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Tendring District Council (TDC) – Procedural Deadline 6 Response including:

- **written summary of oral case made at hearings week commencing 22 June 2026 (relating to the Noise and Vibration topic)**
- **Responses to action points directed at TDC**

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 6 Submission stating with Tendring District Council's (TDC) –

Written Summary of Oral Case made at Issue Specific Hearing 4 relating to Noise and Vibration – Bentley Road (PAR 30):

In respect of Agenda **Item 6**, and specifically **Item 6.1** concerning Primary Access Route 30 (Bentley Road), TDC notes that the Applicant did not provide any substantive update regarding the magnitude of noise and vibration impacts on noise-sensitive receptors, nor any clear update on the specific mitigation measures proposed to address those impacts, and despite earlier assurances that this will be provided.

Having reviewed the application documentation and subsequent submissions, TDC remains concerned that there is no property-specific or location-specific mitigation strategy identified for those residential properties that the Applicant has already identified as being amongst the most severely affected by construction traffic impacts. In particular, TDC is unable to identify any detailed mitigation proposals for the significant noise and vibration effects arising from National Grid's proposed use of Bentley Road as Primary Access Route 30.

TDC's position is that it is neither good practice nor consistent with the principles of the Nationally Significant Infrastructure Project (NSIP) regime to defer known, necessary and material mitigation measures to the post-consent discharge of requirements stage, particularly where the impacts, affected properties and affected residents are already known and capable of assessment.

The NSIP process is intentionally **front-loaded**. The purpose of that approach is to ensure that the Examining Authority and decision-maker have sufficient information to understand the likely impacts of a proposal and the effectiveness of proposed mitigation before a Development Consent Order (DCO) is granted. It is not intended that fundamental mitigation measures for **known** significant effects should be left to be designed after consent has been awarded.

At this advanced stage of the Examination, approaching Deadline 6 and with less than two months remaining until the close of Examination, TDC remains unclear as to precisely what mitigation measures are proposed for Bentley Road. Any mitigation relied upon by the Applicant must be specific, effective, enforceable and capable of proper scrutiny during the Examination. However, to date, the Applicant's position remains vague and lacking in sufficient detail.

This is particularly concerning given that National Grid has been aware of these issues for a considerable period of time. The impacts arising from the proposed siting of the East Anglia Connection Node and the resulting use of Bentley Road as a principal construction route have been known throughout the project's development. TDC therefore struggles to understand why detailed mitigation proposals have not already been developed and presented for examination – National Grid has known about this and many other issues that they have created through their decision to place the EACN in their chosen location for at least 6 years.

In TDC's view, National Grid should already know:

- The scale of noise and vibration impacts arising from all project-related traffic using Bentley Road;
- The number and location of affected residential properties;
- The specific mitigation measures required to reduce those impacts to acceptable levels.

The Applicant's own evidence demonstrates that the first two matters are already understood. If the impacts and affected receptors are known, which they are, it follows that the mitigation required to address those impacts should also be capable of being identified, clearly proposed and assessed during the Examination.

Conversely, if the Applicant does not yet understand the scale of impacts or the mitigation required for Bentley Road, that would itself be very deeply concerning. Bentley Road is proposed to become the busiest Primary Access Route associated with the project, and it would be unacceptable for such impacts to remain insufficiently understood at this stage of the process.

A number of important questions therefore arise if mitigation of known impacts is deferred until after the DCO decision:

- The Examining Authority cannot confidently assess the residual effects on residential amenity (and human health) because the nature and extent of mitigation remain unknown – this in itself is a very serious matter.
- Affected communities cannot properly understand what mitigation, if any, will ultimately be delivered.
- The effectiveness of future mitigation cannot be scrutinised during the Examination.
- There is a risk of material uncertainty regarding whether significant adverse effects can in fact be reduced to acceptable levels.
- TDC still don't understand what is the latest arrangement with potentially sharing of haul routes with the two wind farms.

