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Date: 12 May 2026
Sent Via Email:
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Dear ██████████

Application by National Grid Electricity Transmission (NGET) for a Development Consent Order (DCO) for the proposed Norwich to Tilbury Project (Application Reference: EN020027).

Essex County Council (ECC) Norwich to Tilbury Deadline 4 Submission.

- i. The purpose of this submission is to provide post hearing submissions pursuant to ISH2, respond to the Action Points published following ISH2 and to provide comments on any further information or submissions made at Deadline 3.

1. Responses to ExQ1

1.1. In responding to ExQ1 at Deadline 3, there were a number of items ECC was not in a position to respond to and committed to submitting the response / information at Deadline 4. The responses and additional information are provided below.

- Appendix A – Table containing response to ExQ1 matters deferred by ECC to D4 (Responses to DCO A19 / DCO 1.A42 / SET 1.5)
- Appendix B – Report by Savills in response to the Applicants comments on Savills initial submission regarding the potential impact of the development on the viability of DHGV (Response to ExQ1 GEN 1.24d)

2. Comments on additional submission accepted by the ExA from the Applicant regarding Archaeology - Document: 8.9.1 Applicant's Responses to First Written Questions (Additional Submission)

2.1 Place Services is providing a response to document 8.9.1 Applicant's Responses to First Written Questions (Additional Submission) with regard to archaeology for Essex County Council (ECC) and on behalf of Colchester, Tendring, Chelmsford, Basildon, Brentwood and Thurrock planning authority areas.

2.2 Currently Requirement 5 (Archaeology) states:

5 (4) All pre-commencement operations must be carried out in accordance with the outline archaeological mitigation strategy and outline written scheme of investigation, unless otherwise agreed with the relevant planning authority following consultation with the relevant county planning authority and, if relevant, Historic England.

2.3 It was requested in the Local Impact Report (REP1-161) and at Deadline 2 that changes were made to the wording of 5 (4) to:

5 (4) Intrusive site preparation works must not take place until an archaeological or geoarchaeological written scheme(s) of investigation in accordance with the outline written scheme(s) of investigation as appropriate has been submitted to and approved by the discharging authority in consultation with Historic England. The archaeological or geoarchaeological written scheme(s) of investigation required under this sub-paragraph must be implemented as approved.

2.4 The Applicant considers this wording "significantly and unacceptably limits the scope of pre commencement operations that can be carried out prior to commencement of the authorised development" however the outline archaeological mitigation strategy and outline written scheme of investigation (OAMS-OWSI) have not been approved and are not yet considered adequate as control documents.

2.5 The OAMS-OWSI (APP-328) submitted with the application was not considered sufficient to ensure adequate evaluation and mitigation of heritage assets following consent. A number of amendments were required and provided to the Applicant's archaeological advisors. A revised OAMS-OWSI has been discussed at regular meetings and is to be submitted before Deadline 5. At present there is no agreement or sight of the revised OAMS-OWSI, there is also no agreement as to the further scope of works in the overhead sections of the development and other areas of associated infrastructure. The agreement of an appropriate OAMS-OWSI within the

determination period is critical to the undertaking of appropriate and timely archaeological and geoarchaeological mitigation post consent.

- 2.6 Any pre-commencement works would therefore need to take place in accordance with an agreed OAMS-OWSI which included details of scope and identification of areas for the completion of all evaluation works. This document, at present, does not exist and therefore the Requirement refers to a control document that is not yet submitted into the DCO library nor has agreement with the local authority advisors or Historic England.
- 2.7 The Bramford to Twinstead NSIP failed to reach agreement on the OWSI and this has led to significant delays in the timetable. Therefore it cannot be assumed that agreement on the projects OAMS-OWSI will be achieved before determination.
- 2.8 A further requirement for post-excavation works and publication was requested in the Local Impact Report (REP1-161) and at Deadline 2. The suggested wording proposed is reproduced below:

5 (5) Unless otherwise agreed with the local planning authority.

(a) No later than one year following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment (PXA) for that site must be completed in accordance with the Written Scheme of Investigation and submitted to the local planning authority for approval.

(b) No later than one year following the approval of the final site-specific post excavation assessment, an archaeological updated project design for all applicable sites, must be submitted to the local planning authority for approval. The archaeological updated project design must be produced in general accordance with the detailed Written Scheme of Investigation for each stage, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation.

(c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design and provision made for the full archive to be submitted to the appropriate museum.

- 2.9 The Applicant's position is that the inclusion of paragraph (6)(a) of the discussion draft, together with paragraph (7), would be the clearest approach to adopt.

6(c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design and provision made for the full archive to be submitted to the appropriate museum.

(7) No later than two years after the completion of the construction phase of work, an Updated Project Design must be submitted to and approved by the Local Planning Authority. The Updated Project Design must be in general accordance with the approved Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation, and relevant Detailed Written Schemes of Investigation, and set out scope for full post excavation analysis, publication, and address the site-specific research agendas. Post-excavation analysis and publication must be carried out in accordance with the approved Updated Project Design.

2.10 ECC consider this position would be acceptable.

3. Comments on Deadline 3 Submissions

7.4 Outline Landscape and Ecological Management Plan (Tracked) (Final Issue D) (REP3-031)

3.1 ECC welcomes the updates made to the Outline Landscape and Ecological Management Plan (OLEMP), which now address the majority of the Green Infrastructure (GI) matters previously raised. In particular, the document provides greater clarity on governance arrangements, monitoring and aftercare (including long-term management for BNG Environmental Areas), adaptive management, stakeholder engagement mechanisms, and the distinction between mitigation, enhancement and compensation, with appropriate cross-referencing to the Biodiversity Net Gain Report.

3.2 ECC also welcomes the addition of and clarification that hedgerows and watercourses enhanced as part of Biodiversity Net Gain mitigation, and located outside the Environmental Areas, will be subject to a five-year monitoring and management period, supported by defined aftercare arrangements and invasive species control measures. ECC further welcomes the establishment of an Ecology Working Group post-consent, providing a clear mechanism for governance, engagement and oversight of ecological mitigation during construction.

3.3 ECC notes, however, that there remains a need for appropriate flexibility beyond the initial five-year monitoring period, where monitoring outcomes demonstrate that

establishment objectives have not been fully met or where remedial management is required to secure the intended GI and BNG outcomes.

- 3.4 While the OLEMP refers to local landscape character and commitments to wider biodiversity outcomes, it does not explicitly demonstrate how GI and associated enhancement measures have been aligned with, or informed by, the Essex Local Nature Recovery Strategy (LNRS). ECC therefore maintains its request that the final LEMP include explicit reference to LNRS priorities and confirm how these have informed the spatial delivery of Green Infrastructure and, where applicable, on-site and off-site enhancement associated with BNG delivery.

8.10.1. Ancient Woodland Technical Note (Final Issue A) (REP3-058)

- 3.5 ECC acknowledges that the document responds to recent updates to the Ancient Woodland Inventory and associated datasets and notes the Applicant's conclusion that no material changes to the submitted assessments are identified.
- 3.6 From a GI perspective, ECC notes that the identification of additional ancient woodlands reinforces the importance of robust buffers, sensitive design, and long-term management of retained woodland, veteran trees and associated habitats as integral components of the wider GI network. ECC welcomes the confirmation that updates to the Outline LEMP, and the Ancient Woodland and Veteran Tree Strategy have been made to reflect the updated data. ECC continues to emphasise the importance of securing effective delivery, monitoring and adaptive management of GI, including woodland and buffer areas, through the final LEMP and associated governance arrangements.

Amended Outline CTMP (Document 7.3 Rev B) (REP 3-029)

- 3.7 ECC as Local Highway Authority has the following points to note on the amendments made to the Outline CTMP:
- 3.8 Details of the number and type of vehicles using the access and the duration, the route to be used to the access, and locations of access points should be included for clarity in Table 5.2. As raised in ECC's response at Deadline 3 to ExQ1 (REP3-078) ECC is unclear on which locations are to be used by construction traffic outside of the PARs or how much activity is associated with them to understand whether they should be considered in more detail. ECC is also aware of concerns raised by Writtle College in relation to access and request further details on the alternative options that are being explored. In relation to accesses other than those already identified as PARs, these

should also be safe, suitable and compliant with current standards and able to accommodate the vehicles that will be using them.

- 3.9 At paragraph 5.8.5, ECC would request that bus service operators are included as a relevant stakeholder.
- 3.10 At paragraph 6.6.1, line 2 should be updated to include the bold wording as follows: “.....including but not limited to North Falls and Five Estuaries Offshore Wind Farm....” as other projects that we are not currently aware of may be implemented in the future that could impact
- 3.11 Amendments as set out in our Deadline 3 response to ExQ1 (REP3-078) should be considered for the next updated version.

4. Response to Action Points issues following the conclusion of ISH2

<p>Action Point 2</p>	<p>Use of term ‘where practicable’ All local authorities: Provide a response to the applicant’s answer to first written question (ExQ1) NV1.6 and follow up to hearing discussion regarding use of the term ‘where practicable’ and whether commitment NV23 in the outline code of construction practice (CoCP) would be adequate.</p>
<p>ECC Response</p>	<p>ECC is of the opinion that the use of ‘where practicable’ or other similar phraseology in the DCO and in any control documents is unacceptable. Such phrasing lacks precision and is unenforceable.</p> <p>ECC considers it is simply not possible for the enforcing authority to take action where the test is ‘where practicable’ as the response from the applicants or their contractors will be ‘in that instance compliance was not practicable in our opinion’. Terms with ambiguity wholly undermine the relevant section of the DCO or control document and therefore render that document unenforceable.</p> <p>NV23 states that <i>‘For the construction of pylon foundations, non-percussive piling methods will be used where practicable’</i>.</p> <p>As above, this is wholly unacceptable and could result in percussive piling being used in all foundations for all pylons if the applicants decided this was the most practical option</p>

	<p>for them. This is not a satisfactory solution and does not provide LPAs the certainty they need to protect the amenity of their residents.</p> <p>ECC has undertaken a comprehensive review of the draft DCO and the use of the term 'where practicable' and this is attached as Appendix C.</p>
<p>Action Point 10</p>	<p>Discharge period</p> <ul style="list-style-type: none"> • Provide a full response in writing to the local authorities' request to further extend the period for discharge to 40 working days/ 56 calendar days. • Local authorities to provide additional justification for their request, including reasons for continuing to request additional days for discharge (with reference to experiences relating to Sea Link and Bramford to Twinstead). • Provide a response to the suggestion of a validation checklist being secured in the DCO.
<p>ECC Response</p>	<p><u>Requesting Additional Days for Discharge</u></p> <p>ECC has previously set out its detailed justification for an extended determination period within its response to ExQ1 DCO 1.A2 (REP3-078), including a breakdown of the stages involved in discharging requirements.</p> <p>It would respectfully lo point to the Longfield Solar Farm DCO which has a 10 week determination period.</p> <p><u>Requirements and the practical constraints encountered</u></p> <p>To avoid repetition, ECC points on this issue are summarised and supplemented below in light of matters raised at the hearing:</p> <p>ECC's position is informed by direct experience of discharging Requirements under the Bramford to Twinstead DCO. The Order provides for a 35-day determination period, supported by a Planning Performance Agreement, including provision for pre-application engagement. Notwithstanding these measures, ECC is aware that the relevant discharging authorities have found this timeframe is consistently challenging to achieve in practice.</p> <p>That experience has demonstrated that the statutory processes of validation, consultation, technical review, and internal sign-off cannot, in all cases, be undertaken robustly</p>

within a shortened determination period without placing undue pressure on the local planning authority, its consultees, and the Applicant's project team (including contractors).

In practice, ECC is aware that the inclusion of a deemed consent mechanism has led to repeated requests for extensions of time in order to resolve matters that cannot reasonably be addressed within the prescribed 35-day period. This approach reduces procedural efficiency and introduces uncertainty for all parties, particularly where extensions are not agreed.

At ISH 2, a number of host authorities raised similar concerns, noting that the scale, technical complexity, and volume of documentation associated with NSIPs necessitate realistic determination periods in order to ensure lawful, robust and defensible decision-making. ECC concurs with those submissions.

In response to the Applicant's reference to the Hinkley Point C DCO as a precedent, ECC notes that the Order provides for materially longer determination periods, allowing up to 8 weeks for more complex submissions and 5 weeks for less complex cases. ECC is also aware from its own involvement that Longfield Solar Farm DCO provides a 10 week determination period.

ECC contends this demonstrates extended timescales are both reasonable and established practice for projects of this scale and complexity.

