

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

NORWICH TO TILBURY DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN20027

**WRITTEN SUBMISSION OF ORAL
REPRESENTATIONS MADE ON BEHALF OF
NATIONAL HIGHWAYS LIMITED AT 1SH2 ON 28
AND 29 APRIL 2026 AND ON 1 MAY 2026**



INTRODUCTION

This is a written submission made on behalf of National Highways Limited in respect of oral submissions made at Issue Specific Hearing 2 on the DCO held on Tuesday 28 April 2026 and Wednesday 29 April and on Traffic and Transport matters held on Friday 1 May 2026.

ISH2	
Agenda Item 6.1	<p>Discussion of the Articles and Schedules of the draft Development Consent Order (dDCO), involving the applicant, the local authorities and other interested parties (IPs), including:</p> <ul style="list-style-type: none"> • The applicant will be asked to provide a very brief overview of each part of the draft DCO • The ExA may ask questions in respect of DCO powers, seeking responses where appropriate from the applicant, the local authorities and other interested parties
	<p>The ExA raised a question in relation to the time scale in Schedule 4: Discharge of Requirements within which a relevant authority on receipt of an application for consent, agreement or approval required by a requirement must give notice to the undertaker of its decision on the application. A discussion then took place regarding the appropriateness of the Applicant's suggestion that any such application should be determined within 25 working days. NH's position is that it supports the submissions made by the Local Authorities that a longer determination period is required. 25 working days is not acceptable. In addition, and in relation to Schedule 4: Discharge of Requirements, Paragraph 2, provides that where an application has been made under paragraph 1 the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application. Paragraph 2 (2) provides, "<i>If the relevant authority considers further information is necessary and the requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within 5 business days of receipt of the application, notify the undertaker in writing specifying the further information required</i>" and paragraph 2 (3) provides "<i>If the requirement specifies that consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within 5 business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 5 business days of receipt of such a request and in any event within 15 business days of receipt of the application.</i>" NH's position is that were it to be required to be consulted, 5 days is not enough time for NH to respond.</p> <p>In relation to Article 13 (Application of the 1991 Act):- NH object to the automatic disapplication of the provisions on the 1991 Act as listed in Article 13. The Applicant should be required to obtain NH's consent in the event that the activities affect the Strategic Road Network or any land NH has an interest in. The DCO includes several articles which grant the Applicant powers over the SRN. This could have significant safety implications if not properly and proportionately controlled through protective provisions which require NH's approval before these powers are exercised. NH is in the process of agreeing protective provisions with the Applicant. Discussions are continuing. NH will continue discussions and will update the ExA on the further changes required at future deadlines if agreement is not reached.</p>

