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Sent via email:

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TDC IP Reference Number: [REDACTED]

Tendring District Council (TDC) – Procedural Deadline 4 Response including:

- **TDC’s responses to action points arising from Issue Specific Hearing 2 (ISH2)**
- **Written post-hearing submissions (made by TDC at ISH2)**
- **Comments on further information and submissions provided by the Applicant at Deadline 3**

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

Dear Ms Hunt

Please find below Tendring District Council's (TDC) Deadline 4 submission. To assist the Examining Authority (ExA), this document has been structured in accordance with the headings set out above and follows the same order throughout.

TDC's responses to action points arising from Issue Specific Hearing 2 (ISH2) (only those actions points where TDC has been asked specifically by the ExA to respond to have been included)

Action Point Number	TDC Response
2	<p>TDC maintains that the use of the term "<i>where practicable</i>", or similar wording, within the DCO and associated control documents is unacceptable. Unfortunately this use of this or similar phrases is not only an issue in the Outline code of construction practice (CoCP) but also in many other documents such as documents that are relevant to Noise and Vibration and mitigation around noise and vibration, many of which are also control documents. As TDC has previously set out in our Relevant Representation (RR) and Local Impact Report (LIR), such phrasing lacks precision and is unenforceable, as it relies on subjective judgement. It results in confusion and lack of certainty for local residents/affected communities, and it creates a significant risk that compliance can be avoided on the basis that it was deemed "not practicable", undermining the effectiveness of the controls.</p> <p>In relation to NV23, which states that "non-percussive piling methods will be used where practicable", as set out by TDC in verbal representation at ISH 2 (on Tue 28 April 2026) the Council considers this approach inadequate. As drafted, it allows the Applicant to rely on percussive piling in all instances if they consider it more practicable. This provides no certainty for TDC and its affected communities, and specifically, it fails to ensure appropriate protection of residential amenity.</p>
10	<p>Additional justification for Extended Determination Period (DoR)</p> <p>TDC maintains its position, as set out in ExQ1 DCO 1.A2 (REP3-094), that a longer determination period is necessary. Drawing on ECC colleagues experience of the Bramford to Twinstead DCO, the current 35-day timeframe has proven consistently challenging, even with pre-application engagement in place.</p> <p>In practice, the processes of validation, consultation, technical review, and internal decision-making cannot always be completed robustly within this period. This has led to frequent requests for extensions, particularly where deemed consent provisions apply, introducing inefficiency and uncertainty.</p>

	<p>The scale and complexity of NSIP submissions, alongside the demands on consultees, require realistic timescales to ensure sound and defensible decisions. TDC also notes that longer determination periods are established in other DCOs, such as Hinkley Point C, demonstrating that extended timescales are reasonable.</p> <p>Accordingly, TDC considers a minimum 56-day (40 working days) determination period to be necessary and justified.</p> <p>Validation Checklist in the DCO</p> <p>TDC supports the inclusion of a validation checklist within the DCO. Again experience from Bramford to Twinstead shows that submissions are not always complete at the outset, leading to delays and additional information requests.</p> <p>A clear validation framework would help ensure submissions are fit for determination when received, improving efficiency and providing greater certainty for all parties.</p>
11	<p>TDC notes the Applicant’s reliance on precedent and its statutory duties. However, TDC’s view is that these points do not address the key issue, namely whether the works included within the definition of “maintain” could give rise to new or materially different environmental effects.</p> <p>The current definition of “maintain” is very broad and includes activities such as alteration, improvement, reconstruction, and replacement. While some activities (e.g. inspection, repair, or painting) are unlikely to result in new or different environmental effects, others clearly have the potential to do so.</p> <p>The Applicant’s position places the responsibility solely on itself to determine whether effects are materially new or different, TDC cannot see if there is allowance for any independent oversight – it is this issue that causes concern. For this reason, TDC support ECC’s position as set out in their LIR [REP1-161], specifically, TDC supports amending the definition of “maintain” to include a mechanism for agreement with the local planning authority. This would ensure clarity and provide appropriate control. The Council therefore considers the definition should include wording such as:</p> <p><i>“provided such works do not, in the opinion of the local planning authority, give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement.”</i></p> <p>This amendment would provide a clearer and more robust safeguard.</p>
16	<p>TDC has reviewed the Applicant’s updated position but remains concerned that the definition of “stage” lacks sufficient clarity and precision.</p> <p>As currently drafted, there is a risk that the definition could allow large or not clearly defined parts of the authorised development to be treated as a single “stage”. This would reduce the effectiveness of the Requirements regime by</p>