ECC acknowledges the importance the Applicant places on the timely delivery of nationally significant energy infrastructure and will continue to engage proactively to support this objective. However, this must be balanced against the need for proportionate scrutiny, meaningful consultation, and sound decision-making. These processes rely on input from consultees who are frequently engaged across multiple NSIPs. Unrealistic determination periods risk undermining the quality and robustness of decisions and may increase the likelihood of refusals where matters cannot be adequately resolved within the prescribed timeframe.

ECC will not unreasonably delay the determination of an application for the discharge of requirements. Assuming

	<p>there is robust pre application engagement and enshrined controls over validation within the DCO, it would expect to determine application at the earliest opportunity. An extension of the period for the determination of applications to 40 business days does not automatically mean the determination process will take that long unless justified by the complexity of the matter under consideration.</p> <p>For these reasons, and consistent with its previous submissions, the Council maintains that a minimum 56 day determination period (or 40 working days), with flexibility to extend where necessary, remains appropriate and justified.</p> <p><u>Validation Checklist in DCO</u></p> <p>ECC supports the inclusion of a validation checklist within the DCO. Experience of the Bramford to Twinstead project indicates that submissions have, on occasion, been deficient in terms of either the quality or completeness of information, including reliance on documents that were not provided at the point of submission.</p> <p>The inclusion of a clear validation framework would assist in ensuring that applications to discharge Requirements are accompanied by all necessary information at the outset. This would improve efficiency in the determination process, reduce the need for subsequent information requests, and provide greater certainty for all parties</p>
<p>Action Point 11</p>	<p>ExQ1 DCO 1.A6 and ‘maintain’ Local authorities to comment on the applicant’s position in its response to the question.</p>
<p>ECC Response</p>	<p>As stated in various Local Impact Reports, the definition of “maintain” includes a wide range of specified operations in relation to the authorised development which can be undertaken subject to those works not giving rise to any materially new or materially different environmental effects to those identified in the Environmental Statement.</p> <p>In its own LIR [REP1-161] ECC sought qualification of “maintain” so that maintenance works cannot give rise to materially new or materially different environmental effects</p>

without LPA control, and amendment of Article 4 to incorporate a corresponding mechanism

ECC notes the Applicant's responses in REP 3-074 at DCO 1.A6:

- a. The Applicant relies on its statutory duty as transmission licence holder to maintain its apparatus to ensure a safe, effective and efficient electricity transmission system. It says the existing power is already tied to maintenance not giving rise to any materially new or materially different environmental effects, that the onus is on the Applicant to ensure compliance, and that breach of a term of the DCO is an offence. Adding a further layer of control would, in the Applicant's view, increase the likelihood of confusion and uncertainty between two statutory regimes.
- b. The Applicant also relies on precedent (Bramford to Twinstead, Yorkshire Green Energy).

ECC's response is that the transmission licence duty is a duty to maintain the network. It does not provide any planning control over the form, scale or environmental effects of maintenance works. It is therefore not an answer to ECC's concern. Moreover, if this approach was assumed because of the 'Duty' no grid infrastructure DCO would ever need to safeguard against the environmental effects of maintenance, which ECC feels cannot be correct.

ECC believes it is not right that any further planning control would increase confusion. Regulated bodies like the Applicant, who also need planning permission for works, are well used to operating under both regimes.

Self-policing through the offence of breach is not a substitute for an enforceable mechanism allowing the LPA to identify, before works are carried out, whether a particular operation falls within the envelope assessed in the ES. ECC's wording would only engage where there is a materially new or different effect, i.e. exactly the case that has not been assessed and where LPA control is most needed.

	<p>ECC accepts that the issue appears not to have been raised in other DCOs, but does not accept that is a reason for the ExA to follow the drafting of those DCOs here, when the issue has been raised. It is notable that the Applicant itself proposes wording or approaches different to the other DCOs in other parts of this dDCO, which shows the Applicant is (rightly) willing to step away from the precise wording of other DCOs.</p> <p>It is acknowledged that certain works including inspect, repair, dismantle, remove, clear, refurbish, paint, surface treat, decommission, are unlikely to give rise to new or materially different environmental effects. However, works involving alteration, improvement, reconstruction or replace which are covered by the current definition do retain the potential to give rise to new or materially different environmental effects.</p> <p>For the reasons outlined in ECC’s LIR [REP1-161], if these operations are to remain within the definition of maintain, ECC is of the opinion that to provide clarity and avoid any dispute, the DCO should incorporate a mechanism for determining whether such maintenance works give rise to materially new/different environmental effects. It therefore considers that the definition of ‘maintain’ should be amended to include <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, and any derivative of “maintain” must be construed accordingly.”</i></p>
Action Point 16	Schedule 3, Requirement 1 (Interpretations)
Response	<p>In REP 3-074 in response to DCO 1.S5, the Applicant has substantially redrawn the definition of “relevant planning authority” in light of the host authority responses (especially Norfolk County Council's Local Impact Report). The new two-limb definition in Article 2(1) of Revision C (essentially, district planning authority in two-tier areas; the sole local planning authority elsewhere) is a sensible response in the abstract, and it correctly retains a parallel “relevant county planning authority” definition as a consultee role for county-level expertise.</p> <p>The Applicant's new two-limb definition will work during the present period of two-tier areas: in two-tier areas the</p>

district takes the primary discharging role; in unitary areas (or in any single-authority scenario) the sole LPA does. But the substantial majority of post-consent discharge activity on this Project will occur after April 2028, by which point the two-tier structure across Essex, Southend and Thurrock will have ceased to exist. The Applicant's response at DCO 1.S5 is silent on that transition.

On 25 March 2026 the Secretary of State decided to implement a five-unitary model for Essex, Southend-on-Sea and Thurrock. A Structural Changes Order will abolish the existing 15 councils, including ECC and all of its districts and boroughs in the Order Limits, and replace them with five new all-purpose unitary authorities. The existing councils will remain the legal authorities until 1 April 2028, after which point all of their functions will transfer to the successor unitary authorities

The Applicant's response does helpfully note that limb (b) is intended to capture "single-authority scenarios" without requiring an exhaustive schedule, and that this avoids the problem with Norfolk County Council's proposed "relevant district planning authority" definition. That is correct as far as it goes. The point ECC wishes to add is that limb (b) needs to operate cleanly on transition, so that, on 1 April 2028, the successor unitary authorities fall within limb (b) as the single local planning authority for their respective areas, by operation of the "successor in function" wording the Applicant has already begun to include.

In REP3-078, ECC provided its views in response to GEN 1.5 and DCO 1.S5, identifying that a general addition of "any successor or successors in function" would give the requisite clarity, because that would address situations where the functions were split across more than one successor.

Revision C has already inserted "any successor exercising its functions as local planning authority" within the definition of "relevant planning authority". That is welcome. However, the wording should refer to "any successor or successors in function". Where a predecessor authority's area falls across the boundary of more than one new unitary, which could be the case across Essex in particular, given that the existing districts and boroughs in the Order Limits will be reorganised into five new unitary authorities there may be

	<p>more than one successor authority for what is currently a single ECC or district function. A “successor in function” reference in the singular leaves that ambiguous on the face of the Order.</p> <p>Article 2(8) (which provides that references in the Order to any statutory body include that body's successor in respect of functions relevant to the Order) should be amended in two ways: to include the plural (“successor or successors”), and to add a tie-breaker for the situation in which a function is split across more than one successor authority. The following wording is suggested:</p> <p><i>"References in this Order to any statutory body include that body's successor or successors in respect of functions which are relevant to this Order and, where there is more than one such successor, the successor authority for the area to which the relevant provision relates."</i></p> <p>That reflects how Structural Changes Orders typically allocate functions on reorganisation and avoids the risk of the Order being read as requiring all successors jointly to discharge a function that, after reorganisation, will sit with one of them by reference to area.</p>
Action Point 17	Schedule 3 – Requirement 5 (Archaeology) Local authorities to provide comments on the applicant’s answer to ExQ1 DCO 1.S8 and the document now provided [AS-090].
Response	<p>In response to this Action Point, ECC would refer to Section 2 of this letter regarding ECC’s comments on the additional submission accepted by the ExA from the Applicant regarding Archaeology - Document: 8.9.1 Applicant’s Responses to First Written Questions (Additional Submission).</p> <p>In so doing, Place Services (Archaeology) on behalf of ECC has commented on the current drafting Requirement 5 and recommended alternate wording for consideration and discussion with the Applicant.</p>
Action Point 18	Schedule 3 requirement 9: Reinstatement planting plan Provide a response to the ExA question regarding interpretation of what exactly the applicant is proposing as 'mitigation', 'enhancement', 'compensation' or 'biodiversity net gain' (BNG) as separate entities.

	Signpost to where, in the submitted application documentation, it specifically explains what elements of the proposed development will constitute ‘mitigation’, ‘enhancement’, ‘compensation’ and ‘BNG’ and where these different elements are shown in their own right on the submitted plans
Response	As identified at Paragraph 5.7.3 of ECC’s LIR [REP1-161] there is a need for there to be clarity on the distinction between those types of planting. ECC awaits the response from the Applicant to this request and if appropriate, will comment on this at Deadline 5.
Action Point 19	<p>Schedule 4 Discharge of requirements</p> <p>The applicant and local authorities are both to provide a response to the ExA questions and comments including an update by deadline 5 (Wednesday 10 June) regarding post-discharge functions and the involvement of the Department of Energy Security and Net Zero (DESNZ), following the related submissions at the final deadline of the Sea Link examination.</p> <p>Enquiries are to be made whether DESNZ has been consulted or provided comments regarding the draft wording of the relevant schedule in the Sea Link draft DCO.</p>
Response	At ISH2 on Wednesday 29th April, there was a discussion about Recommendation 30 of the Fingleton Review and specifically the proposal to establish a new unit within DESNZ to co-ordinate and deliver post consent discharge functions for electricity networks projects. The ExA referred to the approach taken to this in the drafting of the DCO for the SeaLink project and flagged some concerns about this. ECC understands that the Applicant will provide more detail on its evolving approach to this issue at Deadline 4 and continue discussions with local authorities. With that in mind, ECC will await the Applicant’s comments and make any further representations at Deadline 5.
Action Point 20	Article 60 and Schedule 19 Local authorities to respond to the points made at the hearing.
Response	The question was directed to the Council during ISH 2. The Examining Authority (ExA) referred to the Applicant’s response to ExQ DCO 1.G3 and sought confirmation as to whether that response addresses concerns regarding the

list of documents to be certified by the dDCO (as provided in Schedule 19 and secured by Article 60).

By way of context, ExQ DCO 1.G3 requested that the Applicant - Explain why the outline Code of Construction Practice (oCoCP), outline Construction Traffic Management Plan (CTMP), outline Landscape and Ecological Management Plan (LEMP), outline Materials and Waste Management Plan, outline Public Rights of Way (PRoW) Management Plan, and outline Written Scheme of Investigation (WSI) are not identified as certified control documents, as is the case in the made Bramford to Twinstead DCO. It also sought justification for the absence of a Construction Environmental Management Plan (CEMP), Materials Management Plan, and Waste Management Plan within the Norwich to Tilbury dDCO.

ECC has had regard to the Applicant's response to ExQ DCO 1.G3 (REP3-075). In respect of the certification of documents, ECC has no substantive comments to make.

However, it was noted that other Council's raised concerns previously regarding the omission from Article 20 of certain control documents that were included within the Bramford to Twinstead DCO; in particular a CEMP and a Materials and Waste Management Plan.

Following the Applicant's response to ExQ DCO 1.G3, and having considered this issue in light of subsequent submissions, the Council has reviewed its position. In relation to the absence of a standalone CEMP, ECC understands the concern about whether adequate controls would be secured in respect of construction-phase environmental effects. The Applicant has set out that the oCoCP, together with its appendices, incorporates the measures typically contained within a CEMP, thereby negating the need for a separate document.

The Council has sought and received clarification on a number of technical matters within the oCoCP, in order to verify that it secures the mitigation measures and controls ordinarily expected to be delivered through a CEMP, and that it is sufficiently robust and fit for purpose.

