



Ms Susan Hunt
Lead Member
Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date 09 June 2026
Sent via email:

norwichtoilbury@planninginspectorate.gov.uk

TDC IP Reference Number: [REDACTED]

Tendring District Council (TDC) – Procedural Deadline 5 Response including:

- **TDCs responses to ExQ Questions (2)**

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

Dear Ms Hunt

Please find below TDCs Deadline 5 Submission including TDCs responses to the Examining Authority (ExA) Questions (2)

Question Reference	TDC Response
GEN 2.1	Position and request as set out by the ExA noted by TDC
GEN 2.2	<p>TDC set out its expectations for legal agreements in ExQ1 GEN1.21 [REP3-094]. In summary, these relate to:</p> <ul style="list-style-type: none"> • Biodiversity Net Gain (BNG) • Tree replacement planting/mitigation/compensation • Skills, supply chain, employment and training • Highways works and improvements • Community wellbeing and Public Rights of Way (PROW) <p>As requested by the ExA, TDC assessed each request against the relevant policy tests (including Regulation 122 of the Community Infrastructure Levy Regulations 2010) in response to Action Point 22 [REP4-337]. These tests require obligations to be:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind. <p>Biodiversity Net Gain (BNG)</p> <p>The Applicant has voluntarily proposed a BNG schedule via a Unilateral Undertaking. TDC supports the principle but considers it should be secured through a multi-party agreement with appropriate governance mechanisms. Although BNG is not yet mandatory for NSIPs, TDC considers a 10% target appropriate to address environmental harm. This level aligns with established precedent and meets the policy tests.</p> <p>Tree Replacement Planting</p> <p>The Applicant proposes a 3:1 replacement ratio for trees removed. TDC supports this approach, noting it reflects the mitigation hierarchy in EN-1 (avoid, mitigate, compensate). While final costs depend on confirmed tree loss, the proposal is considered necessary, directly related, and proportionate.</p> <p>Other Measures</p> <p>For skills and training, highways works, and community/PROW improvements, TDC's detailed compliance with policy tests is set out in [REP4-337] (Action Point 22).</p>

	<p>National Landscape (NL – formerly AONB)</p> <p>Under Section 85 of the Countryside and Rights of Way Act 2000, there is a duty to “seek to further” the purpose of the AONB. As the project passes through the Dedham Vale NL TDC considers mitigation and compensation measures necessary and directly related. The Council supports a cost schedule based on the National Landscape Management Plan, which the Applicant has accepted.</p>
GEN 2.4	<p>No further comment, TDC can see that the Applicant included the relevant updates (provided by TDC) in response to question GEN 1.17 [REP3-094] to the ExA in relation to the pending developments in the Tendring Area</p>
DES 2.5	<p>TDC has reviewed the <i>Approach to Scenarios</i> document [REP4-310], with particular regard to Table 2.4 (Flying Trade Group and Crown Quarry), which directly affects the Tendring area, and which is in a sensitive location relatively close to the southernmost boundary of the Dedham Vale National Landscape. The Council understands that the Applicant’s scenario approach is intended to provide flexibility to address both engineering design matters and uncertainty arising from third-party developments. While TDC accepts that some degree of flexibility is necessary, it is concerned that scenarios linked to third-party planning applications introduce significant uncertainty in the assessment of environmental effects. Where a preferred option has now been identified, this must be supported by clear and proportionate environmental information demonstrating the impacts of that option specifically, rather than relying on earlier envelope-based assumptions.</p> <p>In relation to Table 2.4, TDC notes that the Applicant has indicated a decision to progress ‘Scenario B’, involving the repositioning of the overhead line (OHL) to the north of the consented Flying Trade Group (FTG) warehouse and associated access changes. However, the precise line (of the relocated OHL ‘north of the FTG warehouse’) is rather unknown, and TDC has not been provided with sufficient information or assessment of this revised alignment, particularly between pylons T18 and T20. This represents a significant gap in the examination evidence. The Council is particularly concerned that the revised alignment may materially alter the relationship between the proposed infrastructure and nearby sensitive receptors, including residential properties along Wick Lane (some of these properties are listed buildings), and where impacts on outlook, visual amenity, and proximity have not been clearly demonstrated or appear to have been assessed. At present, there is insufficient detail regarding pylon locations, distances to dwellings, or visualisations to allow TDC to understand whether impacts would be greater than those previously assessed.</p> <p>As alluded to above there are also concerns and unknowns in relation to heritage assets and impacts along Wick Lane. The revised alignment has the potential to affect the setting of listed buildings and alter key views to and from these assets. The Council has not been made aware of updated heritage assessment or supporting visual material here, in this location, that have been provided to demonstrate that these impacts have been properly considered or would remain acceptable.</p> <p>From a landscape perspective, the proposed shift northwards is concerning as it would bring the OHL closer to the southern boundary of the Dedham Vale National Landscape.</p>