TDC considers this to be an unsatisfactory position. The Applicant's evidence already establishes that significant impacts will arise, that specific properties are affected, and that mitigation will be required. In those circumstances, the mitigation itself should also be available for examination and assessment.

There is a further concern regarding timing. The discharge of requirements process commonly occurs relatively close to the commencement of construction – it is no different here, it appears as though National Grid proposes for the bespoke strategy for Jasmin Cottage to be submitted prior to construction – and that is only for Jasmin Cottage which is a vacant property and has been vacant for a considerable time. Deferring mitigation design until that stage inevitably creates additional uncertainty for affected residents and significantly reduces opportunities for meaningful engagement and influence over the measures ultimately proposed. Residents should not be expected to wait until shortly before construction begins to understand how significant impacts on their homes will be addressed.

Iro Jasmin Cottage, TDC notes and welcomes the Applicant's commitment that:

"A bespoke noise mitigation strategy will be prepared for Jasmine Cottage, Bentley Road, Little Bentley prior to the start of works to mitigate construction noise levels to non-significant levels as far as practicable, both inside the dwelling and in the garden areas."

However, this commitment raises further questions. If bespoke mitigation can be developed for Jasmine Cottage, TDC sees no reason why equivalent property-specific assessments and mitigation strategies cannot be prepared for every residential property on Bentley Road that is predicted to experience significant adverse noise or vibration effects in the absence of mitigation.

Furthermore, TDC notes that Jasmine Cottage has been unoccupied for a number of years. The position of occupied dwellings along Bentley Road is materially different. Existing residents will be directly exposed to the impacts identified in the Applicant's assessments and are entitled to certainty regarding how those impacts will be addressed. Jasmine Cottage is clearly in a 'buyer beware' scenario whereas all the other occupied properties are not in this scenario (which count for the vast majority, if not all of the most severely affected properties).

Accordingly, TDC considers that detailed, bespoke, property-specific mitigation proposals for all significantly affected properties on Bentley Road should be developed now (it should have been developed years ago), it should be assessed and presented during the Examination. This information should be available before the close of Examination and before any recommendation or decision is made on the DCO application. It should not be left until the commencement of works when affected residents would have limited opportunity to challenge or influence the proposed measures and when any shortcomings in mitigation may be far more difficult to address.

Ultimately, it was the Applicant's choice to locate the East Anglia Connection Node in its proposed location and to utilise Bentley Road as a principal construction access route. The significant impacts that flow from those decisions are therefore both foreseeable and identifiable. In TDC's submission, the corresponding mitigation should likewise be fully identified, assessed and secured now, rather than deferred to a later stage.

For these reasons, TDC maintains its objection to the current approach and requests that the Applicant provide detailed, property-specific noise and vibration mitigation proposals for Bentley Road before the close of the Examination.

TDCs responses to any Actions Points directly or indirectly put to TDC:

ISH3 – Action Point 9 (both bullet points)

TDC, in consultation with all local authorities is comfortable with the additional wording proposed in the Sealink DCO examination regarding call-in by DESNZ as set out below:

1A.—(1) Subject to sub-paragraphs (7) and (8), the DESNZ unit may give directions requiring an application for any consent, agreement or approval required by a Requirement to be referred to them instead of being dealt with by the authority mentioned in that requirement.

(2) A direction under this article may relate to a particular Requirement, or to any Requirement.

(3) Any application in respect of which a direction under this article has effect must be referred to the DESNZ unit accordingly.

(4) Subject to sub-paragraph (5), where an application to which this paragraph applies is referred to the DESNZ unit, Schedule 3 (requirements) applies, with any necessary modifications, as it applies where such an application is to be determined by the relevant planning authority or discharging authority.

(5) Before determining an application to which this paragraph applies the DESNZ unit must consult –

(a) the relevant planning authority, relevant highway authority or other discharging authority mentioned in the Requirement; and

(b) any person named in that Requirement as a consultee.²

(6) Notwithstanding the provisions of this paragraph, the undertaker must provide the relevant planning authority with the written notice mentioned in Requirement 4 (stages of the authorised development) in accordance with the provisions of that Requirement.