On the basis of this further review, while some concerns remain in relation to other matters, including working

	<p>hours, the Council is satisfied in principle that the oCoCP can operate as an appropriate substitute for a standalone CEMP.</p> <p>In relation to ecological matters, the Council’s Ecological Advisor considers that the outline Code of Construction Practice (oCoCP) broadly addresses the range of issues that British Standard BS 42020:2013 Biodiversity – Code of practice for planning and development advises should be encompassed within a CEMP.</p> <p>ECC also notes that there is a degree of overlap between the oCoCP and the outline Landscape and Ecological Management Plan (LEMP), the latter providing additional detail relevant to the construction phase. However, it is acknowledged that BS 42020:2013 anticipates a greater level of specificity than is currently presented within the outline oCoCP and LEMP.</p> <p>In any case, the Council recognises that both documents are, at this stage, outline in nature, and therefore certain detailed measures may not yet be capable of being fully specified.</p> <p>ECC would refer to it’s Local Impact Report (REP1-161) paragraphs 6.5 to 6.11 in respect of minerals matters.</p>
Action Point 22	<p>ExQ1 GEN 1.21 and Appendix E</p> <p>The local authorities, highway authorities, police forces and statutory undertakers named in the Appendix E of [REP3-074] are to provide further response to ExQ1 GEN 1.21 and Appendix E, having regard to the criteria set out in s122(2) of the Community Infrastructure Levy Regulations 2010.</p> <p>Rosie Pearson for Pylons East Anglia and Charles Micklem to provide in writing their comments regarding clauses in agreements relating to objections to planning applications and projects.</p>
Response	<p>Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 provides that a planning obligation (including a section 106 agreement) may only constitute a reason for granting development consent if it meets all of the following tests:</p>

- (a) Necessary to make the development acceptable in planning terms
- (b) Directly related to the development
- (c) Fairly and reasonably related in scale and kind to the development

These statutory tests are reinforced in national policy and guidance, which make clear that planning obligations must mitigate the impacts of development and should not be used to secure general benefits or wider aspirations.

ECC are mentioned a number of times in Appendix E and would comment as follows:

a) To secure funding contributions to landscape scale restoration/enhancement projects

ECC's position on the need for compensatory planting is outlined at paragraphs 4.10.4 – 4.10.7 of its LIR [REP1-161]. ECC is currently in discussion with the Applicant regarding the scope of any such planting but envisages this would likely be captured under a S106 Unilateral Undertaking to secure the necessary finance to deliver the agreed planting.

ECC's view is the project will leave a significant landscape and visual impact on the landscape of Essex and as such, following the application of the mitigation hierarchy, reasonable compensatory planting should be delivered as part of the Project prior to the application of the projects CNP to the overall planning balance to determine the recommendation.

It therefore considers the issue of landscape compensation would fulfil, the test set out in set out in s122(2) of the Community Infrastructure Levy Regulations 2010

b) To secure a substantial funded landscape and visual compensation scheme

As above.

c) Employment, Skills, Education and Supply Chain Strategy - to secure an employment, education, skills and supply chain strategy and appropriate funding

ECC position on the need for an Employment, Skills, Education and Supply Chain Strategy is outlined in Section 4.8 (Socioeconomics) of its LIR [REP1-161]. ECC is currently in discussion with the Applicant regarding the scope, content and delivery of an Employment and Skills Plan. The appropriate mechanism to secure the delivery of any Skill and Employment Plan and any associated funding of the measures contained therein will be determined on the outcome of the current discussions.

ECC remains of the view that there is an impact on local business as a result of Norwich to Tilbury being implemented and that there is a need for this impact to be mitigated. ECC is of the opinion such an obligation would fulfil the tests set out in s122(2) of the Community Infrastructure Levy Regulations 2010.

d) Support for existing projects and programmes

This is not a separate topic but is linked to the aforementioned point regarding the need for a Skills and Employment Plan to offset the socioeconomic impact of the proposal. The items listed under the 'Purpose of Agreement' are recommended matters for inclusion in any Skills & Employment Plan.

e) Framework Highway Agreement - to manage the design approvals

ECC's position on the need for a Framework Highways Agreement is set out at 5.1.8-5.1.9 of its LIR [REP1-161]. ECC's strong preference is for the Applicant to enter into a S278 in respect for a Framework Highway Agreement.

The relevant authorities are combining their responses on a draft Framework Highways Agreement and on Protected Provisions. Comments on the Protected Provisions are given in the event that the Framework Highways Agreement is not confirmed before the end of the Examination

ECC is of the opinion an obligation to secure a Framework Highways Agreement would fulfil the tests set out in s122(2) of the Community Infrastructure Levy Regulations 2010

f) Essex Developer Forum - to secure funding to resource Essex County Council Developer Forum meetings

ECC welcomes the Applicants confirmation of its commitment to joining and engaging in the Developer's Forum to help facilitate coordination between developments [Doc 8.8.2, Page 158 - Applicant's Comments on Local Impact Reports [REP2-030]].

Given the potential impact of the project, a Developers Forum is considered a necessary form of mitigation and a commitment to engagement should form part of the DCO.

In its LIR [REP1-161], ECC requested that the Applicant commits to funding the time spent by ECC in organising and chairing the meetings of the Developers Forum over the life of the construction period for Norwich to Tilbury. ECC recognises the on going discussions and the approach of the Applicant to cover costs associated with the Forum through a PPA agreement. However, it is ECC's view this should be captured through s106 unilateral undertaking as this would provide greater surety on delivery. The alternative via PPA is an option but is not as definitive as through a s106 Agreement.

ECC is of the opinion an obligation to secure a financial contribution for the Developers Forum would fulfil the tests set out in s122(2) of the Community Infrastructure Levy Regulations 2010

g) Resourcing officer time post consent - To secure funding to resource Essex County Council officer time post consent

To support implementation of the project, ECC considers appropriate funding will need to be available to cover the time that ECC officers will need to spend in providing oversight of the various mitigation and commitments that have been included in the DCO documentation, as well as the points raised in ECC's Local Impact Report. ECC would welcome further discussion with the Applicant on how this can be achieved so that any costs involved in supporting the implementation of the Project are cost neutral to ECC as our policy states .

	<p>ECC agrees with these costs could be secured through a PPA</p> <p>h) Cumulative impact mitigation fund - - to secure funding for PRow enhancements, Local mental health support and Green infrastructure improvements.</p> <p>ECC acknowledges that having regard to the criteria set out in s122(2) of the Community Infrastructure Levy Regulations 2010 although highly desirable, funding for PRow in this instance would not meet the tests. ECC will continue to discuss with the Applicant how this could still be realised.</p>
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4.1 In addition to the above, further points were noted in Essex County Council’s LIR (REP1-161) in relation to Highways & Transportation which should be included in table provided above by the applicant. These are set out in Appendix D.

Action Point 43	Abnormal Indivisible Loads: cumulative impacts Applicant and local highway authorities to provide in writing an update on cumulative impacts of AIL routing and progress with route assessments, including structural assessment.
Response	Appendix E contains a table which provides the latest situation in relation to the structural assessments of 35 structures on the AIL routes. In summary, of the total 35 structures, 3 No. can accommodate the AILs with the remaining 32 No. requiring further work to determine whether the structures can accommodate the AILs

5. Response to Matters arising during ISH2

Item 4 Noise / Piling

5.1 With reference to the discussion on Day 1 of ISH2 (Item 4) regarding noise and percussive piling, ECC acknowledges that the Applicant relies heavily on the proposition that the ES assessment assumes percussive piling at all pylon locations as a worst case, and that in practice non-percussive methods will be used. That appears reassuring, but in fact does the opposite of what the Applicant suggests.

5.2 ECC considers that if the assessment genuinely treats percussive piling at every pylon as the worst case and concludes (with embedded mitigation in NV01 to NV04) that significant adverse effects will be avoided, then there is no environmental need for the qualifier “where practicable” at NV23. The substantive case has already been made on

the worst-case footing. The qualifier is therefore doing one of two things: either it is redundant (in which case it should be removed), or it is reserving to the Applicant the ability to deliver less mitigation than the assessment assumed. The Applicant cannot have it both ways.

- 5.3 The Applicant's phrasing is also revealing. NV23 is said to secure the principle that non-percussive piling will be used "where [percussive piling] can be avoided". "Where this can be avoided" is not the same test as "where practicable". It is a tighter test, closer to genuine technical impossibility. If that is what the Applicant means, that is what the drafting should say.
- 5.4 ECC also notes that when questioned by the ExA, the Applicant does not identify locations near NSRs where percussive piling will be used. The ExA's question was specific: are there any locations near Noise Sensitive Receptors where percussion is to be used? The Applicant did not answer the question. It instead said that the assessment "provides an indication of locations where percussive piling may lead to significant effects without mitigation, as well as identifies locations where there would be no constraints with regards to noise". That is a description of the assessment, not an answer.
- 5.5 ECC welcomes that the Applicant committed to providing more information on when percussive and non-percussive piling would be used and will reserve further comment on this issue until it has had the opportunity to review.
- 5.6 ECC is however, concerned about the use of where practicable in terms of delivering certainty and in terms of the enforceability of Requirement 4 .
- 5.7 The "where practicable" formulation is not appropriate. While the trigger is unpredictable in advance (it depends on ground conditions and the foundation works risk assessment), the determination should not be left to the Applicant alone and as a result, ECC suggests alternative drafting along the following lines:

"Non-percussive piling methods will be used for the construction of pylon foundations, save where the Foundation Works Risk Assessment carried out under commitment GH02 concludes, with reasons, that non-percussive piling is not technically feasible at a particular location"

- 5.8 A further suggested alternative could involve the LPAs, through further wording, such as:

"In any such case, the Main Works Contractor(s) will (a) prior to commencement of piling at that location, notify the relevant planning authority in writing of (i) the location, (ii) the reasons set out in the Foundation Works Risk Assessment, and (iii) the specific mitigation to be applied in accordance with commitments NV01 to NV04; and (b) record the reasons, the mitigation applied and the monitoring results, and make those records available to the relevant planning authority on request."

- 5.9 ECC considers this wording does five things the current drafting does not. It ties the test to a defined, recorded engineering judgment (the Foundation Works Risk Assessment under GH02) rather than to "practicability" at large. It uses "technically feasible", which matches the language the Applicant itself uses in its NV 1.6 response when it speaks of percussive piling being unavoidable. It requires the proposed mitigation to be identified location-by-location, not in a generic reference back to NV01–NV04. It puts the relevant planning authority on notice before the works rather than after. And it requires a written record that allows compliance to be tested.
- 5.10 ECC also notes that the Applicant has separately accepted, in its DCO 1.S10 response, that it is "considering" Local Authorities' request to remove the word "percussive" from Requirement 7(2) so that all forms of piling are subject to the more restrictive working hours. ECC's NV23 drafting is consistent with that direction of travel: where percussive piling is genuinely unavoidable, the controls should bite harder than they currently do, not softer.

Item 4 - Noise Protocol

- 5.11 As raised by ECC at ISH 2 Day 1, ECC would also highlight its concerns regarding the Draft Onshore Substations Operational Noise and Outline Noise Complaints Protocol; Revision D of which has been which has been submitted by the Applicant.
- 5.12 Throughout the examinations of both the Five Estuaries and North Falls projects, ECC and Tendring District Council (TDC) have consistently and clearly expressed that the proposed tripartite noise complaints protocol, in its current form, is not acceptable. In particular, concerns have been raised that the protocol lacks a genuinely joint panel approach to complaints assessment and includes investigation and response timescales that are unacceptably lengthy.
- 5.13 ECC and TDC consider that these shortcomings would fail to provide adequate and timely protection of local residents' amenity. As such, the protocol will require substantive revision before it could be considered acceptable for certification and

implementation. Any final protocol must ensure a robust, jointly managed and responsive process that prioritises the effective resolution of complaints and safeguards residential amenity. It is intended that a revised and final protocol, addressing these concerns could be prepared and submitted to the relevant local planning authority prior to operation and secured as a certified document within each Development Consent Order.

Item 6 – The DCO

- 5.14 With regard to Requirement 8, ECC has reviewed Braintree District Council’s response to question DCO 1.S11 in ExQ1 [REP3-091, pdf 37], and the need to ensure that sufficient information is provided at discharge stage to avoid the need for repeated requests for further/better information. Whilst Requirement 8 is for discharge by the district councils, the concerns identified by Braintree District Council are directly related to concerns separately raised by ECC about the impact on local authority resources and workloads of deemed consent and discharge provisions, particularly bearing in mind the cumulative impact of other NSIPs. ECC have referred to these concerns in our submissions on the appropriate
- 5.15 ECC wishes to bring to the attention of the ExA its support for the suggestion wording proposed by Braintree District Council.

Item 8 – Landscape and Visual Effects

- 5.16 ECC reiterates the concerns it raised in response to question HE1.9 of ExQ1 (REP3-078, pdf 24) and orally about the need for further clarity as to the Applicant’s approach to assessing and providing visualisations for ‘worst case’ impacts based on the limits of deviation. The Applicant explained the sensitivity testing carried out as part of the Landscape and Visual chapter of the ES (APP-226) but confirmed that visualisations to illustrate both landscape and heritage impacts used the likely pylon/line positioning rather than assessing a worst case based on the limits of deviation.
- 5.17 Whilst ECC acknowledge the Applicant’s point that they do not rely on the visualisations to form professional judgements, ECC maintains that further visualisations which do show a reasonable worst case scenario based on the limits of deviation should be provided. The potential for pylon movement within the limits of deviation has the potential for different impacts on both heritage assets and landscape receptors but also for tree and hedgerow removals.

