

From: [REDACTED]
To: [SizewellC](#)
Subject: RE: Sizewell C Rule 8 Examining Authority's First Written Questions (ExQ1)- Answer Template
Date: 26 May 2021 10:51:34
Attachments: [ExO-Part 4 Answer Template \(UK Chamber of Shipping\).pdf](#)
[ExO-Part 4 Answer Template \(UK Chamber of Shipping\).docx](#)

Dear Sizewell C Planning Team,

Please find response from the UK Chamber of Shipping to the question requested, DCO 1.38.

Should you require any further detail, please get in touch.

Yours faithfully,

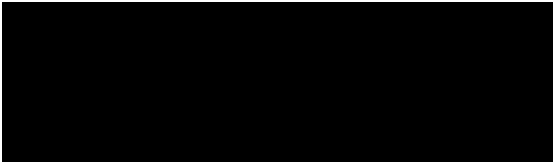
Robert

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From: SizewellC <sizewellc@planninginspectorate.gov.uk>

Sent: 20 May 2021 12:48

To: SizewellC <sizewellc@planninginspectorate.gov.uk>

Subject: Sizewell C Rule 8 Examining Authority's First Written Questions (ExQ1)- Answer Template

Application by NNB Generation Company (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project

You or your organisation have been requested to provide more information to the Examining Authority for the Sizewell C Project.

Therefore please find attached an editable Microsoft Word template of part 4 of the Examining Authority's first written questions that were published as part of the Rule 8 letter on 21 April 2021.

As requested in the letter responses should be made by **Deadline 2 on 2 June 2021**.

Responses should be made in the appropriate space and should be submitted as both a PDF version for publication on the project page of the National Infrastructure planning website, and an editable Microsoft Word version.

We apologise for the delay in getting these templates to you but would appreciate if they could be completed and returned by **Deadline 2 on 2 June 2021**.

Kind regards

Sizewell C Case Team
National Infrastructure Planning

Helpline: 0303 444 5000

Email: Sizewellc@planninginspectorate.gov.uk

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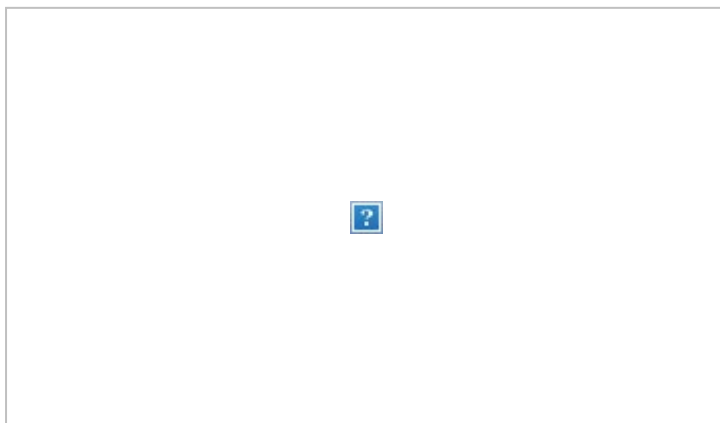
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DPC:76616c646f72





Application by NNB Generation Company (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 21 April 2021

Responses are due by Deadline 2: Wednesday 2 June 2021

PART 4 OF 6

DCO.1 [Draft Development Consent Order \(DCO\)](#)

FR.1 [Flood risk, ground water, surface water](#)

HW.1 [Health and wellbeing](#)

HE.1 [Historic environment \(terrestrial and marine\)](#)

LI.1 [Landscape impact, visual effects and design](#)