Given the elevated plateau characteristics of the receiving environment and the established intervisibility between parts of the Order Limits and the National Landscape, it is considered that this revised scenario potentially requires a more comprehensive and transparent assessment of potential effects. At present, it is unclear whether the landscape and visual implications of this alignment have been (or should be) fully tested in accordance with established good practice.

Specifically, TDC has not identified any updated LVIA, or accompanying verified photomontages, that demonstrate the likely effects of the proposed change on views both from and towards the National Landscape. In the absence of such evidence, it is difficult to determine whether the revised alignment would avoid or materially reduce harm when compared to the previously assessed scheme, particularly if a route north of the consented FTG warehouse is being actively considered.

Given the high sensitivity of this location and its proximity to a nationally designated landscape, the Council is concerned that there may be potential for increased adverse effects. It is therefore important that these effects are robustly assessed, using appropriate viewpoints and visualisations, and that the findings are clearly set out to inform decision-making.

Drawing on the Council's experience in matters subject to judicial review—particularly where the adequacy of consideration given to impacts on designated landscapes has been a central issue—it would be prudent for the Applicant to ensure that Scenario B is comprehensively assessed and clearly justified (if this has not already been done). This should include explicit reference to relevant national and local planning policy.

Taking this approach would assist in providing confidence that the revised alignment has been properly evaluated and that the decision-making process is both robust and legally sound.

More broadly, TDC is concerned that the justification for progressing Scenario B appears to rely heavily on agreement with the Flying Trade Group and associated access arrangements. While such agreements may support deliverability, they do not replace the need for a robust planning assessment of environmental effects. The planning balance must be based on the acceptability of impacts, not simply on whether an option can be delivered.

This matter also highlights a wider issue with the Applicant's scenario approach. While refinement during Examination is anticipated, moving to a preferred option without equivalent environmental scrutiny risks undermining confidence in the assessment process. The Rochdale envelope approach should not be used to defer the assessment of materially different impacts arising from a revised alignment.

In light of the above, TDC is concerned about the progression of Scenario B as set out in Table 2.4 at this stage. The Council considers that further information is required, including detailed design of the revised alignment, confirmed pylon locations, and updated environmental assessment covering landscape and visual