	<p>Post hearing note:- the position above applies to NH's objections in relation to Articles 11, 12, 14, 16, 17, 18, 20, 27, 28, 29, 30, 38, 39, 40, 41, 44, 45, 47, 49 and 50. It is noted that prior approval is already agreed in relation to Articles 16, 20, 21 and 22 in the PP's appended at Schedule 16 Part 4 paragraph 7(3) [REP3-004]. NH is keen to use its own standard PP's rather than the PP's appended at Schedule 16 Part 4 of the dDCO. In addition, NH has concerns in relation to Article 55. The latest updates in relation to Article 55 do not address NH's concerns regarding refunds for matters outside its control. Additionally, NH object to deemed consent (across multiple articles) for the reasons set out in its Relevant Representation [RR-2657], Written Representation [REP1-192] as further supplemented by its Deadline 2: Comments on further information made by the Applicant and received at Deadline 1 [REP2-043] (see para 2.5(3)). It is noted that not all of the Articles which NH object to were discussed at the hearing on the basis that the ExA did not have any specific questions on those Articles and on some occasions the ExA stated that the submissions of the various parties were noted. Accordingly, NH did not make any submissions in relation to those articles so as to avoid repetition. NH's position is as set out in both its Written Representations [REP1-192] as further supplemented by its Deadline 2: Comments on further information made by the Applicant and received at Deadline 1 [REP2-043].</p>				
<p>Agenda Item 6.2</p>	<p>Discussion of Schedules 3 and 4 of the draft DCO – (Schedule 3 – Requirements and Schedule 4 (Discharge of requirements))</p> <ul style="list-style-type: none"> • The applicant will be asked to provide an overview of the requirements and the discharge process • The ExA may ask questions, seeking responses where appropriate from the applicant, the local authorities and any other interested parties who have registered to speak 				
	<p>In relation to <u>Requirement 4</u> (Construction Management Plans) in addition to the approval of the LPA, NH approval sought be consulted where any amendments to documents, details or schemes affect the SRN or land NH has an interest in. For any variation to the approved documents and plans, NH must ensure that changes do not adversely impact the SRN. This is in the interest of maintaining the safe and efficient operation of the SRN. It is noted that the "<i>relevant highway authority in the case of the construction traffic management plan</i>" has been added to the draft requirement. On Requirement 4(2) National Highways would wish to be consulted on any departures from the CMP and in relation 1(4) in the interpretation section of the Requirements Schedule which deals with "unless otherwise agreed" this should require consultation with the relevant highway authority.</p> <p>In any event, the amendment made by the Applicant to note that the relevant highway authority should be consulted on the construction traffic management plan does not fully address NH's concerns. NH require to be consulted upon the items listed in (a) to (d). (a) to (d) are set out below along with NH's rationale demonstrating why NH should be consulted in that regard.</p> <table border="1" data-bbox="465 1187 2040 1414"> <thead> <tr> <th data-bbox="465 1187 1256 1262">Requirement 4. Construction Management Plans</th> <th data-bbox="1256 1187 2040 1262">NH's position</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 1262 1256 1414">(a) Code of Construction Practice (which must be substantially in accordance with the outline code of construction practice);</td> <td data-bbox="1256 1262 2040 1414">NH require to be consulted because the Code of Construction Practice will for example include construction hours, highways mitigation work compounds and control of dust, all of which could negatively impact the safe operation of the SRN. This would be</td> </tr> </tbody> </table>	Requirement 4. Construction Management Plans	NH's position	(a) Code of Construction Practice (which must be substantially in accordance with the outline code of construction practice);	NH require to be consulted because the Code of Construction Practice will for example include construction hours, highways mitigation work compounds and control of dust, all of which could negatively impact the safe operation of the SRN. This would be
Requirement 4. Construction Management Plans	NH's position				
(a) Code of Construction Practice (which must be substantially in accordance with the outline code of construction practice);	NH require to be consulted because the Code of Construction Practice will for example include construction hours, highways mitigation work compounds and control of dust, all of which could negatively impact the safe operation of the SRN. This would be				

		consistent with the dDCO on the Frodsham Solar Project which has now completed examination (Planning Inspectorate Reference Number EN010153) ("Frodsham").
	(b) Construction Traffic Management Plan (which must be substantially in accordance with the outline Construction Traffic Management Plan);	NH require to be consulted because the CTMP will for example include construction hours, highways mitigation work compounds and control of dust, all of which could negatively impact the safe operation of the SRN. As above, this is consistent with Frodsham.
	(c) Landscape and Ecological Management Plan (which must be substantially in accordance with the outline Landscape and Ecological Management Plan);	As per NH's comments on Article 50, Requirement 8 (Retention and removal of trees, woodlands and hedgerows) and Requirement 9 (Reinstatement Planting Plan) if works undertaken to trees, woodlands and hedgerows or replacement planting affect any NH BNG areas/commitments, NH require control over its assets. As above, this is consistent with Frodsham.
	(d) Public Rights of Way Management Plan (which must be substantially in accordance with the outline Public Rights of Way Management Plan).	NH require to be consulted in the event a diversion is to have an interaction with part of the SRN that NH is responsible for. As above, this is consistent with Frodsham.
<p>In relation to Requirement 7 (construction hours), it is noted that the ExA were not inclined to discuss this requirement at ISH2 Day 1 due to time constraints and the unavailability of the Applicant's noise experts for ISH Day 2. It is understood that this issue will be covered in the ExA's Second Written Questions. To date NH's position is that it would wish to be consulted on any variation to the hours given the potential for impact on the SRN.</p> <p>Post hearing note:- It is noted that not all of the requirements were discussed at the hearing on the basis that the ExA did not have any specific questions on those requirements. NH's position in relation to Requirements is as set out in both its Written Representations [REP1-192] as further supplemented by its Deadline 2: Comments on further information made by the Applicant and received at Deadline 1 [REP2-043]. To summarise, there are several Requirements included in Schedule 3 of the dDCO which NH has an interest and would expect to be consulted on. There are strict timescales for condition approvals depending on whether there is a named consultee, so any required consultation needs to be specified. In relation to Requirement 7 (construction hours), 8 (retention and</p>		