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1	Draft Development Consent Order (DCO)	
DCO.1.0	The Applicant	Art 2. Definition of "commence" and the exclusions from it. The EM para 3.6. states that "the Environmental Statement does not indicate that these works would be likely to have significant environmental effects". Could this be expressed positively as "The ES indicates that these works are not likely to have significant effects"? Is there a statement in the ES that the excluded works are not likely to have significant effects.
	Response	
DCO.1.1	The Applicant	Art 2. Definition of "commence" and the exclusions from it. Given that e.g. the Sizewell B Relocation Works will involve decontamination, is this exception from the definition of "commence" appropriate?
	Response	
DCO.1.2	The Applicant, the Host Authorities	Art 2. Definition of "commence" and the exclusions from it. (i) Are the exclusions justified for all of the Proposed Development? (ii) Might it be appropriate to exclude later phases and to limit the exclusions to the earliest phases of the Proposed Development? In both (i) and (ii) please explain concisely why.
	Response	
DCO.1.3	The Applicant, the Host Authorities	Art 2 definition of "harbour" and the harbour provisions in general in the DCO. This refers to a harbour "to be constructed" by the undertaker. However, the harbour does not appear to comprise any construction (Works 2A – 2L are water intakes, outfalls and tunnels). Are there legal powers to designate a harbour, harbour authority and related matters without physical construction works to create the harbour?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.4	The Applicant, the Host Authorities	<p>Art 2 definitions of "harbour" and "Order limits".</p> <p>The harbour limits described in Art 51 and shown on the Works Plans (e.g.Key Plan 3) extend beyond the Order Limits. The ExA notes that the dDCO gives powers to do other things outside the Order limits. Please will the Applicant explain:</p> <p>(i) what is the rationale for where the line of the Order limits is drawn; and</p> <p>(ii) whether it is permissible and how for the order to apply outside the Order limits?</p> <p>(iii) confirm that the ES assesses the extent of any proposed works if they are outside the RLB.</p>
	Response	
DCO.1.5	The Applicant	<p>Art 2 – definition of land.</p> <p>Is the reference to land covered by water intended to include (a) sea bed and (b) Crown interests in such "land"? If so, does this create any compulsory acquisition issues?</p>
	Response	
DCO.1.6	The Applicant, the Host Authorities	<p>Art 2 – definition of "local planning authority".</p> <p>This defines the phrase to mean East Suffolk Council and its successors in title. Successors in title is a phrase more normally used in relation to land interests (title) than statutory functions. Please will the Applicant and Host Authorities consider whether the phrase "successors to its functions as local planning authority as defined in the Town and Country Planning Act 1990" would be more appropriate? The ExA consider this is probably what is intended given that the functions of the local planning authority specified in the DCO are largely of a development control nature.</p> <p>However, might it not be simpler simply to adopt the definition in the TCPA 1990 (s.1 is the relevant section, combined with s.336). That way, any local government</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>reorganisation or reallocation of planning functions will be taken through to the operation of the DCO automatically rather than relying on an interpretation of who is meant by the Secretary of State as the successor to the "title" or functions of ESC, which are wider than planning. The ExA is aware of the Inspectorate's guidance note's preference for naming authorities.</p> <p>If the intention of the definition is to ensure that the planning matters allocated to the local planning authority by the DCO are allocated to the district council rather than to the county (which is normally limited to minerals and waste planning) then the use of the TCPA definition could be refined to exclude the county council.</p>
	Response	
DCO.1.7	The Applicant, the Host Authorities	<p>Art 2 – definition of "maintain" and Art 6 – power to maintain.</p> <p>The definition includes "alter, remove or reconstruct". On its face, that would include decommissioning and the construction of a new power station. The ExA doubts this is what is intended and notes that there is intended to be a limit by reference to new or materially different environmental effects. However, lesser reconstructions may pass that test but nonetheless be development which ought to be regulated by planning control?</p> <p>(i) Might the following definition be adequate: "maintain" includes inspect, repair, adjust, alter, clear, refurbish or improve, and any derivative of "maintain" is to be construed accordingly", with the addition of the prohibition relating to maintenance causing environmental effects?</p> <p>(ii) If the Host Authorities consider that the current definition is too wide, would they please give examples of development it permits but which the Host Authority considers should be subject to planning control? Would they please also consider whether the ExA's suggestion above would deal with their concern and give reasons?</p> <p>(iii) If the Applicant disagrees with the ExA's suggestion, please will it, in answering the question, explain clearly the intent of the breadth of the definition and reflect on whether it ought to be reduced?</p> <p>(iv) See also the ExA's questions on Sch 2 para 1 (tailpieces in the context of EIA). Taking that also into account, how does the Applicant expect that the prohibition relating</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		to maintenance causing environmental effects would work in practice and be enforced? How would the local planning know in advance of an item of maintenance that materially new / different effects would be caused by the maintenance? What action would they be able to take? Or is the intention and practice simply going to be that maintenance which breaches the prohibition would be without approval, a breach of the DCO and therefore a criminal offence? Please will the Host Authorities also consider question (iv) and respond?
	Response	
DCO.1.8	The Applicant	Art 2 "marine works" definition. Please will the Applicant list what development and works are included in the phrase "and any other works below mean high water springs authorised by this Order".
	Response	
DCO.1.9	The Applicant, the Host Authorities, MMO	Art 2, definition of "mean high water springs". Does the time period need to be specified?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.10	The Applicant, National Grid	<p>Art 2, definition of National Grid.</p> <p>This definition encompasses real estate ownership ("successors in title"), personal estate ownership ("assigns"), agents ("any other person exercising its powers"), and functions such as statutory functions, but not limited to those ("any other person exercising its powers or performing the same functions").</p> <p>The three categories will not necessarily all be kept together (as the drafting recognises) and the references in the dDCO to National Grid may therefore devolve onto more than one entity. For example land might be sold by National Grid Electricity Transmission plc (NGET plc) to X and its transmission functions be transferred to a different body. Are both to have the rights, duties, powers and privileges of NGET? Will it always be intended and acceptable that rights or duties, powers and privileges of (NGET plc) under the DCO can be held by more than one entity at the same time and that different aspects of the business of NGET plc may be held by different entities?</p> <p>At first sight it appears to the ExA that this is undesirable and that it would be better to distinguish between property rights on the one hand and statutory functions on the other. Are there other types of functions?</p> <p>Please will the Applicant and National Grid each explain what aspects of the involvement of National Grid Electricity Transmission plc are intended to be covered and explain either why the current drafting is appropriate or what changes should be made?</p> <p>Their attention is also drawn to Art 9(7) which allows transfer to amongst other "National Grid or its statutory successor". The reference to statutory successor both makes the point raised above about the range of aspects of the business of NGET and appears to be otiose if the definition remains as drafted.</p>
	Response	
DCO.1.11	The Applicant	Art 2 – order land.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Please will the Applicant confirm that the Land Plans and the Book of Reference refer to the same land, neither more nor less? If there are differences, please explain what they are, including by reference to a plan.
	Response	
DCO.1.12	The Applicant	Art 2 – definition of Secretary of State. Why is this needed? It is contrary to the Inspectorate’s advice and to normal statutory drafting practice. The Applicant will be aware that the business of government is not infrequently allocated to different or new departments from time to time and that some departments are abolished altogether when their functions are moved to others.
	Response	
DCO.1.13	ESC	Definition of Sizewell B relocated facilities permission. Please will ESC confirm that this is the correct description, date and reference number?
	Response	
DCO.1.14	The Applicant	Art 2 – definition of Sizewell B relocation works, “Work No. ID”. Please will the Applicant correct the typographical error. Presumably it should read “Work No. 1D”.
	Response	
DCO.1.15	The Applicant	Article 2 - definition of special direction, says “Special directions to vessels” is article 65 but the correct article appears to be 67. Please will the Applicant correct in the next draft?
	Response	
DCO.1.16	The Applicant	Art 2 - Definition of “SZC construction works” – “associated with” appears to go wider than the actual construction of Works 1A – 1D. Please will the Applicant indicate where it ends and consider amending the definition so as to apply only to the works of constructing those Works.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.17	The Applicant, Host Authorities, EA	<p>Art 2 – definition of watercourse.</p> <p>This is as follows: “includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain: and”</p> <p>(i) It appears to include private storm water drains, private foul drains and private sewers. Whether this appropriate will depend amongst other factors on the use made of the word “watercourse” in the rest of the DCO. Are the Applicant and Host Authorities satisfied that the definition is appropriate in all those circumstances? If not, please explain why and suggest any amendments to the drafting.</p> <p>(ii) Please will the Applicant consider whether the word “and” is correct at the end of the definition and make any necessary change in the next version of the DCO?</p>
	Response	
DCO.1.18	The Applicant, Host Authorities	<p>Art 2(5) – references to statutory bodies.</p> <p>This reads as follows: “References to any statutory body includes that body’s successor bodies from time to time that have jurisdiction over the authorised development”. Why are bodies who do not have jurisdiction over the development excluded from the reference. Are all the references in the DCO to statutory bodies only to such bodies with jurisdiction over the development?</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.19	The Applicant	<p>Art 2(7): "A reference in the Schedules to a "relevant site" is a reference to the site of that name shown in the Works Plans, Rights of Way Plans and Land Plans".</p> <p>(i) Please could the Applicant explain what is meant by this interpretation rule? There is no site named "relevant site".</p> <p>(ii) The ExA infers that Art 5(7) is directing the reader to find the location of the sites listed in the schedules under a column headed "relevant site" by finding the sites referred to on the Works Plans Rights of Way Plans and Land Plans. Is that right? However, beginning only with the Main Development Site ("MDS"), which plans and which notation in the legend define it? Whilst sheets 3-10 of the Works Plans are titled "Main development site and rail works plans" where is the reader told what is the MDS? The ExA has not carried out a similar enquiry with regard to the other sites shown in columns headed "relevant site".</p> <p>(iii) In addition, please could the Applicant provide a list of the relevant sites and explain how to find them?</p> <p>(iii) The phrase "relevant site" also appears in the requirements, Schedule (Sch) 2, R 24. Is the same approach intended? It does not appear so from the context.</p>
	Response	
DCO.1.20	Response	<p>Art 2. "main development site".</p> <p>(i) The definition is "the land within which Work No.1 may be constructed as shown on the Works Plans". However, Works Plans sheets 1-10 and Key plans 3 and 4 are titled "Main development site and rail works plans". In addition, Sheet 5 shows works which are neither Work No.1 nor rail works. The shading for Work No 1 and Work No. 4A are not always obviously distinct unless they are side by side. The legend to Key plan 4 says the dark shading is "order work areas", whereas on 1-5 and 10 it is 1A and in 8 although there is shading it does not get definition in the legend. The position is not entirely clear, at least not at first sight. Please will the Applicant supply a new plan showing only the area of Work No.1 if that is indeed the intended meaning. It would be helpful to refer to that plan in the definition.</p> <p>Doc 7.2 makes reference to these main site development plans at para 2.2.1 "<i>Whilst the Sizewell C Project does not meet the thresholds defined in the Planning Act 2008 for highway and railway NSIPS, the equivalent information is included on the relevant plans in</i></p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<i>Book 2 Plans: Main Development Site Plans (Doc Ref. 2.5)”. Please will the Applicant list exactly which plans it considers to be the Main Development Site Plans, and which are the plans with the “equivalent information” to meet the criteria in Reg 6(2) APFP?</i>
	Response	
DCO.1.21	The Applicant	<p>Art 4(1) – vertical limits of deviation.</p> <p>This permits unfettered vertical deviations, subject to the Requirements and provisions in Art 11 relating to streets. Art 4(2) limits vertical deviation to 1 metre for Work 4C (Saxmundham – Leiston branch line) and Works 11 and 12 (Two village bypass and the Sizewell Link Road).</p> <p>The ExA see that the Requirements contain some references to Parameter Plans. But to take requirement 11 as an example, it is not immediately clear that Work Nos. 1A (a) to (e) are subject to the Parameter Plans (though any variations from the Approved Plans and the design principles in Ch 5 of the Main Development Site Design and Access Statement must accord with the Main Development Site Operational Siting and Height Parameters and two of the three Main Development Site, Operational Parameter Plans). (to be found at SZC Book 2, 2.5, [APP-018]).</p> <p>Similarly, a somewhat close reading of the Requirements is necessary to see which Parameter Plans have been applied to which Work, whether they are applied to the right Works, to ascertain whether the whole of the Proposed Development is limited by the Parameters Plans and whether or not all the Parameters Plans have been applied.</p> <p>As the ExA reads the Requirements and the rest of the DCO there appears to be no general overriding rule that the development must not exceed the limits in the Parameter Plans. A clear straightforward limitation in the DCO preventing the Proposed Development from exceeding the Parameter Plans (which the ExA assumes describe the limits of what was assessed on normal Rochdale principles) would be helpful.</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>(i) Please will the Applicant insert such a provision in the next draft of the DCO or alternatively explain why it would be inappropriate?</p> <p>(ii) Please will the Applicant also provide a reconciliation of the Parameter Plans in the DCO with the project assessed in the ES?</p> <p>Please will the Applicant specify and explain the power for Art 4 – it is not referred to in the EM?</p>
	Response	
DCO.1.22	The Applicant, the Host Authorities	Sizewell B relocated facilities permission Art 5(1)(b). Is limiting the exception to prior breaches appropriate? For example, are there any ongoing restoration or maintenance conditions in the Sizewell B relocated facilities permission which should continue to be enforceable?
	Response	
DCO.1.23	The Applicant, the Host Authorities	<p>Art 5(3).</p> <p>Is this inserted simply for the avoidance of doubt or is there a specific concern that Art 5 restricts any other powers in the DCO?</p>
	Response	
DCO.1.24	The Host Authorities	<p>Art 5(5).</p> <p>Will the Host Authorities indicate if they are content with Art 5(5) and the list of conditions and corresponding requirements deemed to be satisfied set out in Sch 8</p>
	Response	