	<p>effects, heritage impacts, and residential amenity. This should include specific consideration of impacts on the Dedham Vale National Landscape and a clear comparison with the previously assessed scenario. Until this information is provided and assessed, TDC considers that the decision to progress Scenario B is premature.</p>
BIO 2.1	TDC defers to ECC as the lead on matters pertaining to biodiversity.
BIO 2.8	TDC defers to ECC and Essex Wildlife Trust respective responses as they are better placed to respond to this question.
DCO 2.G2	<p>TDC has considered the use of the term “where practicable” and raises the following concerns.</p> <p>Firstly, the Applicant relies on the Sizewell C definition, which implies that any departure from mitigation should only occur following an evidenced balancing exercise demonstrating no significant impact. However, neither the draft DCO nor the Outline CoCP secures, records, or makes such an exercise auditable. If this definition is to be relied upon, it should be clearly defined in Article 2 of the draft DCO and supported by an enforceable mechanism.</p> <p>Secondly, TDC is concerned that “where practicable” is being used inconsistently to cover a wide range of circumstances, including physical constraints, design uncertainty, landowner requirements, health and safety considerations, and programme pressures. Using a single phrase in this way creates uncertainty and lacks precision. Each circumstance should instead be addressed through clearly defined and specific wording.</p> <p>Thirdly, the Applicant’s position that the surrounding text already explains what happens where compliance is not possible undermines the need for the phrase. Either the term is redundant and should be removed, leaving a firm obligation with a defined fallback, or it introduces additional flexibility, in which case this must be clearly explained and appropriately controlled, including a role for the local planning authority.</p> <p>Overall, TDC considers that the current use of “where practicable” lacks clarity and enforceability, and risks weakening the effectiveness of mitigation.</p>
DCO 2.S3	<p>TDC has reviewed Appendix E of the Outline CoCP (Community Engagement and Public Information), which identifies the principles of a future Complaints Procedure to be developed by the Main Works Contractor(s) in accordance with Requirement 4.</p> <p>In summary the Outline CoCP confirms that complaints will be logged in a register, with responses and actions recorded, and that a contact mechanism for the public will be provided, alongside general community liaison commitments.</p> <p>While these are positive baseline elements, TDC maintains that the current approach remains insufficiently developed and does not adequately address the concerns previously raised by TDC and many other local authorities.</p> <p>In particular:</p> <ul style="list-style-type: none"> • The Outline CoCP does not set clear or enforceable response times for acknowledging, investigating and resolving complaints.

- Although escalation between contractors and National Grid is referenced, TDC cannot see a clearly defined process, thresholds, or independent oversight, leaving complaints in the dark around which organisation will deal with the complaint if its escalated.
- While responsibilities sit broadly with the Main Works Contractor(s), there is no single, clearly identifiable accountable party for complaint resolution from the perspective of the complainant.
- There is limited provision for keeping complainants informed throughout the lifecycle of a complaint.

TDC is also particularly concerned by the distinction between “minor” and “major” issues, which is referenced but not defined. The absence of clear criteria introduces subjectivity, whereby matters considered “minor” by the Applicant or contractor may in fact be significant to affected residents. No mechanism is identified for how such classifications are determined or challenged.

Furthermore, TDC reiterates its long-standing concern regarding the cumulative impact of multiple NSIPs within a significantly constrained geographic area (including Norwich to Tilbury, North Falls, Five Estuaries, and forthcoming projects such as the Tarchon Interconnector). During the peak construction period (anticipated between 2027–2032), affected communities—particularly in the Ardleigh/Little Bromley Area (ALBA) area—are likely to experience overlapping works delivered by different promoters, contractors and workforces.

In this context, the current approach:

- places an unreasonable burden on residents and parishes to identify which project is responsible for a given issue (these communities and parishes are already unreasonably burdened with multiple DCOs processes at various stages); and
- risks creating a fragmented and ineffective complaints landscape, undermining confidence and accessibility.

TDC therefore considers that a more coordinated, user-focused and transparent complaints system is essential, potentially including cross-project alignment or a single, clearly signposted access point for communities.

Finally, TDC does not consider it appropriate, or proportionate, for the Council to provide detailed draft wording for a complaints management process under the complex circumstances. The scale, complexity and cumulative nature of the proposed infrastructure delivery in this area of the district of Tendring is unprecedented, and there is no directly comparable example in the UK that TDC can reliably draw upon.