	<p>enabling substantial elements of the project to come forward for approval in one submission, rather than in logical and manageable phases.</p> <p>TDC considers that “stages” should be clearly defined, proportionate, and linked to specific geographic areas and/or specific elements of the development (akin to a ‘phasing plan’ that is normally accompanied by an outline planning consent). TDC’s view is that this is necessary to allow for meaningful assessment, consultation, and control by the relevant planning authority, providing clarity and limiting the potential for confusion.</p> <p>Without such clarity, there is a risk that:</p> <ul style="list-style-type: none"> • the volume and complexity of submissions could become unmanageable within prescribed determination periods; • opportunities to address local impacts at an appropriate scale could be reduced; and • the effectiveness of the discharge of Requirements process could be undermined. <p>TDC therefore considers that the definition of “stage” should be refined or supported by clearer parameters, potentially through the inclusion of indicative staging principles or a requirement for approval of a staging plan by the relevant planning authority.</p> <p>This would provide greater certainty to all parties and ensure the Requirements regime operates as intended.</p>
20	<p>This Action Point invites local authorities to respond to matters relevant to Article 60 and Schedule 19 raised at ISH2. The ExA sought confirmation as to whether the Applicant’s response to ExQ DCO 1.G3 addresses concerns regarding the list of certified documents in Schedule 19.</p> <p>TDC has reviewed the Applicant’s response (REP3-075). In relation to certification, the Council has no further substantive comments.</p> <p>TDC, alongside ECC previously raised concerns about the omission of certain control documents included in the Bramford to Twinstead DCO, particularly a standalone Construction Environmental Management Plan (CEMP) and a Materials and Waste Management Plan.</p> <p>Following the Applicant’s response and subsequent clarification, the Council has reviewed its position. The Applicant claims that the outline Code of Construction Practice (oCoCP), together with its appendices, incorporates the measures typically secured through a CEMP.</p> <p>TDC would like to defer comment on the adequacy of the oCoCP until wide-ranging concerns around lack of adequate mitigation along Bentley Road (to name one example) as well as the bespoke noise mitigation strategy for Jasmine Cottage (and hopefully other affected properties along Bentley Road – see other relevant responses below) have been provided by the Applicant. Until such time it is premature for TDC to comment on the adequacy of the</p>