DCO.1.25	The Applicant, the Host Authorities	<p>Art 5(6).</p> <p>What happens if the undertaker and the local planning authority do not agree?</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.26	The Applicant, the Host Authorities	<p>Art 9(6).</p> <p>The EM states (para 4.25) "As the undertaker will be entering into a section 106 agreement with local planning authorities, this provision is necessary to ensure that the transferee complies with all obligations etc. that have been imposed on the undertaker, as well as ensuring that the undertaker is released from liability upon transfer (given that it would no longer be involved in the authorised development). This approach is standard under section 106 agreements".</p> <p>(i) Whilst confirmation that planning obligations are to bind the transferee / lessee is welcome, why would the planning obligations under s.106 TCPA not bind the transferee under s.106(3)? Or is this paragraph addressing transfer / lease of the benefit of the DCO without transfer / lease of land?</p> <p>(ii) Should transfer / lease of benefit without transfer / lease of land be permitted?</p> <p>(iii) If so, is it proper to allow the transferor to escape from its obligations in the s.106 agreement?</p> <p>(iv) Is it appropriate in the case of any transfer or lease on this project to allow the original covenantor to escape from its obligations under s.106?</p>
	Response	
DCO.1.27	The Applicant, the Host Authorities	<p>Art 9.</p> <p>(i) 9(1) Is it appropriate to transfer the CA powers in this DCO? The Applicant is required to demonstrate adequate resources to pay compensation. A transferee may not be have the same resources and the article does not expressly require that they are shown to exist.</p> <p>(ii) 9(1)(b) Should the CA powers be lettable? What would be the lessee's title to land compulsorily acquired and to whom would such land be transferred on CA? Does CA by a lessee raise any difficulties?</p> <p>(iii) 9(1) and (2) What would be the criteria for the SoS to decide whether or not to consent?</p> <p>(iv) Art 9(4). Is it appropriate for decisions of the Secretary of State on what is largely a regulatory issue to be subject to arbitration?</p> <p>(v) Art 9(6)(a). It is clear that the alienation provisions of Art 9 allow alienation of part of the land or part of the benefits. It would appear that Art 9(6)(a) attempts to limit the</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>burdens transferred to those “imposed by virtue of the provisions to which the benefit relates”. However, it is unusual for burdens to be divided up across the land or benefits. And burdens may be imposed on the whole development or project. Please will the Applicant amend the article so as to ensure that burdens, whether they relate to the whole benefit of the order or only the benefit transferred, bind the transferee or lessee as the case may be?</p> <p>(vi) Art 9(6). Para (b) – how can “benefits” be enforced “against” the undertaker (original or otherwise). What is the Applicant’s intention by this provision?</p> <p>(Vii) Art 9(6). If the intent is to release the transferring undertaker from liability, is it really appropriate to release the undertaker where only a lease is created? The lessor undertaker should surely remain liable and take whatever indemnities are appropriate from the lessee. What would the position be at the end of the lease, whether it runs its full term (and the term is not known at this point in time) or is terminated for breach?</p> <p>(viii) Art 9(6)(c). It is good to make it clear that development consent obligations are intended to bind the transferee / lessee. Please will the Applicant state whether there are any concerns that they would not do so? Is this paragraph seeking to cut down the provisions of s.106 TCPA 1990 which make obligations bind persons deriving title?</p> <p>What would be the position if Art 9(8) is not complied with? Please will the Applicant amend the article so as to make it clear that in such a case the transfer or lease would be invalid?</p>
	Response	
DCO.1.28	The Host Authorities	<p>Art 10(1).</p> <p>This provides a defence to statutory nuisances relating to dust (and other effluvia), light and noise. Are the Host Authorities satisfied that the controls on these nuisances in the DCO justify the inclusion of this defence?</p>
	Response	
DCO.1.29	The Applicant	<p>Art 10(2).</p> <p>The ExA suggests that the words “will not apply” are changed to “does not apply” so as to meet statutory drafting advice.</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.30	The Applicant, SCC	Part 3 (Arts 11 – 23) generally. Please will the Applicant and SCC explain how the adoption of new roads is addressed.
	Response	
DCO.1.31	The Applicant	Arts 12(a) and 23(3). The former permits the breaking up and opening of (amongst other things) sewers and drains. The latter prohibits the creation of openings into sewers and drains except in accordance with (amongst other things) approved plans. How do they inter-relate and work together. Is the first subject to the second?
	Response	
DCO.1.32	The Applicant	Art 14. (i) Please will the Applicant explain what is meant by the word “possession” of land in Art 14(5)(a)? (ii) EM – para 5.33. Please will the Applicant explain more clearly how this provision is within the powers of the PA2008 and specifically what it is saying and its reasoning with regard to the power in Sch 5, para 17 (“stopping up highways”). The ExA notes that the definition of “street” in Art 2, to which their attention is drawn, is wide and includes what might be thought to be private spaces, such as passages, squares and courts “and any land laid out as a way whether or not it is ... a footpath or not”. Is it the Applicants’ case that these are within Sch 5 para 17 of the PA2008? Not all “streets” are, in law, highways. This question is also relevant to Art 17.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.33	The Applicant	Art 18 Use of private roads for construction. The Applicant in its EM para 5.56 relies on s.120(3) as the power for this provision. Does it also consider Sch 5 para 2 applies, which allows interference with rights over land?
	Response	
DCO.1.34	The Applicant, SCC	Art 22(5)(b). In line with the ExA's earlier comments on identifying authorities by reference to function rather than name, the ExA invites the Applicant and SCC to consider whether it would be better to specify the capacity (e.g. highway authority if that is the case) in which this power is to be exercised.
	Response	
DCO.1.35	The Applicant	Art 23(5). The EM says this is a departure from DCOs it does not specify. The ExA assumes that the Applicant is referring to those at Silvertown, Wrexham, Triton Knoll and Wylfa (draft) referred to in para 6.6. The justification for 23(5) given is that "this exemption is necessary to ensure that the undertaker can undertake the necessary works to give effect to article 3 of the Order (Development consent, etc. granted by Order) even where such works may damage or interfere with watercourses.". How is this unique to the Proposed Development? This justification would appear to apply to all DCOs. Please can the Applicant explain if this is indeed their view, and if that is so, why the provision is necessary in this case. Or are other DCOs lacking?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.36	The Applicant	<p>Art 23.</p> <p>(i) Please will the Applicant confirm that nothing in Art 23 contravenes s.150 of PA 2008?</p> <p>(ii) Is it appropriate to impose deemed approval provisions on private individuals? If it is, should that be on condition that they are warned that silence may become consent, and warned shortly before the deemed approval period expires?</p> <p>(iii) At what point in time is a s.23 notice received?</p>
	Response	
DCO.1.37	The Applicant	<p>Art 24(2)(a).</p> <p>Please will the Applicant explain what is meant by "in the vicinity"? Is there a limit? What is intended to be the consenting position where a building is listed or in a conservation area? Please bear in mind that this power might be exercised some 15 years hence.</p>
	Response	
DCO.1.38	DfT, BPA, Chamber of Shipping, UKMPG, Trinity House, Maritime and Coastguard Agency, MoJ	<p>Part 6 – Harbour powers.</p> <p>Please consider and comment on Part 6 of the dDCO (comprising Arts 46 – 75) which creates a harbour (without walls) in the area of Greater Sizewell Bay adjacent to the Proposed Development. The ExA is interested in hearing your views in particular on the application of the Harbours, Docks and Piers Clauses Act 1847 with amendments (see Art 46), but that is not intended to limit any comments you wish to make.</p> <p>The MoJ is requested to comment on the offences and penalties created by Part 6. Please will the MoJ address specifically whether the fact that Part 6 incorporates the standard "boilerplate" for Harbour Orders addresses concerns?</p>
	Response	<p>The UK Chamber of Shipping has no concerns over the application of the Harbours, Docks and Piers Clauses Act 1847 with amendments, and supports efforts to ensure the safety of navigation, and the safety and security of vessels using the harbour.</p>
DCO.1.39	The Applicant	Part 6.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Please explain the mischiefs which the creation of a harbour is intended to address and its purpose.
	Response	
DCO.1.40	The Applicant	Part 6. Please supply a copy and explanation of any similar provisions, harbour order or other creation made in relation to Sizewell A and B (or either of them) to address the same issues as Part 6. If there are none, how was the mischief Part 6 is designed to address dealt with in those cases?
	Response	
DCO.1.41	The Applicant	Art 46(2) to (8). The wording "must have effect" is unusual. Would simply "has effect" be more appropriate?
	Response	
DCO.1.42	The Applicant, MMO	Art 46(1). (i) This incorporates s.63 of the Harbours Docks and Piers Clauses Act 1847 which prohibits vessels from lying near the entrance of harbour or dock without permission "as soon as the harbour or dock shall be so far completed as to admit vessels to enter therein". How is it envisaged that this operates for a harbour without walls, the entire boundary of which is its entrance, and what is its purpose? Is it practical from either the point of view of the undertaker or from the masters of vessels? Also from what point in time is the harbour "so far completed as to admit vessels to enter therein" in this case? (ii) It also incorporates s.74 of the same Act which makes vessel owners responsible for damage done to the harbour etc and works connected with it by any "vessel or float of timber". Is this justifiable and practical for a harbour which is not itself protected by walls or any other barrier? It would appear that the owner of drifting timber or a drifting vessel from absolutely anywhere would be liable, notwithstanding that damage to this harbour would not have been foreseeable from the place where the timber or vessel broke free or was cast adrift.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		(iii) It also incorporates s.84 of the same Act. Should the incorporation expressly limit the offence to summary jurisdiction in order to meet s.120 and Sch 5 para 32B of the PA2008?
	Response	
DCO.1.43	DfT, The Applicant	Art 50. In relation to this article the MMO has commented, " <i>In relation to Article 50 'Application of Pilotage Act 1987' to become a Competent Harbour Authority (CHA), the MMO notes that a CHA is in relation to Pilotage and is not the same as a Statutory Harbour Authority (SHA). The MMO does not process the creation of CHAs; the method to become one is under separate legislation from the Harbours Act 1964. DfT would be the body responsible for creating CHAs. Therefore, the MMO advise that PINS should discuss this with DfT</i> " [RR-0744]." Please will the DfT advise? Please will the Applicant and DfT submit a statement of common ground if possible recording areas of agreement and disagreement on this issue.
	Response	
DCO.1.44	The Applicant	Art 51(2). Why would there be a discrepancy between Sch 19 and the works plans?
	Response	
DCO.1.45	The Applicant, MMO	Art 62. (i) This begins with an A which appears to be a typographical error. (ii) Why is Art 62(1) needed? What mischief is it designed to overcome? Or is it simply setting out the circumstances in which the rest of Art 62 takes effect? Please will the Applicant clarify the drafting. (iii) Is the reference to "grant" intended to include the grant of a freehold? (iv) Is the grant of a lease or freehold under Art 62(1) which includes provisions referred to in Art 62(2) intended to or capable of relieve the undertaker of the duties and functions delegated and the duties, responsibilities and consequences of their exercise? If so, how is that justified?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		(v) Is the intent to put the lessee / grantee in the same position as the undertaker in the exercise of those functions, both positive and negative, both criminal and civil obligations and consequences?
	Response	
DCO.1.46	The Applicant, MMO	Art 64(9). This provides for byelaws to be available at the harbour master's office. Should they not also be available online?
	Response	
DCO.1.47	MMO	The ExA notes the MMO's concerns expressed in its RR, particularly at para 1.1.4, and its offer of further advice. Will the MMO please give its fullest advice in its written representation and follow through any responses, comments and so on to these ExQs on the Harbour Powers.
	Response	
DCO.1.48	The Applicant, MMO	Part 6 (other than Art 75). Please will the Applicant and the MMO include in their Statement of Common Ground the provisions in Part 6 setting out clearly the areas of agreement and of disagreement.
	Response	
DCO.1.49	The Applicant	Art 77. This applies to agreements for leases of all or part of the Proposed Development and to agreements for its construction, maintenance, use or operation, so far as such an agreement relates to the terms on which land is to be provided. It provides (Art 77(2)) that no enactment or rule of law in relation to the rights and obligations of the landlord or tenant is to prejudice the operation of the agreement. (i) Is the intention that it should apply to the lease granted by the agreement for lease? It seems to the ExA that this is probably the case, but it would be helpful if this could be clarified and then the drafting adjusted if necessary.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>(ii) Is the intention to disapply tenant protections such as the Landlord & Tenant Act 1954?</p> <p>(iii) Is, for example, s.146 of the Law of Property Act 1925 also disapplied, which protects tenants facing forfeiture by giving them time to remedy the breach before the lease is terminated?</p> <p>(iv) The ExA are not experts in landlord and tenant law. The examples given are merely those which spring to mind. But are not all the rights and obligations of landlords and tenants the creation of rules of law or enactments? Does not this provision remove all such laws in which case how are the rights and obligations of the parties regulated?</p> <p>(v) The ExA is obviously concerned and the Secretary of State will wish to be assured that if the DCO is granted, the Proposed Development will actually go ahead. At present the ExA is concerned that Art 77 will adversely affect the ability of the undertaker to obtain tenants and funding.</p> <p>The ExA notes that the DCO for Hinkley Point C does not appear among the list of precedents for this Article in the EM and presumably did not contain an equivalent. Will the Applicants please reflect on this Article? What mischief is it designed to address? If the Applicant wishes to persist with it, please will the Applicant submit to the Examination very clear legal advice that Art 77 does not affect the fundability of the Proposed Development, the ability to let it, and the ability to construct, maintain, use and operate it. In short, that Art 77 does not prejudice the full implementation of the project on reasonable terms.</p> <p>The EM, para 9.6, states that the power to make Art 77 is s.120(5)(a) PA2008. However, that only applies to statutory provisions. Art 77 disapplies rules of law as well. If the Applicant is persisting with Art 77 please will it explain what power it suggests the Secretary of State adopts for this?</p>
	Response	
DCO.1.50	The Applicant, The Host Authorities	<p>Art 79.</p> <p>This allows felling and other tree surgery to any tree or shrub "near any part of the [Proposed] Development". How far is near? Could a maximum distance be added?</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.51	The Applicant	Art 80(3). Why would certified documents, which are to be submitted after the making of the DCO (see Art 80(1)), refer to draft versions of the DCO? Should those documents not be updated to refer to the DCO as made?
	Response	
DCO.1.52	The Applicant	Art 81. At what point in time are documents deemed to have been served (or received, depending on the wording of the article under which the document is sent).
	Response	
DCO.1.53	The Applicant	Art 82(2). Is it appropriate for decisions of the Secretary of State to be subject to arbitration? The Hornsea Three DCO includes an explicit provision that decisions of the Secretary of State and MMO are not to be subject to arbitration (see Art 37(2)).
	Response	
DCO.1.54	Response	Art 83 and Sch 23 – procedure for approvals, consents and appeals. (i) The ExA invites comments in general on Sch 23 from the Host Authorities who will be the recipients of most applications and appeals to which Sch 23 will apply. (ii) Parties to which the deemed consent provisions in the Articles of the dDCO apply are also invited to comment on Sch 23, and their attention is drawn to the EM para 9.25 and following. (iii) In para 1(2) of Sch 23, there are two different time periods for discharge of requirements depending on whether consultation is necessary. The shorter period, 5 weeks, is shorter than the period specified in the model Sch at Appendix 1 of the Inspectorate's Advice Note 15. Whilst the ExA note the Applicant's more generous 8 week period in consultation cases, what is the justification for taking a week off the standard period? (iv) Fees. The ExA notes that there is no drafting at present and that the Applicant hopes to cover these with a performance or s.106 agreement. Until such time as that is