- 5.18 ECC therefore wishes to reiterate its request for further visualisations to be provided in order for the ExA to satisfy itself that (i) the judgments reached by the Applicant following sensitivity testing are reasonable and appropriate and that (ii) the reasonable worst case impacts have been assessed, particularly in respect of heritage assets but potentially some sensitive viewpoints as well.
- 5.19 In response to the ExA's Action Point 25 (Limits of Deviation 1), ECC notes the request for Local authorities to identify the most sensitive locations and specific viewpoints that they would like to see additional visuals of pylons within the limits of deviation (so as to further illustrate the worst-case scenario). ECC has identified with the Applicant a number of locations where it would like to see additional visualisations of worst-case scenarios and remains in discussion with the Applicant on this matter.

Item 8 - Landscape and Visual Effects – Compensation

- 5.20 The issue of compensation for landscape and visual impacts continues to be an area of disagreement between ECC and the Applicant, although discussions are ongoing.
- 5.21 During ISH2, the Applicant reiterated their position that (i) there is no requirement within national policy for all residual harm to be compensated for or offset and (ii) national policy specifies certain circumstances where compensation may be required (for example paragraph 5.11.27 of the 2025 version of EN-1 in respect of unavoidable woodland loss, or where the new duty to “seek to further the purposes” of national landscapes applies). In essence the argument was that, in order for a requirement for compensation to be ‘necessary’ there would need to be some specific reference to it within national policy; whereas this did not exist in relation to landscape and visual impacts.
- 5.22 ECC considers that this position is too extreme. The 2024 version of EN-1, which is the version against which this project falls to be assessed, makes clear that applicants for CNP infrastructure should “demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated” and that they should “set out how residual impacts will be compensated for as far as possible” (para 4.2.11-12). That is reinforced by paragraph 4.3.4 which again requires the Applicant to “show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for”. The same points are reiterated in paragraph 2.1.6 of EN-5 Compensation is an inherent part of the mitigation hierarchy.
- 5.23 These are overarching policy principles which are of general application to all types of impact. Accordingly, it is ‘necessary’ for applicants to consider the potential for

compensation in general terms, including for landscape and visual impacts, and not merely in response to topic-specific policy references such as those identified during the ISH2. And if compensation is possible then it may be considered 'necessary' for it to be required in line with these overarching policies.

- 5.24 Whilst it is true that paragraph 4.2.25 of the 2025 version of EN-1 (which is a material consideration) states that "compensation, by definition, does not reduce an adverse effect resulting from a development", it does still go on to confirm that "applicants should set out how residual impacts will be compensated for as far as possible", so there is no significant shift from the position under the 2024 version of EN-1.
- 5.25 ECC maintains that the Applicant has not properly grappled with the need to consider compensation for the significant landscape and visual impacts of the project and has failed to apply the mitigation hierarchy correctly. As set out in ECC's Local Impact Report (paragraph 4.10.43) [REP1-161] there remains a case for a strategic landscape compensation package to offset harm as far as possible.
- 5.26 Notwithstanding the above position on the need for strategic consideration of this issue, ECC will continue to discuss the potential for landscape compensation measures in specific sensitive locations.

6. Applicant's Comments on Further Information or Submissions Received by Deadline 2 – REP3-070

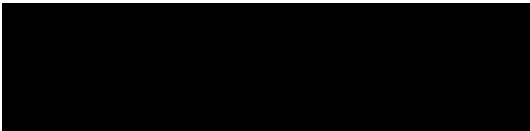
- 6.1 ECC as Local Highway Authority, has reviewed and made comments on documents received at Deadline 2. Its comments are contained at Appendix F

7. Update on SoCG

- 7.1 ECC has provided the Applicant with comments on the latest iteration of the SoCG which the Applicant intends to submit for Deadline 4
- 7.2 Due to the limited time given to ECC to review the document, it was not possible to undertake a comprehensive review of all sections with particular attention to matters pertaining to the dDCO.
- 7.3 ECC will be working with the Applicant to consolidate the outstanding issues and move matters to Agreed / Not Agreed where possible ahead of Deadline 5.

ECC welcomes the opportunity to submit this Deadline 4 response. ECC will continue to engage proactively with the applicant and the Examining Authority as this application progress through Examination.

Yours sincerely,

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Head of Planning and Sustainable Development

Enc.

Appendix A – ECC Responses to ExQ1 deferred from Deadline 3

Appendix B – Response by Savills to Applicants comments on DHGV Viability

Appendix C – ECC review of the use of ‘where practicable’ in the mitigation measures

Appendix D – ECC Highway Authority response to ExQ1 GEN 1.21 and Appendix E

Appendix E – ECC response to Action Point 43 (Table showing latest position in relation to the structural assessments of 35 structures on the AIL routes)

Appendix F – ECC Highway Authority comments on Further Information submitted at Deadline 2

Deadline 4 Submission

Appendix A - Table containing response to ExQ1 matters deferred by ECC to D4

DCO 1.A19	All local authorities statutory undertakers	<p>Article 11 (Street Works); Article 12 (Application of the Permit Schemes); Article 13 (Application of the 1991 Act)</p> <p>The ExA notes the explanation provided by the applicant in its EM [APP-057] with regard to these articles but seeks whether the relevant Street/ Highway Authorities and/ or any statutory undertakers have any further comments, as relevant to these articles beyond the submissions in their RRs, WRs, LIRs and Deadline 1 submissions. In responding to this question, a relevant street/ highways authority or statutory undertaker should list any relevant examination library reference and paragraph numbering of their former submissions that responded to these articles.</p>	<p>ECC, the other 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. ECC would be grateful for more time to consider the ExA's question and so will answer at Deadline 4.</p>
<p><u>Further Response</u></p> <p>ECC in conjunction with the Highway Authorities of Suffolk, Norfolk and Thurrock are in discussion with the Applicant on a Framework Highway Agreement which is based on the B2T FHA. The Authorities are preparing a joint response on the draft FHA with comments based on the experience gained from delivering B2T project.</p> <p>ECC has no further comments to make in response to DCO A1.A19 – its comments made in Appendix 2 (Table on Revised dDCO) of its Deadline 3 response [REP3-082] remain unaddressed.</p>			
DCO 1.A42	All local authorities, highway authorities and statutory undertakers	<p>Article 58 (Application, disapplication and modification of legislative provisions)</p> <p>The ExA would ask for comments in regard to the disapplication and modification of certain public general legislation (See provisions set out in article 58(1) and the public general</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</p>

		<p>legislation listed at schedule 17 of the draft DCO), especially in regard to the Highways Act 1980 and the Land Drainage Act 1991.</p>	<p>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, ECC as the Highway Authority, is not content with disapplying and modifying restrictions on planting of trees, control of scaffolding on highways and controlling deposit of building materials and making of excavations in streets (as set out in Sections 141, 169 and 171 of the Highways Act 1980). The justification in the Explanatory Memorandum (Document 3.2) suggests that the provision appears in the Bramford to Twinstead DCO. ECC believes this is not accurate however because Bramford to Twinstead does not include any provisions from the Highways Act 1980. ECC would want to ensure that the types of works described in the Highways Act 1980 are controlled by the Local Highway Authority as they have the potential to impact on highway safety.</p>
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			<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</p>
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			<p>as pertains to the Hedgerow Regulations 1997: 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 or lopping) of this Order. ECC is considering this matter further and will respond in more detail at Deadline 4.</p>
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Further Response:

The dDCO under Article 50 seeks to disapply the Hedgerows Regulation 1997 and more specifically, the obligation for the undertaker to secure consent to remove hedgerows under the regulations. ECC considers the breadth of the disapplication, would allow removal of otherwise strongly protected hedgerows via a "reasonably believes it to be necessary" trigger, to take place without the consent of the LPA.

Hedgerows in this landscape are biodiversity assets of national policy weight, not generic vegetation. The Applicant's Hedgerow Report (APP-161) identified 466 hedgerows as potentially important, and surveyed 79, of which 34 were identified as "important".

Disapplication of this protection on the basis of a "reasonable belief" trigger transfers all of those judgements to the undertaker – a commercial party with an interest in clearing the corridor cheaply and quickly. There is currently no requirement for a competent ecologist to feed into that assessment (for example, to assist with whether wholesale removal may not be justified) or a requirement for any written records to be kept. The triggers for when it may be necessary in the "reasonable belief" for the hedgerow to be removed (obstructing construction etc) are also very wide.

ECC notes that the Government's "Planning Act 2008: Content of a Development Consent Order" guidance is explicit that an Article disapplying the Hedgerows Regulations should either (i) refer to specific hedgerows described clearly in a Schedule, or (ii) include "powers for general removal of hedgerows subject to appropriate controls and mitigation being included." A bare "reasonable belief" trigger, with no mapped Schedule and no controls, does not appear to comply with this.

ECC is of the opinion that the Applicant has the raw material for a Schedule of Hedgerows from the Hedgerow Report. The dDCO could then disapply the Hedgerow Regulations in relation to the Schedule of Hedgerows, should it be necessary to cut or remove those hedgerows, and could include a residual, narrow fallback article to deal with unforeseen cases (which could retain LPA approval).

The Applicant cannot simultaneously argue (i) that the survey work has been thorough enough to underpin the Environmental Statement and Biodiversity Net Gain calculations and (ii) that it is unable to specify which hedgerows it intends to remove. If (i) is correct, (ii) follows. If (ii) is true, the survey is not robust enough to support the wide disapplication sought.

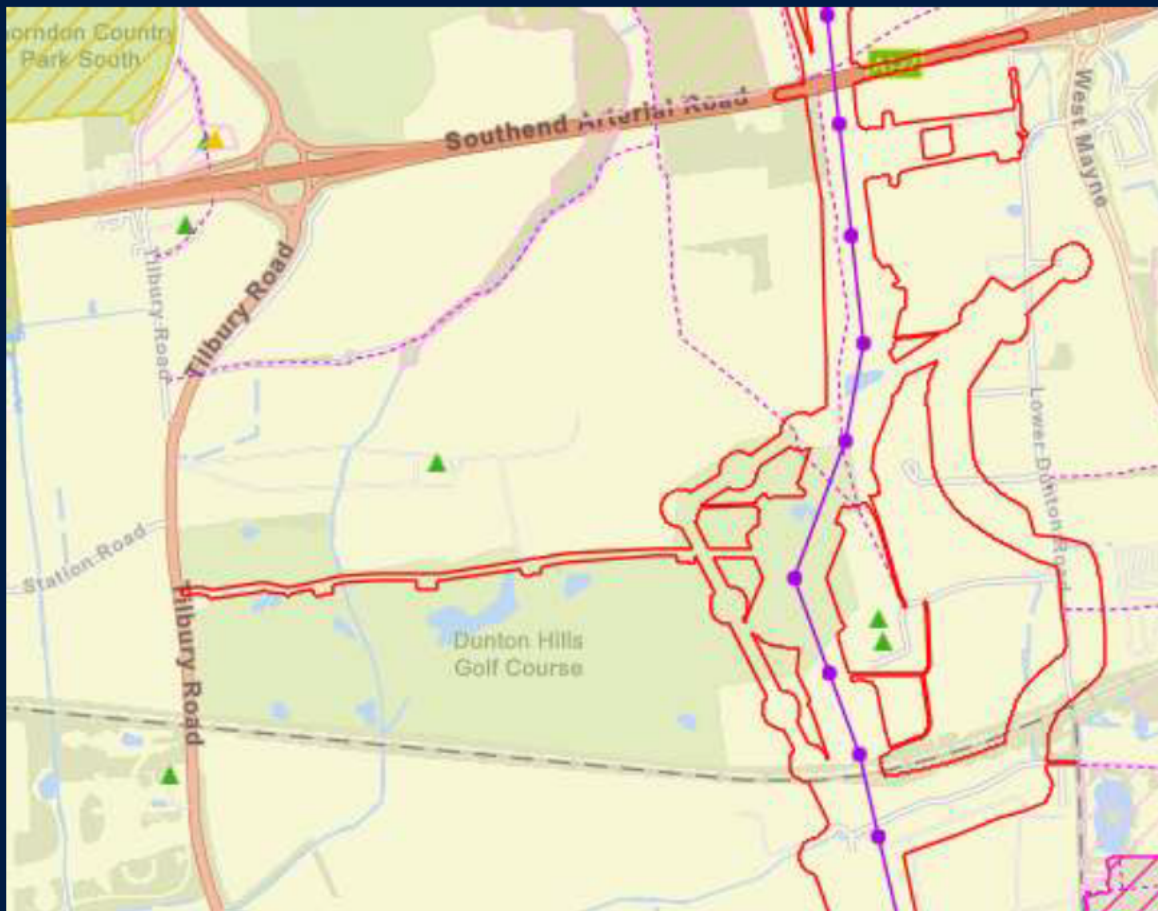
SET 1.5	The applicant Relevant local authorities	<p>Mitigation measures - 2</p> <p>The ExA notes the use of the term ‘where practicable’ in relation to proposed mitigation and is concerned as to the vagueness of this term.</p> <p>Applicant - justify the use of this term in each instance or amend the proposed mitigations accordingly.</p> <p>Relevant County and Local Authorities – The ExA seeks your views in regard to the use of this term and your suggestions in regard to any alternative forms of wording.</p>	<p>ECC 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, ECC 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 with the relevant highway authority or the affected community facilities, business, tourism and recreational asset.</p>
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			ECC is considering whether there is more appropriate alternative wording and will respond further at Deadline 4.
Further Response:			
ECC has undertaken a comprehensive review of whether it is appropriate to use 'where practicable' . This a is attached as Appendix D			

Appendix B

Property and Viability Impact of N2T on Dunton Hills Garden Village

Response to National Grid Review





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1. Summary of National Grid Response

1.1. Introduction

1.1.1. We have reviewed two documents prepared by National Grid that respond to work carried out by Savills for Essex County Council (ECC) on the viability impact of the Norwich to Tilbury powerline proposals (N2T) on Dunton Hills Garden Village (DHGV) proposals:

- 'Norwich to Tilbury Volume 8: Examination Documents, Document 8.8.2 Applicant's Comments on Local Impact Reports, Final Issue A, March 2026' (REP2-030)
- 'Appendix B of Document 8.8.2 Applicant's Comments on Local Impact Reports, Final Issue A, March 2026' (REP2-030):Dunton Hills Garden Village Viability – Response to Savills Report', National Grid, March 2026.