	<p>oCoCP as a ‘framework’ for construction-phase environmental control. Other concerns also remain (for example, in relation to working hours).</p> <p>In ecological terms, the Council’s Ecological Advisor at ECC considers that the oCoCP broadly aligns with the scope of a CEMP as described in BS 42020:2013. However, both the oCoCP and outline Landscape and Ecological Management Plan (LEMP) remain high-level and lack some of the detail typically expected. The Council acknowledges this reflects their outline status at this stage.</p> <p>TDC defers to Essex County Council in respect of the omission of a Materials and Waste Management Plan.</p>
22	<p>Overview</p> <p>Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 provides that a planning obligation may only constitute a reason for granting development consent where it is:</p> <ul style="list-style-type: none"> • (a) Necessary to make the development acceptable in planning terms; • (b) Directly related to the development; and • (c) Fairly and reasonably related in scale and kind to the development. <p>These statutory tests are reflected in national policy and guidance. Planning obligations must mitigate the identifiable impacts of development and should not be relied upon to secure generalised or unrelated benefits.</p> <p>TDC’s responses below address the relevant elements of Appendix E (as referenced and requested by the ExA), applying the Regulation 122(2) tests where appropriate.</p> <p>Page 8 – Skills, Education and Employment</p> <p>TDC considers that a Skills and Employment Plan, including any associated funding, is capable of meeting the Regulation 122(2) tests where appropriately defined and targeted.</p> <p>Given the scale, duration and geographic reach of the construction phase, alongside cumulative pressures from other strategic infrastructure projects, the Development will give rise to socio-economic effects within the District. These include disruption to local businesses, agricultural practices and labour market dynamics.</p> <p>A properly scoped Skills and Employment Plan would:</p> <ul style="list-style-type: none"> • Be necessary, in order to address construction-related labour pressures and support local workforce participation; • Be directly related, as it responds to effects arising specifically from the delivery of the Proposed Development; and • Be proportionate, provided it is evidence-led and aligned to the scale of those effects. <p>TDC does not accept the Applicant’s characterisation of such measures as merely “community benefits”. Where they mitigate identifiable socio-economic impacts, they are legitimate planning mitigation and should be secured appropriately through Requirements and/or a planning obligation.</p>

Page 12 – Road Condition Surveys

Bentley Road and the local highway network serving PAR30 will accommodate the highest level of construction traffic across the entire project. As previously and repeatedly set out in relevant TDC evidence, existing road conditions are already poor, and the Applicant’s own modelling indicates a substantial (circa 3000%) increase in all (cumulative) vehicular movements, including heavy goods vehicles along PAR30.

There is therefore a very high likelihood of material road deterioration arising from the Proposed Development.

While TDC acknowledges that Section 59 of the Highways Act 1980 provides a potential mechanism to recover costs, it is:

- Evidentially onerous, requiring proof (most of that burden will likely fall on the local highway authority that is already stretched) of both “extraordinary traffic” and causation;
- Reactive rather than preventative; and
- Uncertain in outcome, not least as the Applicant retains discretion in relation to reimbursement.

Reliance on Section 59 would therefore disproportionately transfer risk and resource burden onto the highways authority, rather than ensuring that impacts are properly mitigated at source.

TDC’s position is that proactive, effective and secured mitigation is required. Our view is that such mitigation:

- Is necessary, given the scale of traffic impacts at PAR30;
- Is directly related, as it arises solely from the Applicant’s construction activity; and
- Will be proportionate, as any compensation or remedial works must be evidence-based and linked to actual damage.

Page 13 – Construction Traffic and Noise Controls (Bentley Road)

The Applicant’s own Environmental Statement identifies that up to 16 residential receptors on Bentley Road would experience significant adverse effects (SOAEL) without mitigation.

Notwithstanding this, the Applicant proposes to defer identification of detailed mitigation to the contractor stage. TDC has repeatedly explained that this approach is unsatisfactory, particularly given that:

- The worst-case (unmitigated) impacts are already established and therefore known for all involved including NGET, including ;
- The proposed mitigation measures are generic, limited, and in several cases not demonstrably enforceable; and
- Several measures (e.g. behavioural controls, use of quieter plant) lack sufficient detail to demonstrate effectiveness.

In particular:

- Temporary speed limits are of limited value without enforceable mechanisms (yet to be provided);

- “Good practice” measures are inherently difficult to monitor and enforce;
- Acoustic screening proposals are impractical for many affected receptors and may introduce additional adverse effects such as a loss of outlook/loss of daylight / sunlight into habitable rooms given the close proximity of many properties to Bentley Road.

It is therefore premature and unjustified to conclude that residual significant effects (after ‘mitigation’) would be limited to a single property (Jasmine Cottage).

TDC maintains that robust, secured and site-specific mitigation for all properties identified along Bentley Road (that will experience significant adverse effects (SOAEL) without mitigation) can be and must be identified at this stage, including:

- Controls on HGV movements (daily caps and time restrictions);
- Restrictions on sensitive periods (e.g. school times and evenings);
- Low-noise surfacing and traffic management measures;
- Property-level mitigation where necessary; and
- Real-time monitoring with enforceable thresholds and response protocols.