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>concluded satisfactorily, the ExA would prefer to see drafting on fees in the dDCO. Please will the Applicant insert in the next draft of the dDCO the wording to be found at Sch 2 Part 2 para 3 of the Northampton Gateway DCO as made, (2019/1358). The ExA is not, by requiring this, expressing any view as to the desirability or fairness of those provisions. Please will the Applicant explain why para 3(11) of Sch 23 which reads: "the appointed person must have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it" refers to Circular 03/2009 rather than "the Planning Practice Guidance published by the Department for Communities and Local Government on 6th March 2014 or any circular or guidance which may from time to time replace it" which is the wording in Appendix 1 of AN15?</p>
	Response	
DCO.1.55	The Applicant	<p>Art 85. Has the Applicant obtained all necessary consents from the Crown to carry out the Proposed Development?</p>
	Response	
DCO.1.56	<p>The Applicant (I) – (v) The Applicant and the Host Authorities (vi)</p>	<p>Sch 1. (i) Please will the Applicant supply a list of which parts of the Proposed Development ("authorised development" as defined in the dDCO) are associated development? (ii) Please will the Applicant clarify how it is lawful to include the temporary accommodation campus (Work No 3) given that PA2008 s.115(2)(b) says that associated development may not consist of or include the construction of one or more dwellings. (iii) The ExA notes that Doc 7.2 states at para 2.2.1: "Whilst the Sizewell C Project does not meet the thresholds defined in the Planning Act 2008 for highway and railway NSIPS, the equivalent information is included on the relevant plans in Book 2 Plans: Main Development Site Plans (Doc Ref. 2.5)". (iv) Please will the Applicant clarify how it is that Works 4A, 4B, 4C and 4D (individually or together in whatever combination) which include the construction of a 4.5 km railway line which at first sight are within s.14(1)(k) and s.25(1) are not a separate NSIP or NSIPs. In doing so please address each of the tests in PA2008 s.25.</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>(v) Please will the Applicant also clarify in the same way how it is that Works 11A and 11B do not constitute an NSIP or NSIPs? In doing so please address each of the tests in PA2008 s.22.</p> <p>(vi) Please will the Applicant and Host Authorities comment on whether, in the event that they do constitute a separate NSIP or NSIPs, the result is that the criteria and policies for such NSIPs should be applied and whether there are any other consequences for the Examination and the SoS's decision?</p>
	Response	
DCO.1.57	The Applicant	<p>Sch 1 Part 1.</p> <p>Work No. 1A, para (h) states that the work includes "buildings, structures and plant within the 'ancillary structures', including (but not limited to)—...". Please will the Applicant show what controls there are on the extent of these and how the full range has been subject to environmental assessment or that there are limits so as to ensure they do not trigger the need for such assessment.</p>
	Response	
DCO.1.58	The Applicant	<p>The Applicant's response [AS-006] to the first procedural decision [PD-005] Annex A, para A6 is noted. Please will the Applicant explain fully and clearly how the "structures and plant" and "associated structures and plant" which appear in Work No.1A(f) and (g) respectively after the word "including" are described in Chapter 7 and thus have been subject to assessment in the other chapters of the ES assessing the main site. The alternative would appear to be to remove those words from the DCO.</p>
	Response	
DCO.1.59	The Applicant	<p>Work No. 1A (w), temporary and permanent accesses [PD-005] and [AS-006].</p> <p>The ExA notes the Applicant's replies to [PD-005] in [AS-006] paras 4.7</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.60	The Applicant	There are various ES documents which refer to the Combined Heat and Power Plant (CHP) for the temporary accommodation as being retained during the operation of the plant. Please explain how this has been assessed through the ES and how it would be delivered through the DCO which lists it under Work No 3 'Temporary Accommodation' and ensures upon completion of construction its removal under R16. [4]
	Response	
DCO.1.61	The Applicant, ESC, MMO, Natural England	<p>Sch 1 Part 1. Work No 2.</p> <p>The routes of the tunnels are not shown. Please will the Applicant explain why. Please also confirm that whether shown or not, they will not extend outside the Order Limits or the limits to the Works comprised in Work No. 2 shown on the Works Plans.</p> <p>Work numbers 2B and 2D shown on the works plans indicate the separation between the cooling water intakes for units 1 and 2.</p> <p>Can the applicant explain the separation distances between them, which presumably accounts for tunnelling for unit 1 (work no. 2A) being 200m shorter than the corresponding water intake for unit 2 (work no. 2C)?</p> <p>Whilst the intake locations are set out on the works plans, the limits of deviation for the bored tunnels themselves are unlimited within the harbour area as shown on the works plans. This also applies to work no. 2E, 2G, 2I and 2K, which extend between work no 1A and terminate at work 2F, 2H, 2J and 2L respectively Can the applicant confirm what assumptions have been made regarding their alignment within the ES and HRA, and why more defined limits of deviation cannot be set out on the works plans.</p> <p>ESC, MMO and Natural England may also wish to comment on this.</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.62	The Applicant, MMO, Environment Agency	Sch 1 Part 1, Work No. 2B. This includes the phrase "capital dredging". The ExA's understanding of this is that it means "dredging to a depth not previously dredged, or to a depth not dredged within the last 10 years" (https://www.gov.uk/guidance/dredging). Is that the meaning which the Applicant intends and is it an accepted definition? Would it be helpful to include this in the definitions? If not, why not? And what alternative wording does the Applicant propose?
	Response	
DCO.1.63	The Applicant	Sch 1 Part 1. Work No 4. Please will the Applicant explain why Work 4A stops at Work 1A when Work 4B goes inside 4A? See e.g. Works Plans, sheets 7 and 8.
	Response	
DCO.1.64	The Applicant	Sch 1 Part 1. Work No 4. Please will the Applicant supply a clearly labelled drawing showing where these works are in relation to other features, especially the level crossings in Work No. 4C, at a scale of 1:25,000. If this could be done on the latest Ordnance Survey sheet that would be convenient.
	Response	
DCO.1.65	The Applicant	Sch 1 Part 1, Work No. 8. This is in square brackets. Please will the Applicant point the ExA to the provision in the application documents which sets out whether or not this provision is to be included in the final DCO?
	Response	
DCO.1.66	The Applicant, SCC	Sch 1 Part 1, Work No. 9, para (b). Is reinstatement of the A12 alignment in some 60 years time the appropriate course? Or does "operational use" refer to use of the Northern park and ride? If the latter, some clarificatory wording would seem sensible.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.67	The Applicant	Sch 1 Part 1, Work No. 12D. Should the sentence which begins "the location of the below works ..." be moved to the end of 12D and read "The location of the above works ...", or to the opening of the description of Work No. 12?
	Response	
DCO.1.68	The Applicant	Sch 1 Part 2, Other Associated Development. Please explain how this is limited by the Parameter Plans.
	Response	
DCO.1.69	The Applicant, ESC	Sch 1 Part 2, Other Associated Development. The Works in Sch 1 Part 2 may be carried out during both the construction period and the operational period which is some 60 years. They apply also to maintenance. Many of them are works which would normally require planning consent. For example para (b) would allow new drainage systems; (c) allows stacks and chimneys; (i) allows new amenity buildings; (i) also allows "associated structures and plant; and (i) also allows associated post-operation phase work" without stating with what they are to be associated (the post-operation phase is presumably some 60-70 years hence and includes the decommissioning phase); (k) allows extensive alterations to highways; (n) includes habitat creation; (o) includes works for the protection of land or structures; and (p) allows "such other works as may be necessary or expedient" for construction, operation and maintenance (with a reference to environmental effects). (i) Is it justifiable to have such extensive powers in relation to the operation and maintenance of the Proposed Development? (ii) Is the location of the works limited to the Order Limits? (iii) What will be the constraints in the DCO if made on the development they permit? (iv) The EM para 10.4 says they are "minor works". Where is such a limit set out in the dDCO?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		(v) Please will the Applicant supply a reconciliation of the works described in Sch 1 Pt 2 with the development assessed in the ES?
	Response	
DCO.1.70	The Applicant	Sch 1 – works which include parking. Please see questions 8-12 of Annex A to the First Procedural Decision [PD-005] and subsequent responses and observations. The ExA is of the view that the difficulties it has experienced in locating (or not) these facilities within the ES, leading to the exchanges following Annex A to [PD-005], demonstrates the need for a list in the DCO of all the parking facilities, with their Work No., location, a name, number of spaces to be provided for different modes of transport and the triggers by when they are to be operational, as suggested in [PD-009]. A Requirement would secure compliance with the capacity and triggers. Such a trigger could be phase related. Unless this has already been included in the current draft DCO, please will the Applicant amend the DCO accordingly in the next version.
	Response	
DCO.1.71	The Applicant	Sch 2 (Requirements). This does not have its related article number in the heading. Please will the Applicant correct this in the next draft?
	Response	
DCO.1.72	The Applicant	Sch 2 para 1(2). Should the reference to Art 76 be to Art 80?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.73	The Applicant, ESC	<p>Schedule 2 para 1(3).</p> <p>This paragraph is relevant to approvals of details or documents under a requirement <i>"where compliance with a document contains the wording "unless otherwise agreed" by the discharging authority"</i>. The approval is not to be given unless the changes or deviations have been demonstrated to the discharging authority not to give rise to <i>"any materially new or materially different environmental effects to those assessed in the environmental information"</i>.</p> <p>Environmental assessment is a process which assesses not effects but projects to see what significant effects the project is likely to have.</p> <p>(i) Why is comparison with assessed effects relevant? Those effects will include things found to have various degrees of significance, which may then have been mitigated by for example secondary or tertiary mitigation.</p> <p>(ii) Should the assessment instead be against the position at the time of seeking the <i>"unless otherwise agreed"</i> - the baseline may have changed by then. If there is to be a comparison with the current assessment, or the assessment after mitigation, what is the appropriate documentation against which the comparison should be made and how is it to be identified and accessed?</p> <p>(iii) How is the decision on effects to be taken? Could the <i>"subsequent application"</i> approach in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017/572 be applied by the DCO to the approvals addressed by para 1(3) of Sch 2 and provide a suitable procedure? The ExA notes that the subsequent approvals process incorporates a screening process so as to weed out matters not needing EIA.</p>
	Response	
DCO.1.74	The Applicant, ESC	<p>Sch 2 Art 1(4).</p> <p>This exempts external projections such as plant rooms and telecommunications infrastructure from the Parameter Plans. Such items can be sizeable.</p> <p>(i) Please will the Applicant explain what constraints and regulation will exist on their design, size and location in the DCO or s.106 agreement?</p> <p>(ii) How have they been environmentally assessed?</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		(iii) Please will ESC also consider this and indicate what constraints or regulation they consider is in the DCO or s.106 and indicate whether they are content with that, or propose different controls?
	Response	
DCO.1.75	The Applicant, ESC	Art 1(5). Is not the default meaning for the phrase "commencement of development" rather counterintuitive? Please will the Applicant consider reverting to the position that the phrase means commencement of any part of the Proposed Development? This would be consistent with the definition of "commence" in Art 2 of the dDCO. Please will ESC also consider and comment?
	Response	
DCO.1.76	The Applicant, ESC	R2 and (in Revision 1) R3 both refer to "removal and reinstatement" of the authorised development. Whilst this is so as to regulate such matters, what is "removal and reinstatement" this intended to cover?
	Response	
DCO.1.77	The Applicant, ESC	R2 introduces the obligation to comply with the Code of Construction Practice (CoCP). What happens on the current wording in the event of inconsistency between the CoCP and the DCO? Is it necessary to state anything on that? It should also be borne in mind that the ES relies on the CoCP in its conclusions on significance of effects.
	Response	
DCO.1.78	The Applicant, ESC	R4. (i) Please will the Applicant collate where the ES sets out the need and content of ecological monitoring which is referred to in this requirement? Please will it also explain