Instead, the Council strongly recommends that the Applicant:

- undertakes a thorough review of comparable large-scale infrastructure programmes, particularly where multiple schemes interact within a defined geography;
- clearly identifies examples of best practice (e.g. Lower Thames Crossing) and clearly explains why those approaches were effective; and
- brings forward a comprehensive, clear, enforceable and fully worked complaints management process, which directly addresses the concerns

	<p>raised by local authorities and is proportionate to the scale and complexity of the Project.</p> <p>In summary, TDC expects the Applicant to take responsibility for developing a robust, transparent and fit-for-purpose complaints procedure, rather than relying on host authorities to define one in what is, effectively, uncharted territory.</p>
DCO 2.S6	<p>TDC acknowledges that the revised Outline Noise and Vibration Management Plan (NVMP) includes some additional detail in respect of monitoring methodology. However, the overarching approach remains largely reactive, with monitoring primarily triggered by complaints or secured through Section 61 prior consent. This is not considered proportionate to the scale, duration and geographical extent of the proposed construction activities, especially in the ALBA area.</p> <p>In particular, TDC maintains that the current approach fails to establish a clear, structured and proactive monitoring strategy. There is still:</p> <ul style="list-style-type: none"> • inadequate commitment to routine or baseline monitoring; • no defined triggers for escalation to more detailed monitoring; and • no clearly stated thresholds for intervention, reporting or enforcement. <p>Given the scale of works and the intensity of activity anticipated within Tendring—particularly within the ALBA area and along sensitive rural routes such as the country lanes between Little Bromley and Ardleigh—TDC considers that a proactive monitoring regime is essential, rather than reliance on complaint-led mechanisms alone.</p> <p>Further clarity is also required regarding the anticipated use of Section 61 consents, including:</p> <ul style="list-style-type: none"> • which activities they are expected to cover; and • how they will interact with the wider monitoring and mitigation framework. <p>The general monitoring methodology set out in the NVMP is broadly acceptable; however, TDC notes a technical concern at paragraph 4.6.7, which states that free-field measurements will be corrected to façade by the addition of 3 dB. This appears incorrect where noise levels are intended to be reported as free-field values, and requires amendment.</p> <p>TDC considers that the Outline CoCP/NVMP should be strengthened to require routine monitoring throughout key construction phases, including:</p> <ul style="list-style-type: none"> • at least one permanent monitoring location within the construction corridor in Tendring at an agreed location; • monitoring along agreed locations on PAR30 and other sensitive routes; and • monitoring, where reasonably practicable, at representative noise-sensitive receptors. <p>Where direct receptor monitoring is not feasible due to access, ownership or security constraints, alternative arrangements should be agreed with the relevant local authority.</p>

	<p>The use of both on-site and receptor-based monitoring is necessary to distinguish construction-related noise from other background sources and provide a robust evidence base for enforcement and mitigation.</p> <p>In addition, the Outline CoCP/NVMP must clearly define:</p> <ul style="list-style-type: none"> • monitoring locations (to be agreed with the relevant LPA); • trigger levels for further investigation; • threshold levels for intervention; • corrective actions to be implemented where exceedances occur; and • reporting arrangements, including frequency and format. <p>Monitoring should be undertaken by a suitably qualified and competent acoustic specialist. All monitoring data, exceedances, complaints, investigations and corrective actions must be recorded within a comprehensive, auditable log. This information should be made available to the relevant local authority on request, with periodic monitoring reports submitted at an agreed frequency throughout the construction period.</p> <p>In summary, TDC considers that a clearly defined, proactive and enforceable monitoring and reporting framework—integrated with a robust complaints procedure—is essential to ensure effective management of noise and vibration impacts and to provide reassurance to affected communities.</p>
DCO 2.S10	<p>TDC maintains its position that the proposed construction hours are overly extensive and do not provide sufficient respite for local residents and communities and any other sensitive receptors, particularly in relation to weekend and extended working.</p> <p>The proposed hours, including working on Sundays, Bank Holidays and extended Saturday periods, combined with the additional allowances for start-up and close-down activities to occur outside core periods, would materially increase the duration and intensity of disturbance experienced by residents. In the absence of clear and robust evidence demonstrating that noise effects outside standard construction hours would not give rise to significant adverse impacts, works including piling and deliveries should be restricted to “normal” construction hours as identified in BS 5228-1 (07:00–19:00 Monday to Friday, 07:00–13:00 on Saturdays, with no working on Sundays or Bank Holidays).</p> <p>These hours reflect established good practice in balancing construction activity with the protection of residential amenity and align with the application of the ABC assessment methodology. In this context, the Council considers that the position put forward represents a reasonable and proportionate approach, particularly given that more restrictive hours are often applied to other forms of development.</p> <p>Furthermore, BS 5228-1 identifies increased sensitivity during evenings, weekends and other non-standard working periods, which is consistent with wider health-based guidance, including that published by the World Health Organisation, emphasising the importance of reduced noise exposure during periods of rest and recuperation. The Council therefore considers that the proposed extension of working into these more sensitive periods would be likely to increase the risk of significant adverse effects, particularly where reliance is placed on Best Practicable Means, which are not fixed or guaranteed at the DCO stage (see response to ExQ2 NV2.2).</p>