Such measures clearly satisfy Regulation 122(2):

- Necessary, due to the severity of impacts at PAR30;
- Directly related, as they mitigate N2T construction traffic effects;
- Proportionate, reflecting the exceptional scale of the N2T impacts.

Page 16 – Health and Wellbeing Monitoring Framework

TDC does not agree with the Applicant’s conclusion that no significant health effects arise. The Council has previously set out concerns that impacts have been systematically underestimated.

In the absence of a robust and agreed assessment baseline, the Applicant’s conclusion that monitoring is unnecessary is not reliable.

Accordingly, TDC considers that a Health and Wellbeing Monitoring Framework remains justified, and that dismissal of such measures on the basis of a disputed assessment is inappropriate.

Page 17 – Safe Movement Package

At present, insufficient detail has been provided by the applicant regarding the content and delivery of the current proposed measures.

This position reflects the lack of clarity from the Applicant, rather than any in-principle objection.

Page 18 – Psychosocial Support and EMF Communications

TDC notes the Applicant’s position and welcomes the commitment to enhanced EMF communications, subject to review of the updated wording within the Outline Code of Construction Practice.

Pages 20–21 – Community Liaison / Noise and Vibration Liaison Officer

While TDC recognises that day-to-day construction responsibility rests with the Applicant, however effective oversight and responsiveness to issues require local capacity and dedicated resource.

Absent such provision, there is a risk that complaints handling and enforcement burdens fall disproportionately on the local authority.

TDC acknowledges that a request for a dedicated officer may struggle to meet Regulation 122(2). However, alternative mechanisms (e.g. through PPAs or other agreements) should be explored to ensure adequate resourcing.

Page 24 – Compensation (Heritage)

TDC recognises that a general heritage compensation fund may not currently satisfy Regulation 122(2).

However, where direct, evidenced damage to heritage assets arises from N2T construction traffic:

- Mitigation or compensation would clearly meet all three tests, as it would be
 - Necessary,
 - Directly related, and
 - Proportionate to the harm caused.

The Council emphasises the particular vulnerability of heritage assets along Bentley Road, especially those with shallow foundations, and want to reinforce that the risk and financial costs of repairs cause by N2T traffic should not fall on respective property owners.

Page 28 – Community Impact Mitigation Fund

TDC accepts that this proposal may not strictly meet Regulation 122(2).

However, the absence of compliance with the Regulation does not negate the existence of impacts. TDC therefore remains committed to ongoing discussions under wider community benefit frameworks.

Page 29 – District-Wide CTMP

TDC is not specifically asking for a financial contribution. TDC's position relates to the need for more mitigation, effective coordination and collaborative working.

Regulation 122(2) is therefore not directly engaged.

Page 30 – Shared Use of Infrastructure

TDC notes the 'commitment' by the applicant but considers it insufficiently detailed, merely a commitment and therefore of limited weight at this stage.

The Council seeks clear, enforceable provisions, rather than high-level commitments, and reserves its position pending further information.

Page 31 – Community Communications

TDC reiterates its disappointment at the Applicant's refusal to fund a Tendring-specific liaison function, for the reasons set out above.

Page 32 – Monitoring and Adaptive Management

TDC remains concerned that monitoring proposals lack clarity, specificity and enforceability.

This is a critical matter requiring further detail and resolution. TDC anticipates engagement through the proposed Developer's Forum to support coordination.