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>how R4 complies with the need for EIA prior to decision in the light of <u>R v. Cornwall CC ex p Hardy</u> Env L R 25; [2001] JPL 786?</p> <p>(ii) Why is the terrestrial ecology monitoring plan confined to the works listed on R4? Should it not be required for all the Works?</p>
	Response	
DCO.1.79	ESC	<p>R6, site clearance.</p> <p>Please will ESC say whether or not they consider the drawings referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents?</p>
	Response	
DCO.1.80	The Applicant, ESC	<p>R7.</p> <p>(i) How is the proper implementation of the water levels management plan to be enforced?</p> <p>(ii) R7 concerns the Water Monitoring and Response Strategy but in 7(3) it is called the Site Water Mitigation and Response Strategy, which would appear to be incorrect Please will the Applicant consider, respond and amend as necessary.</p>
	Response	
DCO.1.81	ESC	<p>R8, temporary buildings.</p> <p>Please will ESC say whether or not they consider the drawings referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Is the chapter no. correct?</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.82	The Applicant, ESC	R10. What obligation is there to operate the regulation of vehicular access specified in this requirement?
	Response	
DCO.1.83	The Applicant, ESC	R11. (i) Should not the reference be to "Sizewell B relocation works" rather than "Sizewell B relocated facilities"? (ii) Please will ESC say whether or not they consider the drawings referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Is the chapter no. correct?
	Response	
DCO.1.84	ESC	R12. Please will ESC say whether or not they consider the drawings referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Is the chapter no. correct?
	Response	
DCO.1.85	ESC	R13. Please will ESC say whether or not they consider the drawings referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Is the chapter no. correct?
	Response	
DCO.1.86	ESC	R14. Please will ESC say whether or not they consider the drawings referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the chapter no.s correct?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.87	The Applicant, ESC	(i) It seems to the ExA that the implementation of the landscape and ecology works could be avoided simply by failing to submit the landscape scheme. Should not the prohibition on commencing the landscape works be changed to a prohibition on commencing the authorised development? (ii) Is this the Requirement referred to at para 7.1.2 of the oLEMP [APP-588]?
	Response	
DCO.1.88	The Applicant ESC	R14. (i) Please will the Applicant explain what obligation there is to maintain the landscape and ecological works arrived at via R14(1)(i) – (vii)? Should there not be an obligation to comply not only by carrying out the landscape works but also to maintain them in accordance with the landscape and ecology management plan? (ii) Should not the words “and ecology” be inserted between “landscape” and “works” in R14(2)?
	Response	
DCO.1.89	ESC	R15. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the section no.s correct? R15 – Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the section no.s correct?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.90	ESC	R17. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the parts referred to correct?
	Response	
DCO.1.91	ESC, The Applicant	R18. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the parts referred to correct? Please will the Applicant list the "relevant sections" of the Associated Development Design Principles and set them out in this requirement in the next version of the dDCO?
	Response	
DCO.1.92	ESC	R19. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the parts referred to correct?
	Response	
DCO.1.93	ESC, The Applicant	R19. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the parts referred to correct? Please will the Applicant list the "relevant sections" of the Associated Development Design Principles and the relevant plans / details in Sch 6 and set them out in this requirement in the next version of the dDCO?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.94	ESC	R20. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the parts referred to correct?
	Response	
DCO.1.95	ESC	R21. Please will ESC say whether or not they consider the documents referred to in this requirement to be the correct documents?
	Response	
DCO.1.96	ESC	R22. Please will ESC say whether or not they consider the documents referred to in this requirement to be (a) adequate and (b) the full suite relating to this aspect in the Application documents? Are the parts referred to correct? Please will the Applicant list the “relevant sections” of the Associated Development Design Principles and the relevant plans / details in Sch 7 and set them out in this requirement in the next version of the dDCO?
	Response	
DCO.1.97	The Applicant, ESC	R24.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		How will ESC be able to know that and verify that the SZC construction works have finished?
	Response	
DCO.1.98	The Applicant	R25. Please will the Applicant explain how R25 complies with the need for EIA prior to decision in the light of <u>R v. Cornwall CC ex p Hardy</u> Env L R 25; [2001] JPL 786?
	Response	
DCO.1.99	The Applicant	R25. (i) Please will the Applicant clarify the following: R25(1) requires a noise mitigation <u>strategy</u> ; (2) then requires the strategy capable of avoiding exceedances "through a noise mitigation <u>scheme</u> ". Should that be "strategy" or is the intent that the strategy in (1) is a type of "scheme"? Or is there some other intent and explanation? (ii) R25(3) then says the approved strategy referred to in (2) must be implemented. Should that not be the strategy approved under (1)?
	Response	
DCO.1.100	The Applicant, SCC	Sch 19. Article 2 in the definition of harbour limits says "Schedule 19 (Limits of harbour)" whereas the Schedule is actually named "Limits of the harbour". Please would the Applicant consider making them consistent in the next draft of the DCO?
	Response	
DCO.1.101	The Applicant, MMO	Sch 20 – deemed Marine Licence ("DML") – definition of "authorised development". Why is this needed? There is a definition already in Art 2. What is to be the position if there is a conflict between the two definitions? Surely the convention that by including the matter the draftsperson will have intended there to be meaning (and therefore a difference) will come into play. The DML uses other terms from the remainder of the DCO