1.1.2. These documents have reviewed our report titled 'Property and Viability Impact of the N2T on Dunton Hills Garden Village, Stage B Report Final Issue', August 2025 submitted as an Appendix to Essex County Council's Local Impact Report (REP1-161).

1.2. National Grid Position

1.2.1. National Grid argues that the Savills work overstates Gross Development Value (GDV) effects, misapplies academic research, ignores real-world evidence from new-build schemes, and incorrectly interprets minor GDV movements as viability threats. National Grid states that the Savills report incorrectly concludes that the N2T overhead line will harm DHGV's viability or deliverability¹.

1.2.2. National Grid emphasises that Savills own analysis shows a 1% to 3.7% reduction in GDV across the whole scheme. They argue this scale of impact is within normal market variance, is absorbed in viability modelling, and cannot realistically threaten scheme deliverability. National Grid's viability advisors (CBRE) state that these percentages are 'insignificant' in development viability terms².

1.2.3. National Grid claims that, even if values fall near transmission lines:

- the impact only reduces land value (Residual Land Value, or RLV), not development value (Gross Development Value, or GDV)³
- landowners, not developers, absorb this change, who can pursue statutory compensation to mitigate the loss⁴, and
- the viability of the scheme in planning terms is not affected⁵.

¹ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraphs B.5.4-B.5.9

² National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraph B.5.9 and B.7.4

³ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraph B.5.9

⁴ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraph B.5.4

⁵ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', Section B.3 and paragraph B.7.38-B.7.45

- 1.2.4. Whilst National Grid acknowledges that the LSE paper is reputable, they argue Savills:
- gives it excessive weight
 - uses it inappropriately for a new build Garden Village, and
 - ignores that Savills' own primary research showed no clear price impact in new build schemes⁶.
- 1.2.5. National Grid highlights Savills' finding that six real-world new build schemes showed no consistent relationship between price and distance from overhead lines. They argue this undermines Savills' case for applying the higher LSE discounts⁷.
- 1.2.6. CBRE state there is no example of a major housing development becoming unviable due to pylons⁸.
- 1.2.7. National Grid suggest that Savills' conclusion about viability is unfounded, because DHGV's phasing means later development (nearer the Over Head Line (OHL)) occurs years after the development of the OHL. By this point, the OHL's presence will be accepted by the market⁹. It states that Savills has not shown any mechanism by which the overhead line prevents DHGV being built.
- 1.2.8. National Grid highlights that Savills' modelling also fails to account for the benefit from removal of an existing 132 kV line crossing the site¹⁰, which National Grid argues increases value and reduces visual clutter.
- 1.2.9. National Grid notes that Land Investment Holdings (LIH) (the new landowner) did not raise viability objections and that it is broadly supportive of the project and indicates the s106 agreement is close to completion¹¹.
- 1.2.10. National Grid states that Savills has not shown that DHGV delivery would fail because:
- No party (including landowners) has stated the scheme would not come forward; and
 - DHGV's viability and its ability to deliver policy obligations remains intact¹².

⁶ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraphs B.1.13 and B.5.9

⁷ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraph B.1.13

⁸ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraph B.1.9

⁹ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraphs B.5.11-B.5.14

¹⁰ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraphs B.5.4, B.5.6, and B.5.18

¹¹ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraphs B.1.14 and B.5.5

¹² National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paragraphs B.1.17, B.5.5, and B.7.26-B.7.32

1.3. Available Information and Consultation with Land Investment Holdings (LIH)

- 1.3.1. It is our understanding that there is no publicly available analysis updating the financial appraisals we reviewed in our August 2025 report.
- 1.3.2. ECC has sought to consult with LIH on the Savills work and position. They emailed agents representing LIH on 7th April 2026 to seek confirmation on whether any agreement had been reached with National Grid in respect of N2T. Further confirmation was also sought on the status of any agreement for the removal of the two existing overhead lines together with an update on the current phasing programmes and timing for the submission of reserved matters.
- 1.3.3. The response indicated a broad west to east development programme but contained no detail or confirmation regarding the removal of the existing power lines.
- 1.3.4. LIH's response to the Examining Authorities first written questions (REP3-118) confirms their understanding that the existing lines are to be removed or undergrounded (ExQ GEN 1.24):

'Question (a): The applicant and BTSurveyors (for LIH Dunton Hills Limited) are asked to clarify whether the other existing OHLs which runs westwards across the DHGV allocated site would remain in place or be undergrounded or diverted.'
- 1.3.5. Answer: *'The existing OHLs would be undergrounded and diverted. The planning application has been devised on this basis.'*

2. ECC and Savills Comments on National Grid Response

2.1. Introduction and Summary

2.1.1. ECC welcomes National Grid's engagement with the findings of the DHGV Viability and Impact Assessment and notes that both parties share the overarching goal of ensuring the successful and timely delivery of Dunton Hills Garden Village. ECC have asked specialists in viability analysis and research from Savills to prepare a response, which is set out in this document.

2.1.2. In summary Savills' key points are:

- Viability is a material planning consideration.
- Residual Land Value (RLV) is a relevant indicator of viability as without a sufficient RLV a developer is unlikely to develop a scheme.
- The impact of factors like power lines on gross development value (GDV) is not typically a matter covered in appraisal contingency.
- The LSE work¹³ is the most comprehensive study of impacts of power lines on values and so is particularly relevant to the Dunton Hills scheme.
- The impact of power lines on RLV and viability is significantly greater than the impact as a percent of GDV. Consequently the power lines can have a disproportionately negative impact (compared to GDV change) and could tip the scheme from viable to unviable.
- Given trends in costs and values it is likely that the scheme is less viable now than when previously assessed, further emphasising the sensitivity of the scheme to the impact of the power lines.
- If the affected residential units are in later phases then this could reduce the impact when measured in terms of net present value but they and the actual and perceived impact of the power lines are likely to remain an important element in views of viability.
- A negative impact on viability of the power lines should not be accommodated by reducing the percentage of affordable housing without exploring other options.

2.1.3. These points are elaborated on below.

¹³ 'Are friends electric? Valuing the social costs of power lines using house prices' Cheng Keat Tang and Stephen Gibbons, Centre for Economic Performance, Discussion Paper No. 1942 August 2023

2.2. Viability is a Material Planning Consideration

2.2.1. Viability in planning is inherently a material planning consideration in accordance with national planning policy¹⁴ and professional guidance¹⁵, and a range of appeal decisions. Planning authorities are under a statutory duty to determine an application in accordance with the development plan unless material considerations indicate otherwise¹⁶. Viability appraisals can and should be used to analyse and justify planning obligations to ensure that Section 106 requirements do not make a scheme unviable.

1.1.1. In overall terms viability relates to the relative balance between the value generated by development and the costs associated with delivery. If a scheme is not viable then it is unlikely to come forward. The importance of viability is such that policy seeks consideration of viability at the plan making stage with future deviation from policy contributions reserved to the applicant to demonstrate why the viability of their development is compromised owing to changes in circumstances since the plan was prepared and adopted.

2.3. RLV as an Indication of Viability

2.3.1. The economics of proposed development are assessed in order to identify the level of planning obligations a scheme can reasonably sustain. To achieve this, the Residual Land Value (RLV) of the proposed scheme is calculated by subtracting all associated development costs and a suitable level of developer profit from the Gross Development Value (GDV) of the proposed development, which is assessed by calculating all revenues and capital receipts realised by the developer. Appraisals should be objective and informed by market evidence and input from independent third-party experts.

2.3.2. RLV is then compared to Site Value Benchmark (SVB) to ascertain whether a deficit or surplus is concluded when compared against SVB by giving consideration to the Existing Use Value (EUV) of the site plus a suitable landowner premium. In certain circumstances Alternative Use Value (AUV) may also be considered to inform SVB.

2.3.3. If the RLV is lower or not sufficiently higher than the SVB the project is not considered technically viable and as a result development is unlikely to come forward. The impact value of the overhead power lines will impact on whether the developer proceeds with the scheme without a material reduction in other planning obligations.

¹⁴ National Planning Policy Framework (NPPF), December 2024, Para 59.

¹⁵ RICS Assessing viability in planning under the National Planning Policy Framework 2021 for England, 1st Edition (March 2021) and RICS Financial Viability in Planning: Conduct and Reporting 1st Edition (May 2019).

¹⁶ s38(6) Planning and Compulsory Purchase Act 2004.

2.4. Impact on GDV is not covered in Contingency

- 2.4.1. The National Grid response suggests that the impact [of reducing GDV] is typically accounted for within a contingency¹⁷.
- 2.4.2. Our professional experience and understanding of common practice is that the inclusion of contingency is typically applied to cover specific development risks including possible environmental or unforeseen abnormal force majeure events during the course of development. It also relates to possible delays caused by sub-contractors and the supply chain. These are risks that general contractors are usually unwilling to include at the project outset. It is appropriate where the original budget insufficiently addresses project requirements, changes in market construct prices, and there is inaccurate project information available at project commencement. Contingency is construction market driven and relates to upgrades in materials or general quality of the project made by the developer between concept design to construction.
- 2.4.3. The relationship between cost and contingency (rather than GDV) is best demonstrated within the development appraisal which invariably links cost and contingency with the latter typically a site-specific percentage of the former. Any reduction in GDV would in effect be a known quantity at the point of assessing viability. It would be factored into the development appraisal at the outset so the requirement for any form of contingency is removed.

2.5. Status of the LSE Work

- 2.5.1. Our understanding is that the LSE study of the impact of power lines on house prices in the UK is the most comprehensive and detailed study on this topic carried out to date. It looks at data from 1.5 million property transactions from 1995 to 2017¹⁸. We therefore place considerable weight upon its findings.
- 2.5.2. In response to National Grid's comments on the use of the LSE Difference-in-Difference study, our understanding is that this study represents the most statistically robust and UK-specific evidence available, applying a before-and-after approach that properly controls for endogeneity and location-specific factors.
- 2.5.3. For one of our scenarios we considered impacts that were less than found in the LSE study¹⁹. We presented two options, including a moderated impact option informed by its own primary research into new-build developments near power lines. This approach provides balance and transparency.

¹⁷ National Grid (2026). 'Appendix B. Dunton Hills Garden Village Viability – Response to Savills Report', paras B.5.16, page B11 and B.7.4, page B14.

¹⁸ Are friends electric? Valuing the social costs of power lines using house prices' Cheng Keat Tang and Stephen Gibbons, Centre for Economic Performance, Discussion Paper No. 1942 August 2023, page 8.

¹⁹ 'Property and Viability Impact of the N2T on Dunton Hills Garden Village, Stage B Report Final Issue', Savills, August 2025, para 5.1.3, page 36.

2.5.4. We agree with National Grid that our Savills primary research sample was relatively small and therefore less statistically conclusive. This is why the LSE study was used alongside it, rather than replaced by it. The same logic applies to the study referred to in the National Grid paper²⁰.

2.6. Impact on RLV is Much Higher than Impact on GDV

2.6.1. Residual land value (RLV), as the name indicates, is the difference between total value (GDV) and total costs. It is a fraction of GDV. This means that an absolute change in GDV will typically have a much more significant percentage change in RLV.