	<p><u>Page 33 – Coordination Board</u></p> <p>TDC does not agree that additional monitoring or infrastructure is unnecessary.</p> <p>Given the scale and cumulative context of impacts, enhanced coordination mechanisms are justified. The Council reserves its position pending further detail.</p> <p><u>Page 34 – Emergency Access and Cumulative Impact</u></p> <p>TDC notes the Applicant’s position but is concerned by the lack of meaningful engagement on this issue.</p> <p>This matter relates to the adequacy of mitigation and current inadequate coordination, rather than a request for additional benefits, and therefore Regulation 122(2) is not directly engaged.</p> <p>Conclusion</p> <p>Across multiple topic areas, TDC’s position is consistent:</p> <ul style="list-style-type: none"> • The scale and concentration of impacts within Tendring District are among the most severe across the project, particularly in relation to PAR30; • The Applicant’s reliance on high-level commitments, deferred mitigation and reactive mechanisms is insufficient; and • Where mitigation measures are properly defined and evidenced, they are capable of meeting the Regulation 122(2) tests. <p>TDC therefore maintains that further work, clarification and secured mitigation are required in order for the Proposed Development to be considered acceptable in planning terms.</p>
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Written post-hearing submissions

Issue Specific Hearing 2 (ISH2) – Item 4: Noise and Vibration Primary Access Route 30 (Bentley Road)

TDC addressed the ExA in respect of the magnitude of noise and vibration impacts arising from construction traffic along Primary Access Route 30 (Bentley Road), with particular reference to noise-sensitive receptors, including Jasmine Cottage.

At the outset, TDC drew attention to the Applicant’s own Environmental Statement evidence, which identifies that up to 16 residential receptors along Bentley Road would experience significant adverse effects (SOAEL) in the absence of mitigation.

The TDC representative (Jacob Jaarsma) explained that, in practice, the number of affected properties may extend to approximately 20, reflecting the concentration of receptors along this route. While the Council accepts the Examining Authority’s focus on Jasmine Cottage as the most severely affected receptor, it is essential that the assessment and mitigation strategy properly address the full extent of affected properties along Bentley Road, rather than narrowing the scope prematurely.

A central concern raised by TDC relates to the Applicant's approach of deferring the detailed design of mitigation to the contractor stage.

TDC submitted that this creates a fundamental inconsistency in the Applicant's position. Specifically:

- The Applicant has identified receptors that would experience significant adverse effects under a worst-case scenario without mitigation; yet
- At the same time, the Applicant asserts that, following mitigation, only a single receptor (Jasmine Cottage) would remain significantly affected;
- This conclusion is reached despite the Applicant not yet having identified the nature, extent, or effectiveness of the mitigation required to achieve that outcome.

TDC considers this approach to be unsound and unjustified. It is not possible, on a robust evidential basis, to conclude that significant adverse effects will be reduced to a single receptor when the mitigation itself is undefined and untested.

TDC further submitted that the mitigation measures currently relied upon by the Applicant are insufficiently developed, and in several cases lack enforceability or demonstrable effectiveness.

In particular:

- The worst-case impacts are already known, based on the Applicant's own modelling;
- The proposed mitigation measures are generic and limited in scope;
- Several measures—including behavioural controls and the use of quieter plant—lack sufficient detail to demonstrate the extent to which they would reduce noise levels at affected receptors – they are also unenforceable.
- I explained that the creation of PAR30 is by choice due to NGETs decision to place the EACN between Ardleigh and Little Bromley

More specifically, TDCs position is that:

- Temporary speed limits are of limited benefit in the absence of clearly defined and enforceable mechanisms (speed cameras?), which have not been provided;
- "Good practice" measures are inherently difficult to monitor and enforce, particularly over a prolonged construction period;
- Acoustic screening proposals, where referenced, are not practicable for many Bentley Road properties, given their proximity to the highway, and may themselves give rise to adverse effects such as loss of outlook, daylight and sunlight.

Comments on further information and submissions provided by the Applicant at Deadline 3 (including Onshore Substations Operational Noise and Outline Noise Complaints Protocol (Revision E))

TDC notes that the majority of its comments on the further information and submissions provided by the Applicant at Deadline 3 are addressed within:

- TDC’s responses to the Examining Authority’s Action Points arising from Issue Specific Hearing 2; and
- TDC’s responses to those matters specifically directed to the Council, as set out in the earlier sections of this Deadline 4 submission.