(7) The power of the DESNZ unit under this paragraph cannot first be exercised until they have served notice on the relevant planning authority, the relevant highway authority and other discharging authority confirming –

(a) they have been established by the Secretary of State;

(b) they are capable of determining an application to which this paragraph applies; and

(c) the date from which they are so capable.

(8) In this paragraph, “DESNZ unit” means a unit established within the Department for Energy Security and Net Zero by or on behalf of the Secretary of State for the purpose of determining any application for consent, agreement or approval required by a Requirement contained in a development consent order.

ISH4 – Action Point 1

TDC Defer to ECC’s response to this point, ECC is leading on s106 matters on behalf of TDC.

ISH4 – Action Point 19

In addition to the response set out below, TDC also refers the Examining Authority to TDC’s Written Summary of Oral Case submitted in respect of Issue Specific Hearing 4 (Noise and Vibration), particularly the submissions relating to Bentley Road (PAR30) – as set out in pages 2-5 above. Those submissions remain directly relevant and are not repeated in full here.

Having reviewed the Applicant’s response to Action Point 2.S8, TDC does not consider that the response adequately addresses the concerns previously raised.

The fundamental issue remains one of certainty. The Applicant’s response continues to rely upon imprecise and non-committal language. For example, the Applicant states that standard mitigation measures “may be feasible at some or all other receptors, subject to review” and that bespoke mitigation strategies “would be developed” where standard measures are found not to be feasible or effective.

Such wording provides little certainty regarding:

- what mitigation is actually proposed;
- which properties would receive mitigation;
- whether mitigation would be sufficient to avoid significant adverse effects;
- the criteria that would be applied in determining whether standard mitigation is considered "feasible" or "efficacious"; and
- how affected residents, the Examining Authority or the Secretary of State can assess the effectiveness of mitigation prior to determination of the application.

The Applicant's response therefore reinforces TDC's concern that material elements of mitigation are being deferred to a post-consent stage, notwithstanding that the affected properties and the scale of impacts are already known.

TDC's position remains that where significant adverse effects have already been identified, property-specific mitigation should already have been developed and presented during the Examination.

The Applicant's response appears to suggest that bespoke mitigation strategies may only become necessary if future reviews determine that standard mitigation measures are ineffective. However, the Applicant has already identified the properties affected by significant adverse noise effects and has undertaken the necessary assessments to reach those conclusions. In TDC's view, once those significant adverse effects have been identified, there should be sufficient information available for the Applicant to define and assess the mitigation necessary to address them. The Examination should not be asked to rely upon a future review process whose outcomes remain unknown.

TDC is also concerned that the Applicant seeks to place reliance upon the potential use of the North Falls/Five Estuaries haul road as a mechanism for reducing impacts along Bentley Road. At present, however, there is no certainty that access to that haul route will be secured or available throughout the relevant construction period. Until such arrangements are secured and legally certain, TDC does not consider that the Examining Authority or Secretary of State can place significant weight upon a mitigation measure that remains reliant upon future agreements where the outcome of such agreement is not only unknown but also outside the Applicant's full control.

Indeed, the Applicant's response illustrates precisely why TDC's concerns remain unresolved. If access to the alternative haul route is ultimately not secured, then a greater number of residential properties would remain exposed to the full scale of traffic-related impacts associated with Bentley Road. In those circumstances, deferring the design and assessment of mitigation until the discharge of requirements stage would substantially limit the ability of the Examining Authority and Secretary of State to understand the likely residual effects of the development before consent is granted.

There remain too many uncertainties, assumptions and dependencies for TDC to conclude that the impacts on affected residents have been adequately assessed or that effective mitigation has been secured.

Vibration

TDC is similarly not persuaded by the Applicant's response regarding construction traffic vibration.

The Applicant's position is based upon an assumption that the local highway network is well maintained and that vibration effects arising from construction traffic can therefore be scoped out of the Environmental Statement.