2.6.2. Illustratively, taking the GDV of £1,300m and change in GDV of £37m – to account for the impact of pylons – would represent a reduction of c 3%. The impact of amending GDV by the same amount is highlighted within Savills' Property and Viability Impact of N2T on Dunton Hills Garden Village Stage B report, August 2025²¹. This suggests a c.15% reduction in RLV, and critically a possible resulting viability deficit based upon our analysis of the third party viability assessments undertaken to date.

2.6.3. The impact is likely to be more acute where assumptions are updated to present day. This could in turn require a reduction in planning obligation including in the form of affordable homes in order to maintain scheme viability.

2.6.4. The above demonstrates the point that that even modest GDV changes can have significant impacts on viability and deliverability.

2.7. Recent Trends in Costs and Values Will Tend to Reduce Viability

2.7.1. Trends since the viability work we used in our analysis are for costs to have increased and values to have increased less/decreased in real terms. The implication is that overall viability will have worsened and consequently the scheme will be even more sensitive to the impact on marginal changes to values.

2.7.2. The most recent independent viability work on DHGV was carried out by Carter Jonas for Brentwood Borough Council, dated June 2022. This provides the basis for our analysis. The viability assessment carried out by Carter Jonas takes the form of a peer review of earlier viability work carried out by Chester Harcourt on behalf of the applicant²², which was reviewed by BPS on behalf of the council.

2.7.3. Over the period since the most recent viability work was undertaken i.e. June 2022, cost inflation (+12% - BCIS All-In TPI) has far exceeded local House Price Index (HPI) (+1% - Land Registry adj. Brentwood) with the latter broadly remaining static. On this basis on equivalent terms viability will unequivocally have worsened bringing into starker focus the points made throughout this response particularly in respect of the impact of a negative movement in GDV.

²⁰ 'House Prices: Impact of Beaulieu-Denny Grid Infrastructure', BiGGAR Economics for Scottish Renewables, 2024, referred to in para B.4.4. of the National Grid March 2026 paper

²¹ Tables E5 and E6, page 4 and Tables 6.1 and 6.2, page 46.

²² 'Dunton Hills Viability Report, August 2021', Chesters Harcourt

2.8. Phasing and Impact on Viability

- 2.8.1. Both perceptions of the future and actual experience can impacts on prices buyers are willing to pay and that developers assume will be secured. So the early phases and early land parcel transactions can be sensitive to perceptions of future phases as well as the context at the time. So even if in practice future phases may have higher values and impact of power lines is less, early sales may not reflect this, and perceived risks could still remain too high to trigger development.

2.9. Status of Affordable Housing

- 2.9.1. Any negative impact of overhead power lines in viability should not be used as a reason to reduce policy target affordable housing provision. Rather the power line scheme should leave a neutral impact on affordable housing provision and targets. If there is a viability-justified change in affordable housing provision this should be for other reasons and not because of the impact of the overhead power lines.

2.10. Status of Existing 132 kV Power Line

- 2.10.1. We note National Grid's point regarding the removal of the existing 132 kV line as a benefit to the site. The valuation modelling adopted a comparative approach relative to a scenario where N2T is not delivered, and therefore did not include this benefit. We acknowledge that its removal could offset some impacts but we do not believe this alters the overall rationale for modelling the incremental effect of a new 400 kV line. ECC's understanding is that Land Investment Holdings (LIH) has not reached agreement with National Grid on if and how this would happen and be paid for.

2.11. Conclusion

- 2.11.1. Our view is that our assessment provides a balanced and proportionate analysis intended to support effective decision-making and mitigation discussions. Having reviewed National Grid comments we do not believe it is necessary to change our conclusions for the reasons set out above. So overall we consider that there is a significant risk that the proposed overhead power lines could materially impact on the viability and deliverability of the Dunton Hills scheme. A more certain way to proceed would be to pursue the option of underground power lines across the site or other forms of mitigation to be agreed with the relevant planning authority.
- 2.11.2. On the specifics of affordable housing viability is a material consideration and planning policy. The power line scheme should leave a neutral impact on affordable housing provision and targets.

Appendix: Abbreviations

Abbreviation	Full
AUV	Alternative Use Value
DHGV	Dunton Hills Garden Village
ECC	Essex County Council
EUV	Existing Use Value
GDV	Gross Development Value
HPI	House Price Index
kV	Kilo Volt
LIH	Land Investment Holdings
N2T	Norwich to Tilbury powerline
NPPF	National Planning Policy Framework
OHL	Over Head Line
RLV	Residual Land Value
SVB	Site Value Benchmark

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Deadline 4 Response

Appendix C:

ECC's Response on the various uses of "where practicable" in the mitigation measures (REP 3-074, SET 1.5)

Introduction

1. This document contains ECC's response on the use of "where practicable" through the proposed mitigation measures. Before turning to specific items set out in the Applicant's response to the ExA at SET 1.5 and Action Point 2 from Issue Specific Hearing 2 (ISH2), three general points arise across that response.
2. First, the Sizewell C definition does assist the Applicant's use of "where practicable" in this DCO. The Applicant relies on a definition of "where practicable" accepted in the Sizewell C examination: that the action "should be done unless the degree of risk in a particular situation cannot be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid the risk", and that "it would only be acceptable not to take the relevant step if there would not be a significant impact as a result, and therefore the risk would be low". Even taken at face value, that test would require, before each departure from a mitigation measure, an evidenced balancing exercise tied to the risk of a significant impact, and a record of that exercise. Nothing in the dDCO or in the OCoCP secures any such balancing exercise, evidences it, or makes it auditable. If the Applicant wishes to rely on the Sizewell C definition, then the Sizewell C definition needs to be (a) written into Article 2 of the dDCO as a defined term, and (b) accompanied by an enforceable procedural mechanism that delivers what the definition promises.
3. Second, the Applicant's explanations show that "where practicable" is doing different work in different places, which is itself the problem. Within the same response, "where practicable" is variously said to mean:
 - a. "it may not be physically possible" (a technical-impossibility test);
 - b. "we will look at whether it is appropriate or feasible" (an Applicant-judged discretion);
 - c. "the landowner may have requirements/ask for something unreasonable" (a third-party-driven exception);
 - d. "key aspect is H&S" (a safety override);
 - e. "detailed design has not occurred and therefore specific plant has not been identified" (an information-deficit point that should be resolved before discharge, not preserved as a permanent discretion); and

- f. "Project critical activities needing to take place" (a programme-priority override).
4. If a single phrase is being asked to carry six different meanings, it is by definition imprecise. Instead, a more precise phrase is needed for each situation.
5. Third, the Applicant's repeated formula "the rest of the paragraph explains what will happen if this is not possible" undermines the need for the phrase. If the surrounding text already specifies what happens when the measure is not possible, then either (i) "where practicable" is redundant (because the consequence is already secured) and should be deleted, leaving the measure as an unqualified obligation with a defined fallback, or (ii) "where practicable" is doing extra work over and above the specified fallback, in which case the Applicant should explain what that work is, and the LPA should have a role in policing it. The Applicant cannot have it both ways.

Item-by-item analysis

7.3 Outline Construction Traffic Management Plan

6. **5.4.7 (discontinuous haul road at obstructions).** The Applicant's explanation describes a settled engineering judgment about where the haul road is severed; it is not really a "where practicable" point at all. The obligation can be flatly stated, and the obstruction categories (major roads, railways, areas of environmental or historical significance, major watercourses) identified in the text.
7. **5.4.21 (alternative route when PAR compromised).** The Applicant says it will seek an alternative "where available" and where consistent with the blocked PAR, but there may be instances where this is "not appropriate or feasible due to the length of diversion and impact on construction programme". This is an example of where "where practicable" should not be relied on. ECC feels it would be preferable is "The Applicant will establish an alternative route consistent with the blocked PAR, unless the relevant highway authority first agrees in writing to a different route." Diversion length and programme impact should be matters for the highway authority to weigh, not for the Applicant to weigh against itself.
8. **5.5.1 ("safe and practicable" - continued active travel through site).** This is genuinely a safety override and should be drafted as such: "The Main Works Contractor(s) will maintain access for active travel users through the site, save where this would compromise the safe operation of the works or the safe use by active travel users, in which case they will [*defined fallback: signage, alternatives, communication*]."

9. **5.6.4 ("as far as reasonably practicable" - continued use of PARs).** The Applicant's explanation is that PARs will continue to be used "for as long as viable, without impacting Project delivery in the event of an incident on the road network". The "Project delivery" qualifier is particularly problematic. Rather, it is suggested a closed list could be stipulated: PARs will be used, save where (a) a road incident requires a diversion in accordance with One Network or directions from National Highways/LHA, or (b) the relevant highway authority directs otherwise.
10. **5.8.5 ("as far as reasonably practicable" - duration of traffic management).** The Applicant should commit to remove traffic management as soon as it is no longer required, with the duration confirmed and recorded through the Permit Schemes process operated by the LHA. The Permit Schemes provide an independent control on duration; that control should be referenced expressly so that "as far as reasonably practicable" can be deleted.
11. **5.8.6 (sequencing-driven retention of traffic management).** Same as 5.8.5: route through the Permit Schemes.
12. **5.8.8 ("where practicable" - diversion of equivalent standard).** The Applicant says it will provide a diversion of the same standard or higher "where these are available and where it is appropriate to do so". This is an instance when "where practicable" is doing more than addressing technical impossibility, as it includes the Applicant's assessment of whether the diversion is "appropriate". Rather than give the Applicant such wide discretion, ECC considers the drafting could make clear that a diversion of equivalent or higher standard must be provided, unless the relevant highway authority first agrees in writing to an alternative. The point the Applicant raises about "disproportionately long diversion" is precisely the kind of factor a highway authority is equipped to weigh.
13. **5.10.2 ("as early as practicable" - police notification of AILs).** This is an information-timing point, not a substantive mitigation point. The right drafting is to specify a defined minimum notice period (for example, "no later than [n] business days before the proposed movement") with a parallel obligation to notify earlier than that minimum where the information is in fact available. That converts an open-ended discretion into a defined obligation plus a 'best efforts' overlay.
14. **6.5.3 ("wherever practicable" - avoiding community events).** The Applicant's explanation imports "without significant impact on the construction of the Project" (i.e. Project priority). ECC consider it would be preferable for the drafting to make clear the mere Project convenience is not sufficient: "the Applicant's scheduling must avoid identified community events, but where this proves impossible, the Applicant

will notify the Community Liaison Officer immediately, with reasons, so that the local community can be informed.”

7.6 Outline Public Rights of Way Management Plan

15. **3.4.1, 4.2.1, 5.1.1 (overarching PRoW strategy).** The Applicant's approach – that “practicable” means reasonably or successfully achievable without compromising safety, construction feasibility, environmental protection, landowner requirements, or the sequencing of, and access to, the works – is effectively a six-headed test, the last two of which are generally within the Applicant's gift. It is felt preferable for the exception list to be narrowed to “safety” and “environmental protection” (both of which are objectively testable), and for the remaining heads moved into a prior-approval mechanism: any departure from open PRoW maintenance for reasons of construction feasibility, landowner requirements or sequencing requires prior written approval of the relevant planning authority and the relevant highway authority.
16. **5.1.3 (“as soon as practicable” - reinstatement timing).** This should be drafted with an outside backstop date (for example, "within [n] business days of completion of construction works in the relevant area"), with the Applicant free to reinstate earlier. A backstop is preferable for a "soonest" obligation; to provide more certainty "practicable" is not.
17. **5.2.26 (“as far as practicable” - minimising temporary closure duration).** Same point as 3.4.1, 4.2.1 and 5.1.1. The obligation can be tied to the indicative durations the Outline PRoW Management Plan itself sets out, with prior-approval requirement for any extension beyond those durations.

7.2 Outline Code of Construction Practice - the OCoCP commitments

18. The Applicant's table helpfully divides the OCoCP commitments into two groups: those where the Applicant accepts deletion of "where practicable" (B15, B17, B25, W02, W15, LV03, LV09, NV07, NV08), and those where it does not.
19. **GG07, GG08 (retention/protection of features), AS02 (reinstatement of access points).** The Applicant says these cover “a lot of possible outcomes” including agricultural land and that not all features can be maintained. The proposed redraft of GG08 “Where features are to be retained, where practicable, ...”) just relocates “where practicable” inside the same sentence. ECC feel greater control would be achieved if each commitment required the relevant features to be retained or reinstated to their pre-construction condition, save where an alternative arrangement is first agreed in writing with the LPA.