However, TDC further notes that the Applicant submitted updated documentation relating to **Onshore Substations Operational Noise and Outline Noise Complaints Protocol (Revision E)**(including North Falls and Five Estuaries) on 11 May 2026 at 16:00, i.e. the day prior to Deadline 4.

Given the timing of this submission, TDC has not had sufficient opportunity to undertake a full and detailed review of this material. Accordingly, the Council’s comments at this stage are necessarily preliminary and without prejudice to further, more detailed submissions at a later stage in the Examination.

TDC’s initial observations are as follows:

From a resident’s perspective, the Protocol is not yet a usable or accessible document:

- It states that the *final protocol will include contact details and possibly a central complaints point*, but this is not yet defined
- There is no clear, step-by-step instruction setting out:
 - Who a resident should contact;
 - Whether there will be a single contact point or multiple operators;
 - How complaints should be made (phone, email, online portal);
 - What information a resident must provide.

The Protocol includes a number of internal process timescales, for example:

- Initial walkover inspection within 48 hours
- Appointment of an acoustic consultant within 10 working days
- Monitoring undertaken within -10 working days thereafter
- Reporting within 15–20 working days after measurements

This is an improvement and positive developments, however, from a resident’s perspective:

- These timescales are fragmented and difficult to follow;
- There is no clear “end-to-end timeline” from complaint to resolution;
- There is no guaranteed maximum resolution timeframe, leaving an affected resident in the dark about maximum timeframe outcomes;
- There is no commitment to interim updates at defined intervals.

There is a practical impact here because a complaint could realistically take several weeks or longer to resolve, with no clear communication obligations in the interim.

The Protocol states that it will include:

- “Details of how regularly any complainant will be kept up to date”

However:

- No actual frequency of updates is specified;
- There is no commitment to written updates or progress reports;
- There is no clear responsibility for resident liaison;
- There is no requirement for a single accountable lead across the three operators, again leaving an affected resident without clarity and unknown accountable persons/groups.

The investigation process is highly technical and operator-led, including:

- Application of BS4142 methodology;
- Sequential testing of each substation;
- Use of acoustic consultants and specialist measurements

While it appears technically robust, the process:

- Is not explained in plain language for residents;
- Provides no clear narrative of what residents can expect at each stage;
- Risks appearing opaque and inaccessible.

TDC have repeatedly explained to NGET, North Falls and Five Estuaries that our residents should not be expected to rely on a complex, multi-stage technical process without clear explanation of outcomes or next steps, especially not after everything that they will be going through over the next 5 years (and should the remaining DCOs be granted by the Secretary of State).

The Protocol establishes a system whereby:

- The nearest operator leads initially, with responsibility potentially passing between operators if compliance is demonstrated

However:

- There is no single point of accountability for the complainant;
- Responsibility may shift between operators, potentially causing delay;
- At this stage there is nothing in the latest document offer TDC assurance that the complainant will be updated on progress with no visibility or control over this process.

The Protocol is also structured around compliance with a certain cumulative noise limit of 35 dB ... (technical details follow). However, again residents are not provided with clear, understandable thresholds, there is no explanation of what constitutes an unacceptable experience in lay terms, and if levels are technically “compliant,” the Protocol states no further action is required, even if disturbance is perceived – residents will be left confused and frustrated with such an unhelpful explanation.

TDC’s overall position is that:

While the Protocol demonstrates technical coordination between the three projects, it is currently not suitable in its present form from a community-facing perspective.

In particular, it:

- Lacks clarity and accessibility for affected residents;
- Does not provide a simple, transparent complaints pathway;
- Fails to define clear, enforceable communication and response standards;
- Introduces unnecessary complexity and potential delay due to multi-operator arrangements;
- Does not provide sufficient certainty on outcomes, timescales, or mitigation delivery.

END