structured approach to ensuring National Landscapes are protected.

This hierarchy involves three steps, that should be approached in this strict order:

Step 1 – Avoidance

The first and most important requirement is to avoid harming the National Landscape altogether.

For an NSIP, this means:

- choosing a different route,
- using undergrounding where appropriate, or
- designing the scheme so that the protected landscape is not affected in the first place.

This is the strongest and most preferred form of protection – TDC has already evidenced at length and in detail that the applicant was never genuinely interested in choosing a different route that will not affect the national landscape, the using of undergrounding in a small section is completely ineffective in protecting the national landscape (see our response to the question above and our extensive evidence in TDC LIR). As a result the applicant failed at the first step because they failed to design a scheme so that the protected landscape is not affected.

Step 2 – Minimise

	<p>If harm truly cannot be avoided (and this must be convincingly demonstrated – TDCs position is that harm CAN be avoided), the next step is to reduce the harm as far as possible.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • lowering structures, • reducing the number of pylons, • screening with topography or planting, or • adjusting alignments. <p>This step is only acceptable once <i>genuine avoidance</i> has been proven impossible. Even if decision makers feel that <i>genuine avoidance</i> has been proven impossible (for the avoidance of doubt TDCs position is that it has not been proven) then the applicant has still failed at this step because TDC has already demonstrated that the exact opposite happened. NG increased the number of pylons along the southern boundary of the National Landscape through its arc dog leg route into the Tendring Peninsula and around the north of Ardleigh, there is no attempt to lower structures, in fact the EACN is located in one of the highest points in Tendring (between 35m and 37m Above Ordnance Datum (AOB)) and within the setting of the National Landscape, screening such a large structure and pylons with planting is impossible and NG has done exactly the opposite of ‘adjusting alignment’ – they are deviating from their prevailing project route causing even MORE harm to the National Landscape.</p> <p>Step 3 – Mitigate / Compensate</p> <p>If some residual harm still remains, the final step is to mitigate or compensate for it.</p> <p>This might involve:</p> <ul style="list-style-type: none"> • landscape enhancement projects, • habitat creation, or • funding improvements within the National Landscape. <p>TDCs position is that the applicant has not met the requirements of Step 1 (avoidance) or Step 2 (minimisation). Because the proposal has not been redesigned to avoid or meaningfully reduce harm to the Dedham Vale, reaching the compensation stage is purely academic.</p> <p>Furthermore, even if Step 3 were engaged, no amount of mitigation or compensation could offset the scale, intensity, or permanence of the individual and cumulative harm this project would cause to a nationally protected landscape. Compensation cannot legitimise avoidable harm, nor can it remedy the fundamental conflict between the proposal and the statutory purpose of the Dedham Vale.</p>
LV 1.22	TDC does not agree that the viewpoints selected in visualisations [APP343] to [APP349] adequately represent the potential landscape and visual impacts of the Norwich to Tilbury proposal.

	<p>The chosen viewpoints are highly selective and do not reflect how largescale infrastructure of this magnitude is actually experienced in the landscape. The East Anglia Connection Node, the high pylons curving around the north of Ardleigh, the future North Falls and Five Estuaries wind farm connections and substation, and associated haul routes, compounds, and largescale ground clearance works necessary to facilitate all of this will never be experienced as still, narrow field snapshots. They are experienced continuously, panoramically, and repetitively, with multiple pylons and structures visible in sequence across wide views and from numerous publicly accessible locations.</p> <p>The current viewpoint set fails to communicate that reality. In particular:</p> <ul style="list-style-type: none"> • The visualisations do not capture the <i>scale, density, or extent</i> of the proposed pylons around Ardleigh. • The images do not convey the true degree of landscape industrialisation that would occur, especially given the cumulative infrastructure context. • Critically, none of the selected visualisations illustrate the impacts revealed in the applicant’s own reverse view fall diagrams, which demonstrate far greater visibility than the chosen viewpoints imply. <p>As a result, the submitted visualisations materially under-represent the magnitude of adverse landscape and visual effects, particularly within highly sensitive areas and along key public routes.</p> <p>Additional visualisations are therefore required. At minimum, these should include:</p> <ul style="list-style-type: none"> • Panoramic, 360degree viewpoints from key publicly accessible locations within and adjacent to the Dedham Vale National Landscape. • Additional viewpoints around Ardleigh, capturing the full spread of visible pylons and associated infrastructure. • Sequential route based visualisations (e.g., along footpaths, bridleways, public highways) that show how the infrastructure is experienced in motion. • Viewpoints aligned with the reverse view fall analysis, illustrating the highest concentration of visible structures. <p>Only with a more representative and comprehensive set of visualisations can the true nature, scale, and severity of visual harm be accurately understood.</p>
LV 1.34	In respect of landscape matters, TDC has concerns regarding replacement planting such as:

- A fixed ratio of 3:1 is not considered appropriate for all replacement planting and should respond to the specific details of planting lost. I.e a Veteran Oak would require far greater replacement than a smaller sapling. The replacement is also subject to stock availability in the UK.
- Consideration should also include Landscape Character and ecological habitat creation.
- With regards to Off-Site, there are constraints with land ownership, appropriate location and long-term retention and management.

Monitoring and management programmes such as those undertaken for Minerals and Waste sites *could* secure this but need to be carefully managed to ensure they are successful.

In respect of green infrastructure, TDC supports the principle of an Offsite Planting Delivery Scheme (OPDS) to accompany the applicant's 3:1 replacement ratio for individual trees and small groups, as set out in ES Appendix 13.6 and the Outline LEMP. The OPDS is acceptable in principle, but TDC advises that its usefulness depends on early provision and strategic alignment with wider environmental priorities.

1. Timing

The OPDS should be submitted prior to commencement of main works so that LPAs can meaningfully influence site selection and ensure alignment with local and county-wide GI priorities.

2. Content Requirements

TDC expects the OPDS to include:

- A clear summary of onsite planting capacity and the resulting offsite requirement.
- Site selection criteria aligned with the Essex Local Nature Recovery Strategy (LNRS) and the Essex Green Infrastructure Strategy, demonstrating contributions to ecological connectivity, canopy cover and climate resilience.
- Mapping of proposed offsite locations and their relationship to priority habitats, GI networks and landscape character.
- Species selection principles based on local provenance and resilience.
- Aftercare, monitoring and reporting arrangements