	<p>removal of trees, woodland and hedgerow), 9 (Re-instatement planting plan) and 10 (Re-instatement schemes] it is noted that the latest version of the dDCO April 2026 [REP3-004] do not address NH's concerns. In relation to Requirements 7, 8 9 and 10, NH require to be consulted where works affect the SRN or relate to land NH have an interest in. This is not unreasonable. NH must have control over the operations being carried out on its network.</p>
<p>Day 3: Friday 1 May 2026 – Traffic and Transport</p>	
<p>Agenda Item 11.1</p>	<p>Baseline, modelling and future monitoring</p> <ul style="list-style-type: none"> • Status of modelling and assessments, including review of matters not agreed with highway authorities • Outstanding information requested by highway authorities • How monitoring of junction performance will be undertaken and what intervention looks like • Walking, cycling and horse riding assessments
	<p>Demand Forecasts and Junction Modelling</p> <p>Construction traffic flows appear to have been determined robustly, using a first principles approach based on the number of staff and number of materials required by the project team. However, NH has not yet been able to verify the values provided and, therefore, based on the information provided by the applicant thus far, NH is unable to trace fully how the required number of staff results in the traffic flows (and turning movements) used in the junction modelling.</p> <p>In addition, National Highways does not yet have sufficient understanding of the trip distribution and assignment, which means that the impact of the development's construction traffic on the SRN cannot be agreed, nor can NH agree that the level of mitigation proposed is adequate at the locations proposed, or indeed whether mitigation is required at other locations on the SRN. Galley's Corner is a particularly sensitive location, which the applicant has modelled using ARCADY software. Given the junction's complexity and existing traffic levels, NH requires a microsimulation model to be used to assess the impact of the development at Site 48 (A120 / Long Green / B11018 / Cressing Road (Galley's Corner) Roundabout), that also includes the A120 / A131 Marks Farm and B1018 / Millenium Way roundabouts. The interaction between these junctions is significant at this location due to their proximity and traffic volumes. Further, the forecast increase at Mark's Farm Roundabout significantly exceeds National Highways' threshold for requiring a modelling assessment. At present, Mark's Farm has not been assessed by the applicant.</p>

Additional Locations of Potential Concern

NH has identified from information provided recently by the Applicant that material being brought to sites in North Essex would be using the A120. This likely means that a significant number of construction vehicles would be using M11 Junction 8, M25 Junction 28 and M25 Junction 29, which do not have free-flow interchanges between the SRN links and may be susceptible to congestion from additional traffic. NH has raised with the Applicant that the operation of the M11 Junction 8, M25 Junction 28, and M25 Junction 29 should be considered for junction modelling, or a justification should be provided for the scoping out of these junctions. No modelling of these has been undertaken of these to date. Discussions are planned with the Applicant.

Outstanding Information

National Highways has requested further information to assist in our review of the junction modelling and assurance of the proposed mitigation, which remains outstanding. This is as follows

- The total increase in total vehicles at each of the SRN junctions within the study area, along with further information about how these figures were reached so that the extent of the scope of junction assessments can be agreed.
- Information detailing how the net increase at each SRN junction was determined.
- Information regarding the trip distribution at SRN junctions.
- A more in-depth collision review should be undertaken whereby collision clusters and patterns within the junctions and their associated slip roads are understood
- The Road Safety Audit 1 at A12 J55 (Copdock) is required as the applicant has this in hand.
- Evidence of the model validation should be provided for any model of an SRN junction.