	<p>The Council also notes an inconsistency within the Applicant’s justification. It is stated that the removal of Sunday and Bank Holiday working would be unlikely to materially affect the energisation date, whilst also suggesting that such restrictions would introduce a risk to delivery. In the absence of clear, quantified and robust evidence to support extended working hours, the Council considers that a precautionary approach should be adopted.</p> <p>In this regard, the Council has reviewed the justification for extended construction hours in the Bramford to Twinstead DCO and notes that the acceptance of Sunday and Bank Holiday working in that instance was based on clear and specific evidence demonstrating that such working formed a necessary part of the critical path for delivery of the project. The Examining Authority identified that certain construction activities were sequential and could not reasonably be interrupted, and that removing Sunday working would result in measurable delays to the programme, with implications for network delivery and compliance requirements.</p> <p>The Council does not consider that a comparable justification has been provided for the Norwich to Tilbury project. Unlike Bramford to Twinstead, there is no clear evidence that extended working is necessary to avoid material delay, nor has the Applicant quantified the programme consequences of restricting working hours. As such, the Council considers that the approach taken in the Bramford to Twinstead DCO should be regarded as project-specific, reflecting particular construction and programme constraints, rather than establishing a general precedent for extended working hours.</p> <p>On this basis, the Council considers that construction hours should align with standard BS 5228-1 working periods, with any departures from these hours subject to prior approval and supported by a robust, site-specific noise assessment demonstrating that relevant thresholds would not be exceeded at sensitive receptors. This would provide an appropriate and proportionate balance between project delivery and the protection of residential amenity.</p>
DCO 2.S11	Please see ECC’s response to this question as the lead on Requirement 8 (Retention and removal of trees, woodland and hedgerows)
DCO 2.S12	<p>In response to the Examining Authority’s specific questions:</p> <ul style="list-style-type: none"> i) TDC does not consider that it would be appropriate or practicable for the relevant planning authority to determine when equipment or infrastructure has become operationally obsolete. This is a matter which sits entirely within the control and knowledge of the undertaker. The responsibility for identifying obsolete infrastructure should therefore rest with the undertaker and be secured through a clear and enforceable obligation within the DCO ii) The Council considers that the removal of obsolete equipment should be subject to a defined timeframe, in order to ensure that redundant infrastructure does not give rise to unnecessary long-term impacts on landscape character, heritage assets and residential amenity. A fixed period is considered appropriate, and it is considered that a period of up to 12 months from the point at which the relevant part of the authorised development becomes operational, or from the point at which specific infrastructure becomes obsolete, would be

