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Tendring District Council (TDC) – Procedural Deadline 8 Response

TDCs Response to Rule 17 letter dated 27 July 2026

Dear Sir/Madam

Please find below TDCs response to Examining Authority's Rule 17 letter dated 27 July 2026 and the three questions therein (question first followed by TDCs response)

a) Will the funds be available for any suitable projects within the designated landscape compensation, offsetting and enhancement areas, or just within the 2 or 3km buffer areas?

Whilst the plans submitted at Deadline 7, 8.35 *Landscape, Compensation, Offsetting and Enhancement Area Plans* [REP7-535], provide substantially greater clarity regarding the extent of the proposed landscape compensation, offsetting and enhancement areas, TDC considers it essential that the Applicant confirms that funding will not be restricted solely to projects located within the initial 2km (or 3km in Thurrock) buffer distances. In the context of the East Anglian Connection Node and all the associated pylons and plethora of infrastructure that will be concentrated in the district of Tendring, a 2km buffer distance is very insufficient. Rather, funding should be available to support suitable projects throughout the designated enhancement areas and affected parishes identified on the plans.

TDC has consistently advocated throughout the examination for a collaborative, locally informed approach to the development of landscape compensation proposals, including

meaningful engagement with affected parish councils and communities. In TDC's view, such engagement should have commenced several years ago, allowing sufficient time to identify and develop projects capable of delivering tangible environmental and visual benefits to communities most affected by the Project. Whilst a glimmer of progress has now been made at this very late stage, it is disappointing that meaningful certainty regarding the scope and geographical applicability of the proposed funding has only emerged at this very late stage of the examination process.

Notwithstanding this concern, the enhancement area plans now proposed provide a more flexible and practical framework for delivery. This responds positively to concerns previously raised by TDC regarding the constraints associated with a narrowly defined buffer approach and improves the potential for projects identified by TDC on Council/Essex County Council (ECC)-owned land to come forward efficiently and deliver visible benefits for local communities within a reasonable timeframe.

TDC understands that ECC, as the lead authority in Essex on this matter, has been engaged in discussions with the Applicant regarding the drafting of Schedule 20 of the dDCO and the scope of projects that may be eligible for funding. TDC welcomes these discussions and strongly encourages both the Applicant and the relevant local authorities to continue engaging proactively with affected communities to ensure that any compensation programme reflects local priorities and delivers genuine environmental and landscape benefits. To date, TDC remains concerned that there has been insufficient direct engagement with many of the communities and landowners that will experience the most significant and enduring impacts from the Project.

TDC further understands that Suffolk County Council has submitted joint comments on behalf of the County Councils, including Essex County Council, in relation to Schedule 20, and that these matters are being progressed through the Deadline 8 submissions.

b) How would such areas or projects relate to landscape character areas or visual receptors which may be affected by the proposed development?

TDC acknowledges that, following discussions during the recent Issue Specific Hearings, the Applicant's approach to landscape compensation has evolved to focus on those areas identified by the Examining Authority as being amongst the most affected by the Project, including through ExQ1 LV1.28 and Action Point 27 arising from ISH2.

Within Tendring, TDC considers that any compensation programme must, as a minimum, seek to address the very significant residual adverse landscape and visual effects that remain following the application of avoidance, mitigation and design measures. Particular regard should be given to the long-term effects identified within the Ardleigh and Little Bromley Area (ALBA), where the Project would introduce substantial and permanent change and harm to landscape character and visual amenity.

Whilst TDC welcomes the Applicant's movement towards a more geographically focused compensation approach – which is overly narrow and restrictive (as set out above and

previously), the Council remains of the view that a hybrid of the applicants preferred approach (as alluded to above) as well as a broader and more strategic compensation strategy would have been preferable. Such an approach could have delivered wider and more focused meaningful and more effective environmental, landscape and community benefits across North Tendring, reflecting the scale of change arising from the Project and the extent of the communities affected. TDC remains concerned that engagement with those communities has been limited and, in some cases, effectively absent throughout much of the Project's development.

TDC is not yet fully convinced that the criteria set out within Article 20 of the dDCO [REP7-064], when read alongside the Landscape Compensation, Offsetting and Enhancement Area Plans [REP7-535], provide complete certainty that compensation measures will be sufficiently targeted towards those landscape character areas and visual receptors experiencing the greatest degree of harm. However, the current drafting does represent a significant improvement on earlier iterations and provides a greater degree of flexibility than was previously available.

Like ECC, a part of TDC's approach has been informed by the Local Nature Recovery Strategy (LNRS) and has focused on identifying opportunities capable of delivering meaningful landscape and environmental enhancements, including opportunities on land already within public ownership where delivery could be achieved without reliance on negotiations with third-party landowners. However, TDC has maintained from the outset that landscape and environmental enhancements should focus on the areas of most harm, in other words the EACN, wider hinterland, the pylons arc around the north of Ardleigh and the settlements of Ardleigh, Little Bromley and Lawford.

In this regard, TDC notes the Applicant's submissions at the recent hearing questioning the relevance of certain LNRS-led opportunities. However, TDC has participated in these discussions constructively and in good faith, seeking practical solutions to the complex challenge of delivering meaningful compensatory planting in areas affected by the Project. In TDC's view, many of the current difficulties arise because opportunities to engage landowners, identify strategic planting locations and develop compensation proposals were not pursued by the Applicant at an earlier stage in the Project's evolution when such engagement could have been most effective.