The applicant recently provided NH with additional information concerning Traffic survey data to enable NH to verify the application of the growth factors and Traffic flow diagrams. This information is currently being reviewed.

Monitoring

The monitoring and review processes of the outline Construction Traffic Management Plan are considered acceptable by NH for the proposed development.

NH requests to be consulted when reviewing monitoring results for areas that impact the SRN, such as monitoring associated with the new East Anglia Connection Node (EACN) Substation. NH wishes to agree the controls that are included within the Construction Worker Travel Plan.

	<p>Walking, Cycling and Horse Riding Assessments</p> <p>A WCHAR is needed, or justification for exemption must to be submitted, at any point on the SRN where changes are proposed that will last for a period of least six months. NH highlight specifically the proposals at A12 J55 (Copdock) and A120 Great Tey Road Junction where no WCHAR has yet been provided, nor a justification for exemption.</p>
<p>Agenda Item 11.2</p>	<p>Cumulative impact</p> <ul style="list-style-type: none"> • Cumulative impact with other projects • Coordination and mitigation
	<p>NH is satisfied that all relevant committed developments have been included in the cumulative assessment. However, NH has also requested the turning movement at each SRN junction associated with each committed development.</p>
<p>Agenda Item 11.3</p>	<p>Abnormal indivisible loads (AIL)</p> <ul style="list-style-type: none"> • Overview of AIL strategy from applicant including timescales • Update on the status of AIL route planning and assessment • Update on AILs escort proposals • Cumulative impact with other developments and proposed developments
	<p>The Applicant's AIL routing strategy is agreed by NH for the current stage of development. It is noted that 2 structures have weight restrictions on them and will need to be assessed by the Applicant. The Applicant is encouraged to seek formal approval for its proposed AIL routes through the Electronic Service Delivery for Abnormal Loads (ESDAL) process. Through that process, routes can be planned and the suitability of each route checked and this provides advance notice of any problems and saves vehicle details and routes for future use.</p>

<p>Agenda Item 11.4</p>	<p>The outline traffic management plan</p> <ul style="list-style-type: none"> • Travel plans • Measures to reduce and monitor number of Heavy Goods Vehicles (HGV) and whether a cap on the number of HGVs is required • Maintenance of highways during construction and reinstatement on completion • Non-primary access routes • Extent of non-definitive commitments and how the ExA and highway authorities can be assured certain commitments will be delivered • Traffic Regulation Orders (temporary and permanent)
	<p>Travel Plans and HGV Caps</p> <p>NH has agreed the outline Construction Workers Travel Plan.</p> <p>However, until the trip distribution/ assignment and junction capacity modelling have been agreed, NH is unable to determine whether any HGV caps are required, including the locations where they should be applied.</p> <p>NH has requested that future traffic monitoring reports by the primary contractor should include an in-depth evaluation of potential rerouting measures to manage congestion or road closures, with clear mapping of contingency routes for identified problem areas on the SRN.</p> <p>Maintenance of the SRN during Construction and Reinstatement</p> <p>NH's proposed Protective Provisions deal with these issues and provide sufficient safeguards to ensure the safety of the SRN..</p> <p>Traffic Regulation Orders</p> <p>These have not been discussed with NH and are therefore not agreed. NH's Protective Provisions require consent to be sought from NH for TROs, outside the DCO approval, to ensure the safe operation of the SRN.</p>

Agenda Item 11.5	Mitigation <ul style="list-style-type: none"> • proposals at junctions and links • proposals for mitigation on Primary Access Routes • the proposed drivers information pack • the outline code of construction practice
	<p>Mitigation measures have been proposed by the Applicant and discussed with NH. However, NH cannot confirm the adequacy of the proposals until the forecast demand is agreed. Further, there are additional sensitive locations where mitigation may be required, once the demand forecasts (trip generation, distribution and assignment) have been agreed and the junction modelling can be properly assessed.</p>