20. **GG21 (15 m setback for fuels, oils and chemicals from watercourses).** The Applicant says the qualifier allows for topography, land use, access etc. It would be preferable to require the Ecological Clerk of Works, as a named professional, to be involved: “fuels, oils and chemicals will be stored no closer than 15 m to watercourses, ponds and groundwater dependent terrestrial ecosystems, unless the Ecological Clerk of Works certifies in writing that this is not feasible at a particular location. Additional mitigation should be agreed with the EA/the LLFA in advance.
21. **AS03 (H&S override on access retention).** The Applicant identifies this as a true safety case. ECC accepts that the wording could be: “Access will be retained, save where to do so would create a health and safety risk that cannot reasonably be mitigated, in which case signage, communication and/or alternatives will be provided.”
22. **AS04 (engineering / logistical overriding reason).** The Applicant says the qualifier allows for cases where reinstatement requires significant works on third-party land and compensation would arise. It could be rephrased to accommodate that issue: “Land will be reinstated, save where compensation is instead required because of the nature of the works on third party land, in which case this will be recorded and made available to the LPA on request.”
23. **AQ01 (dust mitigation).** The Applicant offers nothing more than “flexibility for the Main Works Contractor(s) around what can be reasonably achieved without implementing overly onerous restrictions”. This is not very robust. Dust mitigation is precisely the kind of measure that should be unqualified, since the ES assumes it will be applied. “Where practicable” should be deleted. The Applicant's separate concession to remove "where possible" in relation to baseline monitoring is welcome but does not address the substantive point on the mitigation itself.
24. **B07, B11 (priority habitat buffers; in-channel works avoiding fish spawning).** B07: the Applicant says the assessment already assumes worst case. If so, the qualifier is doing no real work and should be removed. B11: the Applicant says scale and watercourse numbers may make seasonal avoidance impracticable in some cases. Again, the Ecological Clerk of Works should be involved in certifying in writing that the mitigation cannot be provided and how it should flex to take account of practicalities. In respect of the establishment of an Ecological Working Group, that group should have remit to review the written justifications for mitigation deviation and the proposed adjustment strategy.
25. **GH09 (general construction flexibility).** No specific justification is offered beyond “flexibility for the Main Works Contractor(s) to avoid restrictions during construction”.

That is not a justification; it is the problem restated. The qualifier should be removed or replaced with an obligation to obtain the prior approval of the LPA to depart, depending on what it covers.

26. **H06, LV04 ("not possible to maintain all elements of the landscape")**. This is a description of the assessment baseline, not a test for whether mitigation is delivered. The drafting should move from "where practicable" to a clear statement of which elements are retained, which are mitigated and which are not.
27. **W04 (avoiding irrigation pipes)**. ECC accepts avoidance of all irrigation pipes will not always be possible, and the "where practicable" wording is justified.
28. **W07 (Applicant offers to update wording)**. ECC will review the Applicant's updated wording.
29. **NV11, NV16 ("detailed design has not occurred and therefore specific plant has not been identified")**. This is an information-deficit, not a practicability point. The qualifier should be removed at the point at which detailed design is complete and specific plant is identified i.e. the commitment is finalised in the Final Noise and Vibration Management Plan under Requirement 4. The dDCO should make this temporal point explicit.
30. **NV23 (percussive piling)**. Same point. The commitment should evolve through the Foundation Works Risk Assessment process and be settled in the final NVMP. ECC's separate point on Requirement 7(2) (removing the word "percussive") supports this. The Applicant has indicated it is still considering Requirement 7(2).
31. **S02, S03 (alternative access / access to affected assets)**. The Applicant says this is for flexibility because access "may not be possible at all times during construction". A formula such as "unless this proves impossible" would better capture the Applicant's description.

7.4 Outline Landscape and Ecological Management Plan

32. The LEMP entries are dominated by the formula "where practicable" followed by a sentence that explains what will happen if the measure cannot be delivered. This is the formula that in fact undermines the justification for using the term. In every one of the LEMP entries listed (2.1.1, 2.2.7, Table 5.4, 6.1.8, 6.1.9, 6.1.12, 7.4.1, 7.4.2 second bullet, 7.5.1, 7.6.3, 7.7.1, 8.1.2, 8.1.5, 8.2.2, 8.3.2, 9.1.2, 9.3.1 first bullet, 9.3.1 third bullet, 9.3.3 second bullet, 9.7.10 first bullet, 9.7.13 first bullet, 9.7.18 first bullet, 9.7.21 first bullet, 9.7.24 first bullet, 9.7.27 first bullet), "where practicable" can be deleted.

33. Three of the LEMP entries deserve specific further treatment:
- a. **6.1.8 and 6.1.9 (bat roosts and hibernation)**. Bats are European Protected Species; the qualifier is particularly unsuitable.
 - b. **7.5.1, 7.6.3, 7.7.1 (15m ancient woodland buffer, 5m hedgerow buffer, 10m watercourse buffer)**. These are protective buffers that the ES assumes are in place. The Applicant's gloss is that the buffers cannot apply where there is a direct crossing, but that is a circumstance defined by the design, not a "practicability" issue. The preferable drafting is: the buffer applies, save at defined crossing locations identified in [the Crossings Schedule / final LEMP], in which case [defined mitigation] applies.
 - c. **9.7.13 (Lower Thames Crossing ancient woodland point)**. The qualifier here exists because another project may remove the ancient woodland first. That is a third-party scheme contingency, not a practicability point. It should be drafted as such: "save where the ancient woodland in question has been removed pursuant to the A122 Lower Thames Crossing DCO".

7.5 Outline Archaeological Mitigation Strategy and Outline WSI

34. **Table 2.1 (1.5 Control of plant movement); 4.4.1 fourth bullet; 4.8.7; 4.8.9; 4.8.11; 4.8.12; 4.8.14; 5.3.3; 5.3.22; 5.3.24 fourth bullet; 5.3.32**. These entries are mostly drafted around an archaeologically-informed judgment about what is and is not feasible on a particular site. ECC suggests instead the use of 'where possible' may be more suitable in this case to reflect there may be instances of inaccessibility or ecological constraint.
35. **5.3.32 ("final destination of spoil not known at the time the grey literature report is produced")**. This is an information-timing issue and should be drafted as such: The mitigation could include "Where that is not practicable, the final destination of spoil will be recorded in a subsequent report or addendum."

12 May 2026

Deadline 4 Response

Appendix D

ECC Highway Authority response to ExQ1 GEN 1.21 and Appendix E

Topic Matter	Mechanism of Agreement	Purpose of Agreement	ECC's Comments
Review of Monitoring	S106 Agreement	To secure funding for officer's to review information provided by the applicant and/or ongoing discussion: <ul style="list-style-type: none">• Route adherence• HGV numbers• Pre-and post construction condition surveys• Junction operation (mitigation)	It is not clear that this funding would be included in the Framework Highways Agreement and so should be included explicitly in the s106 Agreement.
Review of CWTP	S106 Agreement	To secure funding for officer's time in reviewing targets and measures with the applicant and ongoing discussions around suitable measures	It is standard practice that costs associated with officer's time in reviewing and discussing Travel Plans are included in s106 Agreements.
Pre and Post Construction Condition Surveys	S106 Agreement	Administering requests for repairs to highway where condition survey shows issues	It is not clear that this funding would be included in the Framework Highways Agreement and so should be included explicitly in the s106 Agreement.
Highway Checks	S106 Agreement	Observations of routes and impacts including liaison with Members, Parish Council, Contractor and Members of the Public	This work is outside of the standard workstream for inspections associated with access design costs. On this basis, additional funding is sought. It is not clear that this funding would be included in the Framework Highways

			Agreement and so should be included explicitly in the s106 Agreement.
PRoW Network Discussions	S106 Agreement	To allow for site meetings with the Contractor and queries/discussions in relation to design and implementation where PRoW are affected.	It is not clear that this funding would be included in the Framework Highways Agreement and so should be included explicitly in the s106 Agreement.
Road Safety Review	S106 Agreement	To allow for officer time attending the drive through review of the PARs prior to construction.	It is anticipated that any outcomes from the Road Safety Review would be implemented directly by the Applicant. However, the time spent by officer's in attending the drive through review and discussing/agreeing the items to be implemented requires funding. It is not clear that this funding would be included in the Framework Highways Agreement and so should be included explicitly in the s106 Agreement.
Structural Reviews	S106 Agreement	To allow for officer time on reviewing structures prior to construction	There is expected to be a lot of discussion and work required by the Structures Team around AIL routing and consideration of structures on PARs and diversion routes prior to construction. It is not clear that this funding would be included in the Framework Highways Agreement and so should be included explicitly in the s106 Agreement.

Deadline 4 Response

Appendix E

Question 43 – Abnormal Indivisible Loads: cumulative impacts

Applicant and local highway authorities to provide in writing an update on cumulative impacts of AIL routing and progress with route assessments, including structural assessment.

The following table provides the latest situation in relation to the structural assessments of 35 structures on the AIL routes. In summary, of the total 35 structures, 3 No. can accommodate the AILs with the remaining 32 No. requiring further work to determine whether the structures can accommodate the AILs. The table has been colour coded to group similar status – for clarity:

- Purple = Asset is being or is to have a structural assessment by the Applicant
- Blue = A comparison of crane load and normal load is required through a Technical Note produced by the Applicant
- Yellow = the structure can be used for the AIL route
- Green = Next steps are to be agreed with ECC and the Applicant – this will either be a structural assessment or a Technical Note
- White = Information is being sought from the designers of the bridge
- Grey = The Applicant is to review height restrictions of the structure against the overall heights of the AIL and HGV vehicles to be used and to confirm to ECC
- Peach = ECC are implementing a height restriction and The Applicant is to review against the overall heights of the AIL and HGVs vehicles to be used and confirm to ECC

ID	Route Reference	X	Y	Location	Vehicle	Bridge	Status	Action
1	H33-A1	568381	191080	Noak Hill Road, Basildon	Crane	Noak Hill 384	Info issued – Asset being assessed	With Applicant

2	H32-A1	562418	196984	Roman Road, Brentwood	Crane	Chain No 0155:	Info issued- SR complete – asset to be assessed	With Applicant
3	H29-A2, H30-A1	568881	205156	Greenbury Way, Chelmsford	Crane	First No 790	Info issued- TN to compare crane load to normal loading	With Applicant
4	Added by ECC	568124	205360	Greenbury Way, Chelmsford	assumed crane	Hylands Subway 793	Info issued- TN to compare crane load to normal loading	With Applicant
5	Added by ECC	568256	205313	Greenbury Way, Chelmsford	assumed crane	Sandy Brook culvert No 792	Info issued- TN to compare crane load to normal loading	With Applicant
6	Added by ECC	569380	205102	Greenbury Way, Chelmsford	assumed crane	Queensway Rel: No 794 :	No check required.	No Action
7	H28-A2, H29-A1	569823	206789	Waterhouse Lane, Chelmsford	Crane	Waterhouse Lane No 661	Info issued- next step to be agreed	Applicant/ECC to discuss
8	Added by ECC	569831	206806	Waterhouse Lane, Chelmsford	assumed crane	Rainsford Lane Subway No 1668	Info issued- next step to be agreed	Applicant/ECC to discuss

9	H28-A2, H29-A1, H28-A2, H29-A1	567539	207571	Roxwell Road, Writtle, Chelmsford	Crane	Two No 125	Info issued – Asset being assessed	With Applicant
10	H29-A1	565955	208202	Vicarage Road, Chelmsford	Crane	Blackwell No 652	Info issued – Asset to be assessed	With Applicant
11	H28-A1	570590	212979	Blasford Hill, Little Waltham, Chelmsford	Crane	Langelys No 660	Info issued- No further works required	No Action
12	H25-A2, H26-A1, H27-A1, H28-A1, H25-A2	572452	216849	A131, Chelmsford	Crane	Rochester Farm Accom Bridge No 1614: check height	Assumed will go under. No assessment works required. Check height if >5m	With Applicant
13	H25-A2, H26-A1, H27-A1, H28-A1, H25-A2	572613	217415	A131, Chelmsford	Crane	School Lane No 1610: check height	Assumed will go under. No assessment works required. Check height if >5m	With Applicant
14	H25-A2, H26-A1, H27-A1, H28-A1	572796	217690	A131, Chelmsford	Crane	Chaseside FB No 1611: check height	Assumed will go under. No assessment works required. Check height if >5m	With Applicant