Notwithstanding these concerns, TDC considers that the flexibility now proposed through Article 20 and the identified enhancement areas should enable Essex County Council and its partners to bring forward projects capable of delivering direct benefits to the landscape character areas and visual receptors most severely affected by the Project within Tendring District.

c) Provide your succinct views on how the masterplans would meet (or otherwise) the relevant tests for requirements and obligations set out in paragraphs 4.1.16 to 4.1.18 of NPS EN-1 (November 2023).

TDC very strongly disagrees with the Applicant's position that landscape compensation measures delivered through the proposed masterplans are unnecessary or fail to satisfy the tests for requirements and obligations set out in paragraphs 4.1.16 to 4.1.18 of NPS EN-1 (November 2023). The Council has consistently set out its position on this matter throughout the examination, including in its Deadline 5 and Deadline 6 submissions, and maintains that position.

As previously stated, TDC considers that the Project would result in substantial and long-lasting adverse effects on landscape character and visual amenity across parts of the District. Given the scale, duration and significance of those impacts, the Council considers that a comprehensive programme of landscape compensation and enhancement is both justified and necessary. TDC has repeatedly highlighted the need for a strategic approach to compensation since the pre-application stage and invited meaningful engagement from the Applicant on this matter. Unfortunately, such engagement did not take place to the extent that TDC considers necessary or appropriate, resulting in a compensation discussion that has emerged relatively late in the examination process.

TDC also agrees with and endorses the submissions made by Suffolk County Council regarding the principle of landscape compensation, its relationship to the mitigation hierarchy, and its appropriateness within the DCO regime [REP6-166].

Notwithstanding these concerns, and recognising the Applicant's current position and the discussions arising from ISH4, TDC welcomes the opportunities that the proposed enhancement framework may provide and offers the following observations against the relevant tests.

(a) Relevant to Planning

TDC considers the proposed measures to be directly relevant to planning because they respond to significant residual landscape and visual impacts arising from the Project. The proposed planting and environmental enhancement measures are intended to offset, insofar as possible, the substantial and unavoidable changes to landscape character and visual amenity resulting from the development.

Whilst paragraph 4.2.25 of EN-1 recognises that compensation does not remove or reduce an adverse effect itself, it also explicitly acknowledges the role of compensation in addressing residual impacts where avoidance, mitigation and minimisation measures have been exhausted. TDC therefore considers landscape compensation to be clearly material and relevant to planning considerations associated with the Project.

(b) Necessary to make the development acceptable in planning terms

TDC considers the proposed compensation measures to be necessary given the scale of residual landscape and visual harm identified by the Applicant's own Environmental Statement and the conclusions reached throughout the examination.

The relevant National Policy Statements establish a clear expectation that residual adverse effects should be compensated for as far as possible where avoidance, mitigation and reduction measures cannot fully address those impacts. Paragraphs 4.2.11 and 4.2.12 of EN-1 require applicants to explain how residual impacts will be compensated for, while paragraph 4.3.4 similarly references the need to avoid, reduce, mitigate or compensate likely significant adverse effects. Equivalent provisions are reflected in EN-5.

TDC therefore considers compensation to form an integral and legitimate part of the mitigation hierarchy applicable to this Project and, given the significant landscape effects identified, considers such measures necessary in planning terms.

(c) Directly related to the development

TDC considers there to be a clear and direct relationship between the proposed compensation programme and the landscape and visual impacts arising from the Project.

The geographical focus of the enhancement areas, coupled with the eligibility criteria proposed within Article 20, provides an identifiable link between the areas experiencing harm and the areas intended to benefit from compensatory measures. The proposed framework would also allow projects to be delivered in accordance with Local Nature Recovery Strategy objectives, thereby supporting landscape enhancement within affected areas.

(d) Fairly and reasonably related in scale and kind to the development

Whilst TDC would have preferred a more ambitious hybrid approach focussing on local impact mitigation as well as a more strategic compensation package reflecting the exceptional scale of the Project and its impacts, the Council considers that the approach currently proposed is clearly proportionate and more than sufficiently related in scale and kind to the development – given the scale of the project, to argue any different would be irrational.

The proposed enhancement areas broadly reflect the areas most affected by the transmission infrastructure and provide a mechanism through which compensation measures can be targeted towards addressing the identified residual effects.

(e) Reasonable in all other respects

TDC considers the proposed framework to be reasonable. Article 20 of the dDCO establishes appropriate parameters regarding eligible locations and project types whilst retaining sufficient flexibility to enable local authorities, landowners and delivery partners to identify and implement practical projects. This flexibility increases the likelihood of timely implementation and the delivery of meaningful environmental and landscape benefits.

Overall Conclusion

Overall, TDC considers that landscape compensation associated with the Project satisfies the relevant tests contained within section 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraphs 4.1.16 to 4.1.18 of NPS EN-1 (November 2023). Given the significant and enduring impacts that the Norwich to Tilbury Project would have on communities, landscapes and visual receptors within Tendring District, TDC supports the inclusion of a robust landscape compensation, offsetting and enhancement framework and strongly encourages the Examining Authority to secure the maximum flexibility possible to ensure meaningful benefits can be delivered to those communities most affected by the development.

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