3. Securing the Details

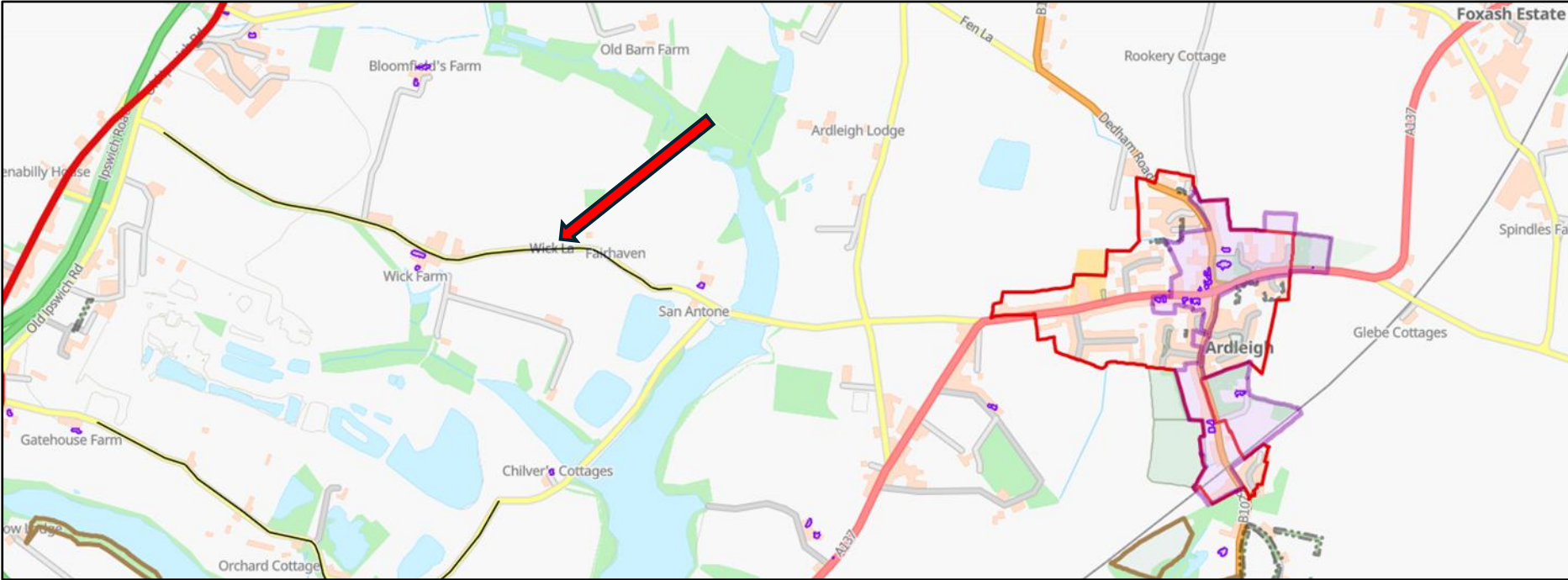
	The OPDS should be secured via Requirement 4 (LEMP) or a dedicated DCO Requirement, with offsite planting on third-party land supported by a legal agreement to ensure delivery and long-term management.
NV 1.7	TDC requests a hotline/mechanism for homeowners to contact Grid if issues occur. This could be covered by a pre-commencement condition.
NV 1.13	<p>TDC shares the ExA’s concerns regarding the use of the terms “reasonably practicable” and BATNEEC within the operational noise assessments for both the EACN and Tilbury North substations. The inclusion of cost based qualifiers in the assessment of mitigation is not acceptable, introduces imprecision, and risks making any DCO noise requirement unenforceable. TDC has already made this position clear in its LIR and most recent SoCG with National Grid.</p> <p>TDC fully agrees with the ExA that mitigation must achieve the outcomes set out in Tables A14.3.8 and A14.4.8, and that Best Available Technique (BAT) – not BATNEEC – must be applied. BAT is the only standard that ensures that noise limits are met in practice, not merely aimed for subject to developer discretion or cost considerations.</p> <p>TDC therefore supports the inclusion of a formal and unambiguous BAT requirement within the DCO, expressed as a mandatory requirement and not as an aspirational or cost qualified duty. This approach is necessary to ensure enforceability, compliance with national policy, and protection of residential amenity.</p> <p>TDC confirms that it can act as the discharging authority, provided that National Grid funds the necessary environmental health and acoustic expertise at TDC through a Planning Performance Agreement. This is essential to ensure that noise related requirements – including detailed design submissions, verification, commissioning tests, and compliance monitoring – can be discharged <u>promptly and robustly</u>.</p>
SET 1.5	TDC has reviewed the use of ‘where practicable’ in ES Chapter 15 (Socio-economics, Recreation and Tourism) [APP-265] At Paragraph 15.6.6, there is reference to Standard Mitigation measures SO2 and SO3 contained in Table 6.1 of the outline Code of Construction Practice. In both these instances, TDC questions the use of ‘where practicable’ on the basis that alternative access arrangements be that in relation to road closures and mitigation or access to community facilities, business, tourism and recreational assets, need to be maintained at all times not just where practicable, unless this is agreed

	<p>with the relevant highway authority or the affected community facilities, business, tourism and recreational asset.</p> <p>TDC is considering whether there is more appropriate alternative wording and will respond further at Deadline 4.</p>
SET 1.14	TDC has no comments to make in response to this question.
TT 1.20	Please refer to the response submitted by ECC as the local Highway Authority.