TDC considers that assumption to be inadequately evidenced in the specific context of Bentley Road and the surrounding local highway network. The condition of local roads can materially influence vibration effects generated by heavy construction traffic, particularly where substantial numbers of HGV movements are proposed over an extended construction period.

Given the scale of construction traffic proposed on Bentley Road, and the sensitivity of nearby residential receptors, TDC considers that reliance upon a generic assumption regarding highway condition is insufficient justification for dismissing the potential for vibration impacts without more detailed, location-specific assessment – and this is just one factor influencing construction traffic vibration – National Grid is showing little appetite to effectively engage with multiple other factors.

Furthermore, the Applicant's reliance on general construction management commitments does not address TDC's principal concern. The issue is not whether broad construction controls exist, but whether the likely vibration effects at known sensitive receptors have been properly assessed and whether any necessary mitigation has been identified with sufficient certainty to enable meaningful examination and determination of the application.

Conclusion

For the reasons set out above, TDC remains concerned that the Applicant has not provided sufficient certainty regarding either the nature or effectiveness of noise and vibration mitigation for affected properties along Bentley Road.

The Applicant's response does not materially address TDC's central concern that known significant impacts, affecting known receptors, are being addressed through future reviews and potentially future mitigation strategies that have not yet been defined, assessed, scrutinised or secured.

Accordingly, TDC maintains its position that detailed and property-specific mitigation proposals for all residential receptors predicted to experience significant adverse noise and/or vibration effects should be identified, assessed and secured during the Examination, rather than being deferred to the discharge of requirements stage following any grant of development consent.

ISH4 – Action Point 20

Whilst TDC welcomes the Applicant's clarification that Commitment NV21 will be amended to provide for the preparation of an Operational Noise Report and consultation with the relevant local planning authority, this clarification and commitment is provided rather late in the process and TDC does not consider that the response fully addresses the Examining Authority's fundamental question of how it can be satisfied, before any DCO decision is made, that the mitigation relied upon in the assessment will in fact be secured, delivered and effective. This is and has been precisely TDC's concerns not only on this particular issue but also many other noise and vibration related matters in the Ardleigh/Little Bromley ALBA area. TDC would like to highlight the following points:

The Assessment Relies Upon Mitigation Which Is Not Fully Secured

The starting point is that the Environmental Statement identifies potentially significant adverse operational noise effects from the EACN Substation in the absence of mitigation. At the worst affected receptor (R10 Bounds Farm), the Applicant predicts a night-time exceedance of background sound levels of 14 dB and concludes there is likely to be a significant effect without mitigation.

The conclusion that operational effects become "not significant" is entirely dependent upon substantial mitigation being delivered. Specifically, the residual assessment assumes:

- 20 dB attenuation for transformers and shunt reactors; and
- 14 dB attenuation for cooling systems.

Without those reductions, the Applicant's own assessment concludes that significant adverse effects would arise.

Again the applicant uses imprecise and unenforceable language. Specifically, the difficulty for TDC is that the mitigation measures identified in Table A14.3.7 are expressly described as "potential mitigation options" and "indicative mitigation options" which "may be taken forward as the design progresses".

The Assessment therefore relies upon mitigation which remains illustrative rather than definitively specified.

A Significant Difference Exists Between What Was Assessed and What Is Secured

TDC notes that, at the hearing, the Applicant explained that the residual assessment did **not** assume all of the mitigation options listed in Table A14.3.7.

Instead, the Applicant stated that the assessment only assumes:

- standard transformer/shunt reactor enclosures providing 20 dB attenuation; and
- cooling attenuation of 14 dB.

The Applicant further explained that no reliance was placed upon additional screening and that the potential plant selection reduction of up to 10 dB identified in Table A14.3.7 was not relied upon within the assessment itself.

Whilst that clarification is helpful, it gives rise to a further concern.