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		without redefining them, such as Work No. 1A(m). And it includes other terms, such as "commence" giving them a different meaning. Also, the definition of "environmental information" in the DCO and the DML is different and it is not clear if this is for good reason.
	Response	
DCO.1.102	The Applicant, MMO	<p>Sch 20 Para 1. Definition of "maintain".</p> <p>This originally required maintenance activities to have been subject to the assessment in the environmental information and in Revision 3 [AS-143] has the proviso that the work do not give rise to unassessed effects.</p> <p>(i) Should it be made clear that the mitigation required by the ES and that applied elsewhere in this DCO must be complied with?</p> <p>(ii) Is it right to apply this to the whole of the "authorised development" as defined in the DCO given that this is in a deemed marine licence?</p> <p>(iii) The same question the ExA raises on Art 2 of the dDCO in relation to "maintain" also applies here.</p>
	Response	
DCO.1.103	The Applicant, MMO	<p>Sch 20 Para 1, definition of "undertaker".</p> <p>The name given here for the company is different from the name in the definitions of the DCO. Please align the two.</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.104	The Applicant, MMO	Sch 20 Para 1, definitions of Work No. 1A(m) and other works. Is there not an element of circularity or repetition here? Para 1 tells us that Work No. 1A(m) means the Beach Landing Facility. The ExA has searched for this phrase elsewhere in the DCO. It appears only in Sch 1, Part 1, the list of works where we are told that Work No 1A(m) is "Beach landing facility, including associated structures and plant;". Beach Landing Facility is a more helpful and practical phrase than Work No.1(M), but (i) the phrase is only used in paragraph headings to the deemed marine licence and (ii) should not the definition be the other way around: "Beach Landing Facility" means Work No 1A(m)"? This may be a small drafting point. If there is more to it than that, please will the Applicant and MMO explain.
	Response	
DCO.1.105	The Applicant, MMO	Sch 20, Para 2 – change of the MMO address and email address can be notified in writing. How does this operate for members of the public who may wish to raise issues or alert the MMO to a state of affairs?
	Response	
DCO.1.106	The Applicant, MMO	Sch 20 Para 3 – transfers of the DML. This appears to allow transfers which do not fall within Art 9 of the DCO to take place, in other words for the DML to be separated from the DCO. Is it not the intention to ensure that only the transfer of both together should be possible?
	Response	
DCO.1.107	The Applicant, MMO	Sch 20 Para 4. This is the heart of the licence and para 4(1) licences any licensable marine activities under s.66(1) of the MCAAct 2009 which form part of the authorised development which are not already exempt under a s.74 provision. The attention of the Applicant and MMO is drawn at this point to the definition of "authorised development" in Art 2 of the DCO and to the definition on para 1 of Sch 20 which is apparently to the same effect. What is the purpose of Para 4(2)? It is not stated whether it expands or limits the authorisation given by para 4(1). Please will the Applicant and MMO consider, explain and amend the drafting as necessary.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.108	The Applicant, MMO	Sch 20 Para 5(e). This allows replacement of structures. Should it be limited to like for like or otherwise limited? If not, how will environmental assessment aspects be met?
	Response	
DCO.1.109	The Applicant, MMO	Sch 20 Para 6. This refers to "sub-paragraphs (4)(a) to (4)(m)". Of which para please?
	Response	
DCO.1.110	MMO, ONR	Sch 20 Para 8. This states that certain failures by the licence holder "may render this licence invalid". This would appear to be a draconian penalty or remedy where essential elements of a nuclear power station are concerned, a remedy which cannot in reality be used when it is borne in mind that the licensed activities include maintenance and replacement of for example the cooling water intakes, outfalls and tunnels. It is obviously important that the DML is observed and that effective sanctions exist. Is invalidity a legal consequence which follows from certain failures by the licence holder? Please will the MMO explain what other remedies are available to it short of revocation whether it considers them to be adequate on the assumption that the licence could not in reality be revoked. Should there be some consultation or liaison between the MMO and ONR if invalidity or revocation were to be contemplated? These questions are addressed primarily to the MMO, and also to the ONR, but the Applicant should feel free to contribute.
	Response	
DCO.1.111	MMO, ONR, The Applicant	Sch 20 Para 11. This requires prior approvals from the MMO for each licensed activity and prohibits commencement until that approval has been issued. There are similar and allied provisions in paras 12, 13, 14, 15, 16, 17, 18, 19 and 20. This may be appropriate during the construction phase. How is it intended to work during operation (again, the repair and maintenance of the structures are licensed activities) and should there not be exceptions for urgent or emergency works? Is the defence in s.86 of the MCAAct 2009 adequate?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.112	The Applicant, MMO	Sch 20 Part 3 – para 29 – “rock material from a recognised source”. What is meant by “recognised source”? As drafted this lacks clarity and precision.
	Response	
DCO.1.113	MMO, The Applicant	Sch 20 Para 41. This regulates commencement of work on the Soft Coastal Defence Feature. Is that not above MHWS and thus outside the jurisdiction of the MMO? The ExA raises the same question in relation to the Hard Coastal Defence Feature.
	Response	
DCO.1.114	MMO, The Applicant	Sch 20 Para 43 prohibits the delivery of rock armour “until the relevant details have been submitted to and approved by the MMO”. What mischief is this designed to prevent and what are “relevant details”? (a) – (f) presumably give some indication but the list is inclusive not exclusive. Is the issue quality and chemistry of the rock armour, or the delivery details or some other concern?
	Response	
DCO.1.115	The Applicant	Sch 20 Para 45. Small typo “untillo”.
	Response	
DCO.1.116	The Applicant, MMO, EA	Sch 20 Para 50. Does this not overlap and duplicate the Environment Agency’s controls, and if not, should it not rather be a requirement
	Response	
DCO.1.117	The Applicant, MMO	Sch 20, Part 4. Please will the Applicant supply plans showing these Works areas? Is there not a case, in the interests of practicality of use, for referring to deposited plans (which would in case of conflict be subordinate to the co-ordinates in Part 4) which can then be also be placed on the MMO website?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.118	The Applicant	Sch 20, the DML, general. For comparison purposes, please will the Applicant provide a document setting out the provisions in the Hinkley C DCO which are equivalent to Sch 20? The ExA notes there was not a separate DML in the DCO for that NSIP. Please specify the requirements or other provisions in the Hinkley C DCO and the destination in Sch 20.
	Response	
DCO.1.119	The Applicant, MMO	Sch 20. Please will the Applicant and the MMO provide a Statement of Common Ground on the provisions in Sch 20 and Art 75 setting out clearly the areas of agreement and of disagreement, and explaining the reasoning for their positions.
	Response	
DCO.1.120	The Applicant	Sch 20. The Explanatory Memorandum [APP-060] does not contain any commentary or full explanation of the provisions of Sch 20. Please will the Applicant submit a full explanation of this schedule, either as a separate document, or (preferably) as a re-issue of the EM.
	Response	
DCO.1.121	MMO	The MMO's relevant representation does not use the examination library references. Please will the MMO submit a revised RR-0744 with the references alone added and ensure their use in future submissions to the examination.
	Response	
DCO.1.122	The Applicant, ESC	Sch 23 – procedure for approvals, consents and appeals. Will the Applicant and ESC please provide a SoCG stating: (i)The names of the discharging authorities and all other persons whose approval, consent or appeal procedure is to be subject to Sch 23 (ii)The functions of those persons subject to Sch 23