15	H20-A2, H21-A1, H22-A1	594650	225301	Halstead Road, Colchester	Crane	Brickstables No558	Info issued- No further works required	No Action
16	H20-A2	592903	227111	Fiddlers Hill, Colchester	Crane	Lower Mill No 458:	Info issued- TN to compare crane load to normal loading	With Applicant
17	Added by ECC	599606	229022	Via Urbis Romanae	assumed crane	Axial Way underpass No 4191	Info issued- AECOM to try and locate H&S file.	With Applicant
18	H14-A1	603629	232658	Ipswich Road, Dedham, Colchester	Crane	Blackbrook:181:	Info issued – Asset to be assessed	With Applicant
19	H28-A2, H29-A1, H29-A2, H30-A1	569170	204551	London Road, Chelmsford	Crane	Widford Culverts No 739	Part info issued- Inspection missing – Assets to be assessed.	With Applicant
20	Added by ECC	569162	2045687	London Road, Chelmsford	assumed crane	Widford No. 379	Asset being assessed by EH. Information to be shared following completion.	With Applicant

21	Added by ECC	568366	203158	Three Mile Hill Chelmsford	assumed crane	Killigrew No 161	Info issued – Asset to be assessed	With Applicant
22	H31-A1, H32-A1	566641	201498	B1002, Ingatestone	Crane	Margaretting no 159	Info issued- SR complete – asset to be assessed	With Applicant
23	H25-AIL3, H25-AIL4, H25-AIL3, H25-AIL4, H25-AIL3, H25-AIL4	572613	217415	A131, Great Leighs	Cable Drum	School Lane No 1610: check height	Assumed will go under. No assessment works required. Check height if >5m	With Applicant?
24	H14-AIL1, H14-AIL2	603629	232650	Ipswich Road, Colchester	Cable Drum	Blackbrook no 181	Info issued – Asset to be assessed	With Applicant
25	H13-AIL2, H14-AIL2, H16-AIL2, H17-AIL1, H19-AIL1, H25-AIL3	624105	232125	Parkeston Bypass, Harwich	Cable Drum + Transformer	Dovercourt Dock River No:4077	Info issued – Asset being assessed	With Applicant

26	H13-AIL2, H14-AIL2, H16-AIL2, H17-AIL1, H19-AIL1, H25-AIL3	624536	231878	A120, Harwich	Cable Drum + Transformer	Phoenix Bridge No 716.	Info issued – Asset being assessed	With Applicant
27	H13-AIL2, H14-AIL2, H16-AIL2, H17-AIL1, H19-AIL1, H25-AIL3	623980	231783	A120, Harwich	Cable Drum + Transformer	Bathside 0715	Info issued – Asset being assessed	With Applicant
28	H32-A1	569211	190127	A127	assumed crane	Basildon Flyover:519: check height for return	EH in process of putting a height restriction.	With ECC
29	H32-A1	567632	193917	Southend Road, Billericay	assumed crane	School Road 269	Info issued- next step to be agreed	Applicant/ECC to discuss
30	H32-A1	566270	195640	Southend Road, Billericay	assumed crane	Hanakin no 2058	Info issued- Very little information available- next step to be agreed	Applicant/ECC to discuss
31	H32-A1	564757	196289	Mountnessing Road, Billericay	Crane (+HGV)	Lawness No 0234	Info issued- next step to be agreed	Applicant/ECC to discuss

32	H25- AIL5	571513	213272	Essex Regiment Way	Cable Drum	Sheepcotes No 683	Info issued- Very little information available - next step to be agreed	Applicant/ECC to discuss
33	H25 - AIL 3	573806	219619	A131 Chelmsford	Cable Drum	Blackley Lane U/P No 1613	Info issued- has HB Capacity- - next step to be agreed	Applicant/ECC to discuss
34	H25 - AIL 3	573006	218005	A131 Chelmsford	Cable Drum	Dog and Partridge No 1612	Info issued- has HB Capacity- next step to be agreed	Applicant/ECC to discuss
35	H25 - AIL 3	573547	221313	A131 Chelmsford	Cable Drum	Great Notley U/P No 4057	Info issued- has HB Capacity- next step to be agreed	Applicant/ECC to discuss

Deadline 4 Response

Appendix F

Applicant's Comments on Further Information or Submissions Received by Deadline 2 – REP3-070

Reference	Matter	Applicant's Response	ECC's Response
P54	Restrictions on HGVs using PARs past schools	<p>The expected daily Project construction traffic movements during the predicted peak weeks of the construction programme are detailed within 6.16.A4 Environmental Statement Appendix 16.4 - Traffic and Transport Construction Effects [APP-275], which are considered low past the schools identified by Essex County Council. A summary of the hourly anticipated construction vehicle movements during the peak construction period is provided below:</p> <ul style="list-style-type: none">• Quilters Infant and Junior school and Billericay Secondary School (PAR 58 - A176 Laindon Road): During the period of highest activity, there would be seven HGV movements an hour during the worst case peak construction period over a duration of seven weeks. This is an average of one HGV approximately every eight minutes and a net increase of 1% of total traffic• Cressing Primary School (PAR 41 - B1018 Braintree Road): During the period of highest activity there would be 16 HGV movements an	<p>ECC require timing restrictions on HGV routes during school drop off/pick up in the locations identified. The Applicant has included restriction on construction traffic to avoid the pick up and drop off times of the school in Margaretting only.</p> <p>The Applicant has provided justification for limiting the restrictions on PARs based on a review of infrastructure. However, ECC have stated that observations to understand patterns of movement and behaviour should be undertaken to fully understand the risks as set out in ECC's Response in document REP3-077.</p> <p>The following additional points are noted by ECC as set out in the latest SoCG issued on 7th May 2026:</p> <ul style="list-style-type: none">• It can be easily observed that pupils tend to have more

		<p>hour over a duration of four weeks, which is an average of one HGV approximately every four minutes and a net increase of 1% of total traffic</p> <ul style="list-style-type: none"> • Maltings Academy/Power Hall Academy (PAR 43 - Spinks Lane): During the period of highest activity, there would be 18 HGV movements an hour over a duration of two weeks, which is an average of one HGV every three and a half minutes and a net increase of 2% of total traffic. <p>The Applicant has considered the surrounding existing local infrastructure (e.g. controlled crossing, wide or separated footways, kerb side parking and loading restrictions, and available drop-off areas within school grounds) within the assessment of effects detailed in 6.16 Environmental Statement Chapter 16 – Traffic and Transport [APP-271]. The Applicant considers these adequate and appropriate for safe school access. Given the low frequency of construction vehicle movements along the PARs it is considered there would be limited interaction anticipated between construction vehicles and pupils during the school pick-up and drop off periods. The assessment has also taken account of mitigation measures detailed within 7.3 Outline Construction Traffic Management Plan (Revision B), such as the driver information pack which will identify sensitive receptors where there may be a higher</p>	<p>unpredictable behaviour when navigating the highway network surrounding schools. During the rest of the day it may be relatively quiet compared to the school drop off/pick up times</p> <ul style="list-style-type: none"> • Whilst the Applicant mentions existing highway infrastructure is available there are examples where footways are non-existent or constrained (for example on A176 where parents drop off/pick up children at Billericay School) or where footways are narrow without any verge protection (for example in Cressing where parents and children are likely to be walking to/from the local area along the PAR)
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		number of pedestrian and cyclists along or crossing the PARs e.g. near to schools.	
P55	Monitoring and Review of Assumptions on Traffic Generation	<p>As noted in 8.4.1 Applicant's Comments on Relevant Representations [REP1-231], the Applicant is actively engaging with the Main Works Contractor(s) regarding the construction programme and the associated trip generation. The trip generation and distribution used within the draft DCO assessments is considered to be comprehensive and has been shared with the appointed Main Works Contractor(s). Discussions and assessments undertaken with the Main Works Contractor do not currently indicate any increases in trip generation.</p> <p>Through ongoing discussions, the Applicant anticipates that the trip generation figures will form the basis of the monitoring and management mechanisms set out in 7.3 Outline Construction Traffic Management Plan [APP-309]. The Main Works Contractor is expected to monitor the number of HGVs arriving to and departing from site from / to Primary Access Routes with the proposed implementation of a delivery management / scheduling system.</p> <p>The Main Works Contractor will develop the Final CTMP(s) and confirm with the Local Highway Authorities. Non-conformance with the Final</p>	<p>To update paragraph 5.4.17 of the CTMP with:</p> <ul style="list-style-type: none"> • “The construction and construction workforce traffic movements will be managed through the monitoring and management mechanisms outlined in Section 6. The movements will be reviewed against the assumptions included in the Transport Assessment and ES to ensure no additional impact occurs beyond what has been assessed.” · <p>To update Section 2.3 Working Hours to include the following:</p> <ul style="list-style-type: none"> • Staff working hours will be <INSERT> • Staff will be unable to access the on site parking areas between the hours of 0800 and 0900hrs, or leave between the hours of 1645 and 1800hrs ·

		<p>CTMP will be reported by the Environmental Clerk of Work(s) (EnvCoWs) and Transport Coordinators. Where a breach or complaint is reported, the Main Works Contractor(s) and/or National Grid will carry out an investigation in order to identify appropriate corrective actions. Where needed, corrective actions will be agreed with the relevant LHA and/or community members prior to implementation.</p> <p>7.3 Outline Construction Traffic Management Plan (Revision B) is secured through Requirement 4 of 3.1 Draft Development Consent Order (Revision C). Through the monitoring and management mechanisms proposed, the junction monitoring programme and potential delivery management/scheduling system will capture any increase in proposed construction traffic volumes. In the instance where vehicle volumes are higher than the assessed peak week for a consistent and prolonged period of time, the Applicant and the appointed Main Works Contractor(s) will assess the trip generation for each specific location if required. In the instance where the reassessment highlights additional trips, the proposed mitigation measures could include signal timing adjustments, additional signage, and potential restrictions in peak hours (where</p>	<p>Table 6.1 at “Monitoring of vehicles and road network” to include:</p> <ul style="list-style-type: none"> • Monitoring vehicle movements of HGVs and construction workers. <p>ECC also requested that the applicant should set out some examples of corrective actions that could be taken in the event of non-compliance which would be agreed with the LHA and/or community members. We provided some suggestions as follows:</p> <ul style="list-style-type: none"> • extending the programme of works to reduce the impact of traffic; • warnings given to drivers who do not adhere to the routing strategy or those waiting or parking at inappropriate locations in the vicinity of the site; and further disciplinary actions as necessary for repeated incidents • closure of compounds/on site parking to prevent staff arriving/departing during peak hours on the local highway network; or
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		<p>required and agreed with the Local Highway Authority).</p> <p>7.3 Outline Construction Traffic Management Plan (Revision B) is secured through Requirement 3 of Article 4 of 3.1 Draft Development Consent Order (Revision C). The Applicant and the appointed Main Works Contractor(s) as a result will be compliant with each element listed within 7.3 Outline Construction Traffic Management Plan (Revision B).</p>	<ul style="list-style-type: none"> • implementing additional shuttle buses to reduce worker traffic. <p>Update to the list of non-compliance at Section 6.4.1 as follows:</p> <ul style="list-style-type: none"> • Construction traffic (including workers) operating outside the agreed hours · <p>The list of non-compliance at Section 6.4.1 to include:</p> <ul style="list-style-type: none"> • Construction traffic (both worker traffic and HGV movements) levels are beyond those assumed in the Transport Assessment and ES <p>In the response to the applicant's comments to ECC's LIR we included the following points relevant to the CTWP on car occupancy rates and mode share:</p> <ul style="list-style-type: none"> • ECC requested that the monitoring and review, and target setting should relate to the specific groups of staff so that it can be related back to the assumptions in the assessment (i.e. office staff – vehicle occupancy of 1, and
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			construction workers – vehicle occupancy of 2).
P57	Requiring a robust commitment to mini-buses in the Outline CTMP	<p>The Applicant has responded to this within 8.8.2 Applicant's Comments on Local Impact Reports [REP2-030]</p> <p><i>'The location of construction staff is currently unknown. Once this information becomes available, it is expected that the Main Work(s) Contractor and Travel Plan Coordinator will identify clusters to inform the proposed staff mitigation measures, where required. This could include the provision of a minibus and other measures.'</i></p>	ECC have requested that the CWTP includes a firm commitment to providing a mini-bus. The Applicant has suggested in their latest response that the Contractor will review this when details of the workers are known. However, ECC believe this commitment can be included now as a key principle because wherever the workers are coming from there will be a need for a mini-bus to reduce vehicles coming to the site – for example, picking up from clusters of postcodes and/or key public transport nodes.
P57	Confirmation of reviewing the number of vehicles monitored against those assessed in the DCO.	The Applicant has shared the trip generation submitted within the draft development consent order with the appointed Main Works Contractor(s). Through ongoing discussions with the appointed Main Works Contractor(s), the Applicant expects these numbers to be the basis of the monitoring and management of 7.3 Outline Construction Traffic Management Plan (Revision B).	A commitment is required in the Outline CTMP for the non-compliance to be measured by comparing the monitored vehicle numbers against those assessed in the DCO. A list of potential interventions are to be included in the Outline CTMP to be discussed with ECC where there is a non-compliance.