	<p>reasonable and consistent with other DCO precedents such as Requirement 13 of Sizewell.</p> <p>iii) The Council considers that the decommissioning of obsolete infrastructure should be controlled through the submission and approval of a written scheme of decommissioning and land restoration. This should include details of the infrastructure to be removed, the timing of removal, restoration measures, and aftercare arrangements. The Council is of the opinion that such a scheme should be submitted to the relevant planning authority for approval prior to the commencement of decommissioning works.</p> <p>More fundamentally, the Council considers that the current drafting of Requirement 13 is reactive and discretionary, in that it provides a mechanism for decommissioning but does not impose a clear obligation to remove infrastructure which is no longer required. The Council therefore considers that an additional or revised requirement should be included within the DCO to secure the following:</p> <ul style="list-style-type: none"> • A mandatory obligation on the undertaker to identify and remove any pre-existing equipment within the Order Limits which is not required to enable, facilitate or support the authorised development, or any other ongoing operational use by the undertaker; • A requirement for such equipment to be removed within a defined period (for example, within 12 months of completion of the relevant part of the authorised development), in accordance with an approved land restoration scheme; • A mandatory obligation on the undertaker to notify the relevant planning authority as and when any part of the authorised development or associated infrastructure becomes obsolete; and • A requirement for decommissioning and restoration of such obsolete infrastructure to be carried out in accordance with Requirement 13 (or equivalent), following approval of a written scheme. <p>The Council also considers it important that the Applicant clearly identifies, at this stage, any existing undertaker equipment within the Order Limits that is not required as part of the proposed scheme but is intended to remain, together with justification for its retention. This would assist the Examination in understanding the extent of potential residual infrastructure and ensuring that unnecessary impacts are avoided.</p> <p>Overall, the Council considers that without these additional safeguards, there remains a risk that obsolete infrastructure could persist within the landscape for an extended period, contrary to the principles of good design, environmental protection and effective land restoration.</p>
HE 2.13	See ECC response as the Historic Environment/Archaeology lead
LUS 2.4	TDC confirms that, based on its adopted Local Plan and the emerging Local Plan at the time of writing, there are no designated Local Green Spaces, Local Nature Reserves, Strategic Green Gaps or Safeguarded Open Spaces within the administrative area of TDC that would be directly intersected by the proposed development.

	<p>This position is made on the basis of currently adopted and draft policy designations only and should not be interpreted as an absence of locally valued green infrastructure, informal open space, or land of environmental or community importance that may nonetheless be affected by the Proposed Development, as previously set out by TDC in its LIR and other relevant submissions.</p>
LV 2.4	<p>TDC considers that the detailed design matters for the link pillars should be submitted to and approved by the relevant discharging authority, secured by a Requirement (as drafted below):</p> <p>12A. Design of link pillars</p> <ol style="list-style-type: none"> 1. No stage of the authorised development may commence until the design details of the link pillars have been submitted to and approved by the relevant planning authority. 2. In this requirement, the design details of the link pillars includes, but is not limited to, siting, colour, appearance, compound size, surface treatment, fencing appearance and dimensions, and maintenance access details. 3. The authorised development must be carried out in accordance with the approved design details of the link pillars. <p>TDC further considers that the structures should be of a receding colour which blends with the environment and that screen planting is required to embed the structures and associated fencing into the surroundings and to reduce the adverse visual effects.</p>
LV 2.16	<p>While acknowledging the Bramford to Twinstead examination report, TDC would refer to the 2024 version of NPS EN-1, which is the version against which this project falls to be assessed, which 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. It is considered therefore that compensation is an inherent part of the mitigation hierarchy which needs to be applied to the Project.</p> <p>The Council acknowledges 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”, but 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.</p> <p>It is accepted that the presence of the projects overhead powerlines cannot be fully mitigated, and there will be a residual impact (which will fall to be weighed in the overall planning balance against the public benefits of the project). However, a case exists for a strategic landscape compensation package to offset harm as far as possible in line with the mitigation hierarchy consistent with NPS-EN1.</p> <p>TDC understand that ECC have been in discussion with the Applicant looking at ways in which this landscape and visual compensation could be linked to the adopted Local Nature Recovery Strategy and delivered at a strategic level in addition to any replacement or mitigation planting. TDC strongly support this</p>

	approach and we understand is the subject of ongoing discussions with the Applicant and progress will be reflected in the Council's Statement of Common Ground.
--	---

END