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>(iii) what differences there are between the procedure for approvals, consents and appeals and the procedure set out in Appendix 1 of AN15, accompanied by a trackchanges version showing the differences</p> <p>(iv) what parts of Sch 23 are not agreed between the Applicant and ESC</p> <p>(v) The case of the Applicant and ESC in relation to any parts not agreed</p> <p>The reason and purpose of any difference from Appendix 1 of AN15 whether or not the provision is agreed</p>
	Response	
DCO.1.123	The Applicant	<p>Sch 23.</p> <p>Will the Applicant please supply a SoCG with each IP which or who is also (a) a discharging authority or (b) an other person whose approval, consent or appeal procedure is to be subject to Sch 23 (in addition to ESC under the previous question) stating</p> <p>(i) Whether or not that IP agrees with the description of their function in point (ii) of the previous question and if not setting out that person's preferred description and why.</p> <p>(ii) The position in relation to points (iv) and (v) so far as that person's functions are subject to Sch 23</p> <p>(iii) The reason and purpose of any difference from Appendix 1 of AN15 relating to that person's functions whether or not the provision is agreed</p> <p>(iv) What aspects are not agreed between them.</p>
	Response	
DCO.1.124	MMO	<p>Sch 23.</p> <p>The ExA notes that the MMO in its RR-0744 has concerns about Sch 23 and seeks instead that disputes over approvals pursuant to the DML should be dealt with by way of judicial review (para 2.1.12 and following). The norm in the case of regulatory approvals is for there to be an appeal process on the merits before a right to review on the law is available. Whilst the PA2008 does not contain such a process for approvals pursuant to requirements it is now common for a process along the lines of Sch 23 to be included in DCOs. Should not the comparison be with the appeal system under s.73 of the MMCA Act 2009 suitably adapted for approvals pursuant to conditions of a DML, rather than judicial</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		review? Will the MMO please outline the process which applies to disputes over submissions for approvals under a DML?
	Response	
DCO.1.125	The Applicant, ESC	Sch 24, para 3. Will the Applicant please explain what is the effect of this paragraph which relates to Community Infrastructure Levy? Will ESC give its understanding and indicate if it accepts this provision?
	Response	
DCO.1.126	The Applicant, ESC	Sch 24, para 5. Please will the Applicant explain the effect of para 5(2)? Surely the question of whether or not the Applicant is a person interested in the Order land is one to be determined on the facts, and not deemed. Please will the Applicant explain why it is not a person interested in the land if that is the case? The s.106 agreement must bind the land and all persons deriving title from the original covenantor. The Applicant and Host Authorities should note the questions below on s.106 agreements.
	Response	
DCO.1.127	The Applicant	Sch 24 as a whole. Please would the Applicant explain fully the purpose and effect of the modifications and exclusions set out in Sch 24, and give the statutory power for making them? The EM does not contain much explanation on this Schedule.
	Response	
DCO.1.128	ESC, the Applicant	At para 2.316 of [RR-0342] ESC state that they "would prefer a Natural Environment Fund that encompasses all areas of concern including impact on the AONB. A Natural Environment Fund would be able to address issues and provide mitigation outside of the AONB boundary should it be required which is preferable to the more restrictive boundary of the AONB". Please will ESC and the Applicant comment on what areas of concern are