If the assessment relies specifically upon the assumed performance of acoustic enclosures and cooling attenuation measures, then TDC considers that those measures should be expressly secured within the DCO framework with sufficient precision and enforceability.

At present, NV21 appears to require only that appropriate mitigation be identified during detailed design in order to avoid significant adverse effects. The commitment does not appear to secure the actual, clearly needed mitigation package (that should really be known at this stage) and assessed within the Environmental Statement, nor does it define minimum attenuation standards, enclosure performance requirements, or any equivalent design parameters against which compliance can be assessed. The Applicant instead proposes that these matters be determined at a later stage through the Operational Noise Report. This continues to defer important aspects of mitigation design until after development consent has been granted.

Local Authorities Are Being Asked to Approve Mitigation Not Yet Defined

The Applicant's proposed amendment to NV21 appears to rely upon the submission of an Operational Noise Report to the relevant local planning authority prior to construction.

Whilst TDC welcomes the proposed involvement of local authorities, but this does not resolve the principal concern.

The issue is not whether local authorities should be consulted. The issue is whether the mitigation measures on which the Environmental Statement relies should already be sufficiently defined and secured during the Examination.

Under the Applicant's proposed approach:

- the final plant specification remains unknown;
- the final layout remains unknown;
- the final mitigation measures remain unknown;
- the final noise modelling remains unknown; and
- the effectiveness of the final mitigation package remains unknown until after consent has been granted.

In TDC's view, this leaves the local authority in the position of effectively determining whether the operational noise impacts can be made acceptable after the DCO has already been granted. That is not good practice or an approach which provides certainty to affected residents or assists the Examining Authority in understanding the true nature and extent of the effects before making its recommendation.

The Applicant's Own Assessment Recognises Material Uncertainty

TDC also notes that the Environmental Statement repeatedly acknowledges that the assessment is indicative and based upon indicative plant data. The document states that further assessment will be required as the design progresses and that specific mitigation measures have yet to be determined.

Indeed, paragraph 14.8.1 states that further noise assessment will be undertaken based upon detailed design information to inform specific mitigation measures, whilst paragraph 14.10.6 confirms that further assessment will be required as design progresses.

That acknowledgement of uncertainty sits awkwardly alongside the conclusion that significant effects can confidently be avoided.

Importance to Local Residents

From the perspective of affected residents, particularly those closest to the EACN such as Bounds Farm, Mayfields Farm, Hungerdown Lane properties and other nearby receptors identified within the Assessment, the present position provides limited certainty.

Residents are being asked to accept that:

- significant adverse effects have been identified without mitigation;
- the final operational design has not yet been fixed;
- the final mitigation package has not yet been fixed; yet

- the effectiveness of future mitigation can nevertheless be assumed.

TDC considers to be unacceptable and is strongly of the view that residents are entitled to greater certainty than this, particularly given the permanent nature of operational substation noise and the rural character of the receiving environment.

TDC's Position (summary)

TDC's position remains that the Applicant's response does not fully answer the Examining Authority's question.

Whilst the proposed amendment to NV21 may improve the mechanism for local authority involvement, it does not in itself demonstrate that the mitigation measures relied upon in the Environmental Statement are:

- sufficiently defined;
- fully secured;
- enforceable;
- capable of independent scrutiny during the Examination; and
- guaranteed to achieve the outcomes assumed within the assessment.

Accordingly, TDC considers that further detail should be provided before the close of the Examination regarding:

1. The specific mitigation measures upon which the residual assessment relies;
2. The minimum attenuation performance standards that must be achieved;
3. How those standards will be secured through the DCO;
4. The approval role of the relevant local authority; and
5. The mechanism by which affected residents can be assured that the operational noise levels assessed in the Environmental Statement will actually be achieved in practice.

Until such certainty is provided, TDC does not consider that the Examining Authority can be fully satisfied that the mitigation measures identified in Table A14.3.7 and relied upon within the residual operational noise assessment will be adequately secured and delivered to the satisfaction of either the local planning authority or affected residents

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