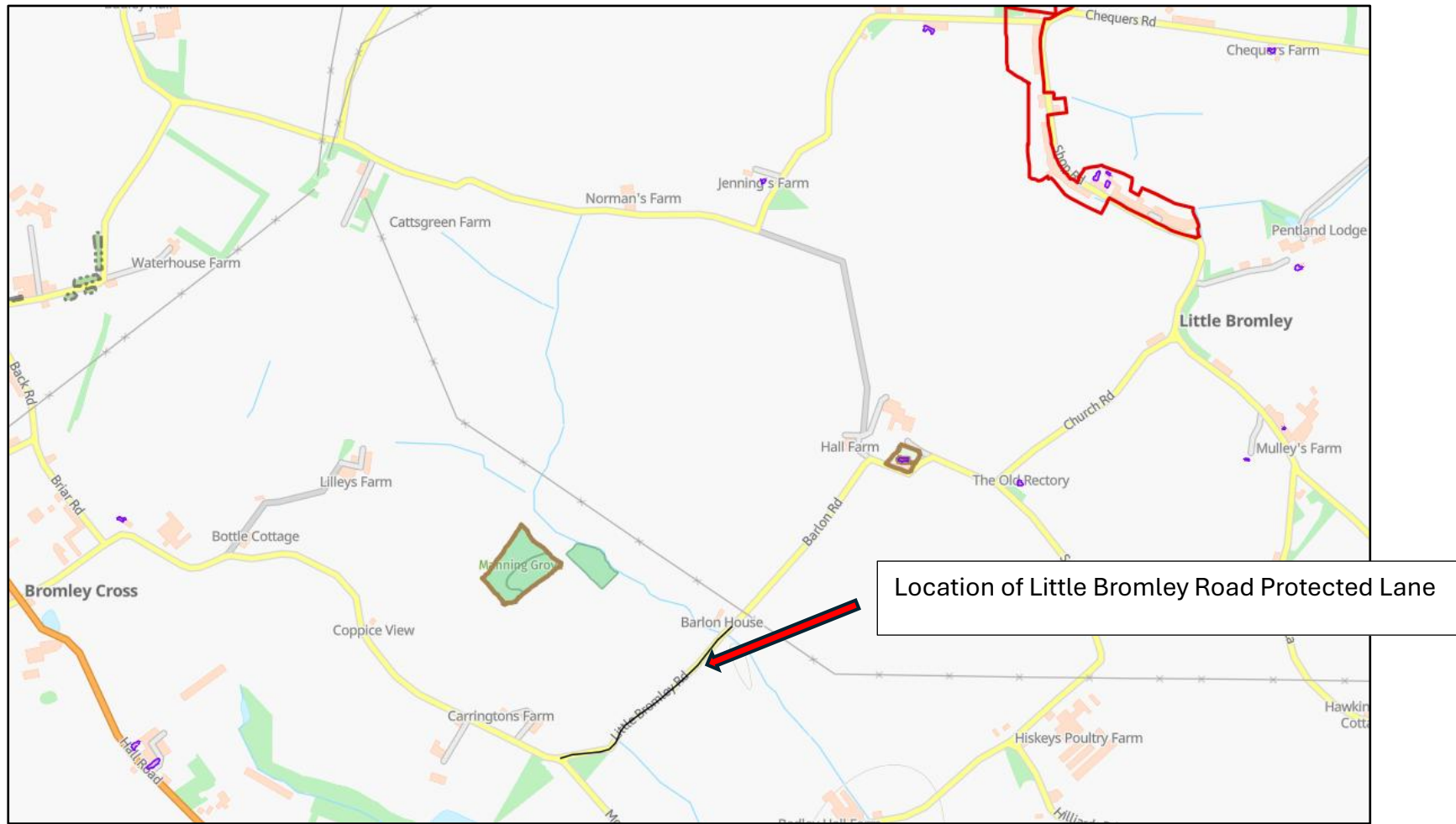
END

Appendix A

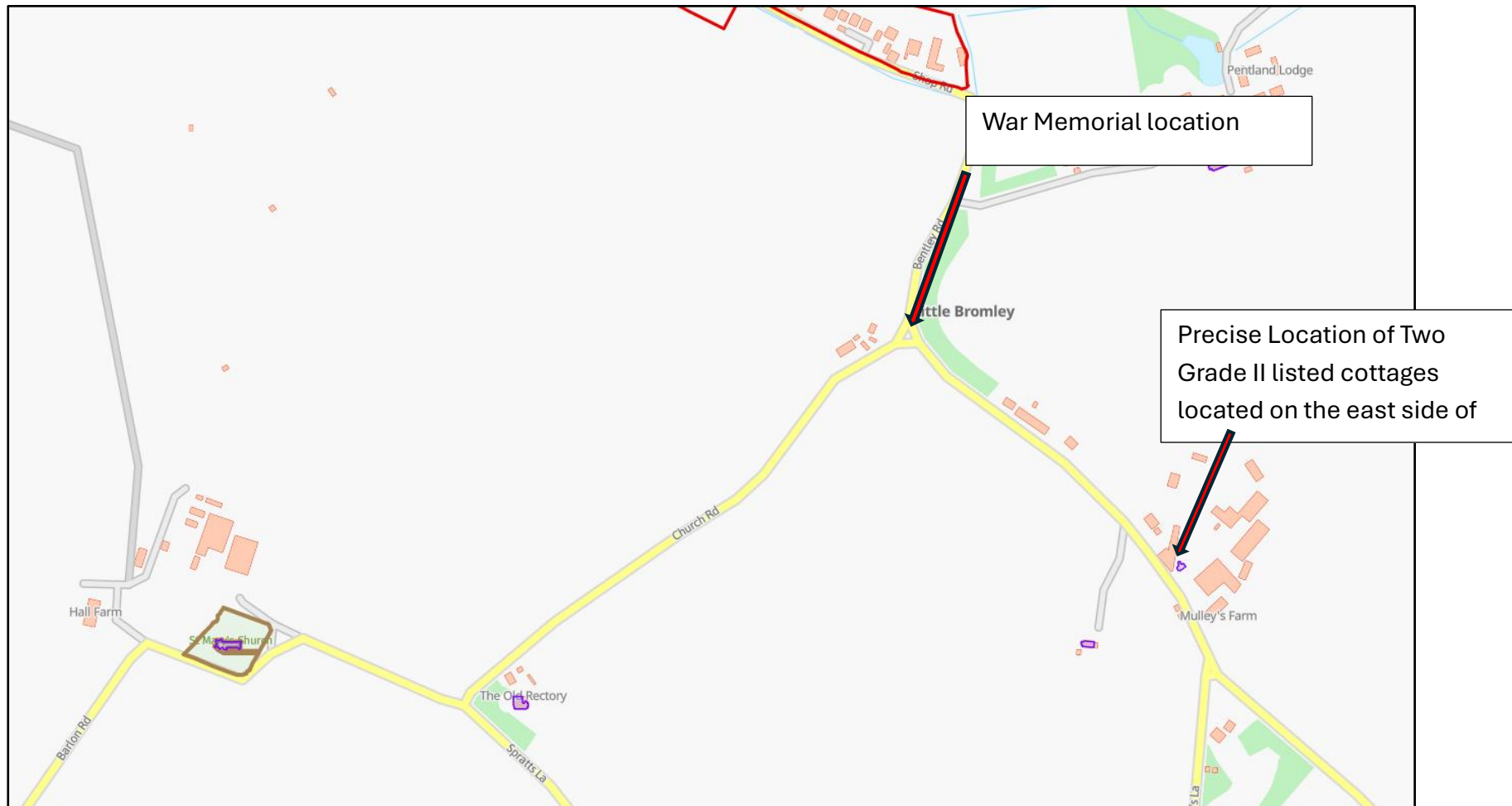
Location of Wick Lane (protected Lane)



Location of Little Bromley Road Protected Lane



Location of Two Grade II listed cottages located on the east side of Bentley Road



Location of Grade II Listed Farmsteads along Wick Lane