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		appropriate and whether and how this would meet the legal tests for valid planning obligations. Are the policy tests also met?
	Response	
DCO.1.129	SCC, the Applicant	<p>At para 8 of [RR-1175] SCC set out a list of funds they submit should be considered. Are they accepted by the Applicant and where are they secured?</p> <p>Please will SCC and the Applicant comment on which funds are appropriate and whether and how this would meet the legal tests for valid planning obligations. Are the policy tests also met?</p>
	Response	
DCO.1.130	The Applicant	<p>On Works Plan 7 (which is in [APP-011]) works are to be carried out to the existing railway near Buckles Wood Road. They are part of Work No. 4C and inside the Order Boundary. But it is not shown on SZC-EW0103 -XX-000-DRW-100102 (in [APP-016] - Rail Plans For Approval, and [AS-121] which supersedes it), as being within the "Development Site Boundary" despite the red line showing the "Development Site Boundary".</p> <p>Please will the Applicant clarify what is the status of the land and works along the railway between Works No. 4A and 4C. Is it within or without the Order Limits? What works are being carried out?</p> <p>Is the plan listed in the dDCO and if not, should it be?</p>
	Response	
DCO.1.131	The Applicant	<p>Please will the Applicant clarify SZC Bk 2 2.5 which is titled Rail Plans for Approval. However the individual plans are titled Main Development Site Temporary Construction Area. They do appear to relate only to rail works.</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.132	The Applicant	Material Changes. Please will the Applicant clarify why the 15 additional parking spaces at Kenton Hills Car Park (Work No. 1A (cc) in Doc 3.1B are omitted. What is the extent of the remaining improvement works, where are they described and limited in the DCO and where are they assessed in the ES?
	Response	
DCO – the questions which follow relate to the Third Draft DCO [AS-143] and focus on the changes between the original – [APP-059] and the third draft. The previous questions in this section on the DCO should be answered in the light of the changes and take changes into account. They should explain how changes affect the answer.		
DCO.1.133	The Applicant	Please will the Applicant confirm that the Explanatory Memorandum Revision 2 [AS-147] relates to Third Draft DCO [AS-143] (or otherwise).
	Response	
DCO.1.134	The Applicant	Please will the Applicant confirm that the Third Draft DCO [AS-143] includes the changes it seeks to accommodate its change request.
	Response	
DCO.1.135	The Applicant	<p>The Explanatory Memorandum makes reference a number of times to the draft Wylfa DCO. That order was not made as the application was withdrawn in late 2020. Following withdrawal, the ExA's report to the SofS was published by the Planning Inspectorate.</p> <p>The Sizewell C ExA makes neither endorsement nor criticism of any of the comments of the Wylfa ExA on the DCO in that case. However, please will the Applicant take into account any comments made by the Wylfa ExA when preparing the next drafts of the DCO and the Explanatory Memorandum and explain why it proposes or rejects them. Please also state whether references to the Wylfa DCO which are already in the Explanatory Memorandum are consistent with the comments by the Wylfa ExA.</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.136	The Applicant	Has the Third Draft incorporated the changes the Applicant made in the light of the procedural decisions made by the ExA prior to the close of the Preliminary Meeting?
	Response	
DCO.1.137	The Applicant	Interpretation, Art 2: "marine works". There is a misprint in this definition. The ExA suspects that 1(bb) should be 1A(bb).
	Response	
DCO.1.138	The Applicant	Art 2 – "marine works". Please explain why work 1A(o) – the HCDF – has been removed from the definition of marine works.
	Response	
DCO.1.139	The Applicant	<i>The Explanatory Memorandum refers at para 2.8 to Work No 18 (works at Pakenham). Whilst the ExA at first thought that there was no Work No 18 in the Third Draft, on further reading it sees that Work No.18 is sandwiched between Works 7 and 8, presumably on the ground that Works 6-8 are grouped together as Fen meadows and marsh harrier habitat.</i> <i>Notwithstanding that, this is likely to cause confusion to many for years to come if the DCO is granted.</i> <i>Is there not a more intuitive way to deal with this?</i> <i>Please could the Applicant reflect on this and respond.</i>
	Response	
DCO.1.140	The Applicant	Art 2 – references to Works 1D and 1E. it is evident that the intention is that these are in the alternative. Please will the Applicant explain the criteria and method for deciding which is to apply and guide the ExA to all the parts of the DCO which are used for the decision. Please will the Applicant do the same for Sizewell B relocated facilities permission 1 and Sizewell B relocated facilities permission 2.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
DCO.1.141	The Applicant, ESC	Art 2 "Sizewell B relocated facilities permission 2". Please will the Applicant and ESC report on the current position with the application for the Sizewell B relocated facilities permission 2, and the anticipated forward programme that is reasonably expected within the timeframes of the examination?
	Response	
DCO.1.142	The Applicant	Art 5 and para 4.7 of the Explanatory Memorandum. The latter states that "If the undertaker has commenced Work No. 1E, it may not thereafter carry out works under Work No.1D (article 5(3))". (i) Where does this appear in Art 5? The article appears to hinge on whether notice is served as to which Work is being implemented. (ii) What is the reason for the preventing Work No 1E(d) if Work 1D(d) or (e) have been implemented? (In passing, the term "implemented" is new at this point and is undefined. Whilst it is a common and useful term, is not "commenced" preferable in Art 5(3)?) (iii) The intention seems to be that Work 1E is preferred; please confirm that understanding. (iv) How practically will it be known that Work 1D or 1E has been commenced?
	Response	
DCO.1.143	ESC, the Applicant	Art 10. Please will ESC comment on the appropriateness of adding the Main Development Site Design and Access Statement and the Associated Development Design Principles to the defences to statutory nuisance in this Article. In particular, are they sufficiently precise documents for this purpose?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.144	SCC, the Applicant	<p>Art 14(1)(b) and 14(3) and Sch 10 Part 3.</p> <p>The Explanatory Memorandum states that this new provision allows for the status of streets from highways open to all traffic to highways for pedestrians only. They are referred to as NMUs in Sch 10 Part 3.</p> <p>(i) Please will SCC give its view on this?</p> <p>(ii) Does NMU mean "non-motorised users"?</p> <p>(iii) Where and when has this provision been previously publicised and consulted on?</p> <p>(iv) Please point the ExA to the responses to consultation on this proposal?</p> <p>(v) What policies apply to such a restriction being included in the DCO?</p> <p>(vi) What legal tests must be met for such a restriction to be included in the DCO?</p> <p>(vii) Art 14(3)(a) does not appear to make sense as currently drafted. What is intended? Is there a missing "and" between "the street authority" and "is open for use"? Or is something else intended?</p> <p>(viii) what protections are there for those who currently use the highways in question as highways for all traffic other than pedestrians / NMUs, especially owners of land which abuts either side of the highways?</p> <p>(ix) should protections similar to those which apply to changes under the other parts of Sch 10 be applied, and if so would they be adequate?</p> <p>(x) with the inclusion of an extra paragraph in Art 14 some of the cross-references need to be adjusted, for example in what is now para (5) the reference to para (5) should become a reference to para (6). There is a mirror of this issue in what is now para (6).</p> <p>(xi) Please will the Applicant provide specific confirmation of the power for the new provisions in Art 14 and Sch 10.</p> <p>(xii) Is the aim of this provision better achieved by traffic regulation orders?</p>
	Response	
DCO.1.145	The Applicant	<p>Art 16(1). "Order limits" has been changed to "permanent limits". Is this intentional? If so, please explain what is meant by "permanent limits".</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		The same phrase occurs in Art 37(1)(a)(ii). Please will the Applicant address it there as well.
	Response	
DCO.1.146	The Applicant, SCC	<p>Art 17 – temporary stopping up of streets and private means of access.</p> <p>Please will the Applicant and highway authority consider whether “temporary stopping up” is the correct approach. Is not “stopping up” the extinguishment of public rights? Once the rights are extinguished the land ceases to be highway and the land that formally formed the highway (depending on the definition either about 1.5 to 2 ‘spit’ depths) reverts to the owner of the subsoil. Thus the Highway Authority who usually maintains public highway would cease to have any interest in the land (unless they were also the landowner)? Highway Authorities are not necessarily the owner of the subsoil. Landowners dedicate the surface of the land for highway purposes but usually do not give up their ownership of the land underneath. In the absence of evidence to the contrary the subsoil will belong to the landowners on either side, up to the median line. That being the case the Applicant would need to ensure all the land under any stopped up highway was under their control in order to do any work in that land and also to be certain the landowner would rededicate the land again as highway once they had finished, the work.</p> <p>This point was raised at the Southampton to London Pipeline NSIP examination. Highways England agreed with it and stated they would be seeking to change the approach on their own DCOs.</p> <p>Would the Applicant please consider this issue and propose revised drafting or explain why the current drafting is still appropriate.</p>
	Response	
DCO.1.147	The Applicant, MMO	<p>Art 64(4).</p> <p>What is the justification for choosing 28 days rather than the original one month for notice of application for confirmation of byelaws.</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.148	The Applicant, MMO	Art 73 – use of BLFs. As the temporary BLF is not intended to be used after construction, its use for maintenance and decommissioning is surely unwarranted. If so, please will the Applicant propose amendment to this article.
	Response	
DCO.1.149	The Applicant, MMO	Art 75A – appeals in relation to deemed marine licence. There needs to be explanation of this addition in the Explanatory Memorandum. It would be helpful if that explanation could also be set out in the response to this question. Please will the MMO set out its view on this Article and Sch 20A
	Response	
DCO.1.150	The Applicant, MMO	Art 82(6) no arbitration of consents or approvals by the MMO. Please will the MMO say if it approves this wording.
	Response	
DCO.1.151	The Applicant, MMO	Art 86 – marine enforcement authority. Please will the Applicant explain and give the statutory references for the mischief this Article and the amendment since the first draft DCO is addressing. Please will the MMO also comment and say if it approves the wording in the third draft..
	Response	
DCO.1.152	The Applicant	Sch 1 Pt 1- Work No. 5. This now includes “one 3G pitch”. Should this not be defined?
	Response	
DCO.1.153	The Applicant	Sch 1 Pt 1 Work No. 18. Please see question above on the Explanatory Memorandum
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.154	The Applicant, SCC	Sch 2, R3 – archaeology. Please will the Applicant explain the reason for the changes? Please will SCC indicate if they are content with the new wording and if not explain what they seek and why.
	Response	
DCO.1.155	The Applicant	Sch 2 – Requirements, generally. A number of capitalised terms have been introduced but the ExA has been unable to find corresponding definitions. Examples include Peat Written Scheme of Investigation, Statutory Nature Conservation Body and RSPB. Please will the Applicant review Sch 2 and the DCO as a whole and submit a list of terms which are not but should be defined, together with the proposed definitions. It would be helpful if the list could also show where the terms are first used in the dDCO.
	Response	
DCO.1.156	The Applicant , SCC, ESC	In a number of Reqs, terms such as “local planning authority” have been changed to the name of a council (such as in that case East Suffolk Council). Examples are R 2, 3, 4 and 5. Given that local government reorganisation occurs from time to time and that functions may move from one authority to another, is it not better to refer to the function (such as highway authority) rather than use the current name of the body?
	Response	
DCO.1.157	The Applicant	R 14B(1) – Wet woodland. Is it necessary to refer to clearance as being pursuant to Work No.1A? Surely no clearance within the Sizewell Marshes pursuant to the DCO should be commenced prior to approval of the wet woodland strategy.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.158	The Applicant, SCC	R 6A – is “general” accord with the Public Rights of Way Strategy appropriate? Why not “in accordance”?
	Response	
DCO.1.159	The Applicant, ESC, Natural England	R 14A. The ES refers to financial contribution should the fen meadow recreation not succeed. Please will the Applicant point the ExA to where that is to be found.
	Response	
DCO.1.160	MMO, the Applicant	Sch 20 and Sch 20A – the deemed marine licence and the appeals procedure. Please will the MMO provide its comments on the changes to Sch 20 since the original submission and on new Sch 20A. Please will the Applicant provide a note on the reasons for the changes, or point the ExA to where the reasons may be found in the Applicant’s submissions thus far.
	Response	
DCO.1.161	MMO, the Applicant	Sch 20, Pt 1, para 2(3). Should there not be an “(2) Unless otherwise advised in writing by the MMO ... ” introduction to this sub-para? Otherwise, a change to the web address or new system would appear to require a variation of the DCO. This question applies to other instances of addresses and telephone numbers in the deemed licence, e.g. Sch 20, Pt 3 para 9
	Response	
DCO.1.162	MMO, the Applicant	Sch 20, Pt 2 para 4(2)(c)(ii). Does this make sense? What is “by pass (movement alongshore)”?
	Response	
DCO.1.163	MMO, the Applicant	Sch 20, Pt 2, para 7A.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		This contemplates transfer of the deemed marine licence to an entity which is not the Undertaker. Would it not be preferable for and Art 8 (or should the reference be to Art 9?) transfer to transfer also the deemed marine licence?
	Response	
DCO.1.164	MMO, the Applicant	Sch 20, Pt 2, para 7A. Are the remedies in s.72 of the Marine and Coastal Access Act 2009 likely to be used in practice? Are modifications, strengthenings or other sanctions and remedies necessary in the case of a nuclear power station?
	Response	
DCO.1.165	MMO, the Applicant	Sch 20, Pt 2, para 7B. Should the amendments to plans etc in this Art be subject to the usual EIA limitation?
	Response	
DCO.1.166	MMO, the Applicant	Sch 20, Pt 3, para 10. What is meant by "(a) a planned timetable for each activity <i>as outlined in Part 2</i> ". The reference to Part 2 appears to be Part 2 of a different document.
	Response	
DCO.1.167	MMO, the Applicant	Sch 20, Pt 3 para 17. Application for approval of a Coastal Processes Monitoring and Mitigation Plan. By sub-para (f) this application "must include (f) confidence that the proposed mitigation will be effective". (i) Should it not rather be demonstrating confidence? In addition, what level of confidence, how is misplaced confidence avoided? (ii) Should there be a statement of the purpose for which the mitigation is to be "effective"? (iii) Whatever the answer to (ii), please explain what is the purpose of this mitigation.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
DCO.1.168	MMO, the Applicant	Sch 20, Pt 3 para 39. This has been deleted. What process is now proposed for UXO clearance? Please will the MMO state whether or not it agrees with that process.
	Response	
DCO.1.169	ESC, SCC, the Applicant	Sch 23, unless dealt with in the SoCGs on Sch 23 required above, will ESC and SCC please comment on the changes to Sch 23 between the original dDCO and Revision 3 [AS-143]. If such matters are dealt with in those SoCGs please will ESC, SCC and the Applicant state as much in their reply to this ExQ.
	Response	
FR.1 Flood risk, ground water, surface water		
FR.1.0	The Applicant	Main Platform – Temporary Coastal Defences Paragraph 7.1.12 of [AS-018] states a temporary reinforced coastal flood defence will be built to form the haul road. Paragraph 4.2.6 of [AS-157] confirms that a temporary sheet pile wall of 7.3m AOD is now also proposed. There is little detail on the process of constructing these temporary works, including removing existing sea defences, placing temporary defences and constructing the permanent defences. Additionally, there is little detail on the timing of the various elements of sea defence works. Figures 2.2.20 to 2.2.23 [AS-190] provide some detail. Provide more detail on the sea defence construction programme and plans showing how they will develop in relation to construction phases.
	Response	
FR.1.1	Environment Agency	Main Platform – Temporary Coastal Defence The EA's RR [RR-0373] raised concerns regarding the Applicant's intention to remove the existing coastal flood defences before the new coastal flood defences had been constructed. As part of the Applicant's material change, installation of a temporary sheet pile wall (with a crest set at a minimum level of 7.3m AOD) is now proposed around the construction area, prior to the removal of the existing defences.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Could the EA comment on the extent to which the temporary sheet pile wall addresses its concerns in this regard, considering the revised overtopping assessment presented in the MDS FRA Addendum [AS-157] and accompanying Appendix E [AS-170]?
	Response	
FR.1.2	The Applicant	<p>Main Platform – Adaptive Sea Defence</p> <p>Paragraph 3.1.9 of [AS-157] states that the designed crest level of the sea defences with landscaping will be 14.6m AOD. The defence would have an adaptive design with the potential to raise the crest up to 16.4m AOD in the future if required to address sea level rise and change in wave conditions due to climate change. Explain in relation to the requirements in the draft DCO how the following would take place:</p> <ul style="list-style-type: none"> (i) Monitoring to understand the need for any adaptive sea defence works; (ii) How such monitoring would be secured within the DCO; and (iii) How the adaptive sea defence works would be secured and delivered in the DCO.
	Response	
FR.1.3	The Applicant	<p>Main Platform – Adaptive Sea Defence</p> <p>The Environment Agency [RR-0373] and other IP's ask for more detail on the design and construction of the Hard Coastal Defence Feature (HCDF). Paragraphs 4.2.13 to 4.2.17 and Plates 4.3 and 4.4 of [AS-157] provide some information on the HCDF. However, the detailed design and construction of the HCDF has still not been set out. Provide a detailed description of the design and construction of the HCDF including how any subsequent adaptive element will be provided.</p>
	Response	
FR.1.4	The Applicant	<p>Main Platform- Internal Flooding</p> <p>Paragraph 7.2.27 [AS-018] sets out a worst case internal flooding scenario of around 70 - 170mm of water for up to three hours during the extreme tidal cycle. Managing such a low probability event through a temporary shut-down of operations is considered adequate by the Applicant. Explain:</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		(i) How such an event would affect operation, and (ii) Any implications for the storage of radioactive material on site.
	Response	
FR.1.5	The Applicant	Main Platform – Construction Groundwater Management Paragraph 7.5.7 [AS-018] explains the groundwater management approach for the main development platform. It includes the provision for a low permeability cut-off wall. Explain: (i) The construction process for the proposed cut-off wall; and (ii) How groundwater will be managed whilst the cut-off wall is being constructed.
	Response	
FR.1.6	The Applicant	Main Platform – Cut off Wall Extent Provide a plan showing the extent of the cut-off wall and also sections of the main development platform showing the cut-off wall extent and also any deep excavations for underground structures proposed within the area enclosed by the cut-off wall or adjacent to it.
	Response	
FR.1.7	The Applicant	Groundwater Overtopping of Cut off Wall Paragraph 7.5.19 of [AS-018] explains that the final top level of the cut-off wall is not yet confirmed so groundwater levels over-topping the cut-off wall could pose a risk to underground structures. Explain how the design and construction process will mitigate such a risk.
	Response	
FR.1.8	The Applicant	Water Monitoring and Response Strategy [AS-236]

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Appendix 2.14A relates to both surface water and groundwater, whereas Requirement 7 of the draft DCO relates to groundwater. Explain how: (i) Surface water regime monitoring is secured within the draft DCO; and (ii) Any necessary responses or remedial action will be secured and delivered within the draft DCO.
	Response	
FR.1.9	East Suffolk Council, East Suffolk Internal Drainage Board, Environment Agency, Suffolk County Council	Water Monitoring and Response Strategy [AS-236] Provide comment of the coverage and suitability of the proposed strategy and the process to secure any required mitigation
	Response	
FR.1.10	The Applicant	Breach Modelling Paragraph 11.2.6 of [AS-018] refers to results shown in Table 8.2. It is not readily apparent how the figures quoted in the paragraph relate to Table 8.2. Clarify this analysis.
	Response	
FR.1.11	The Applicant	Main Development Site FRA Addendum [AS-157] Paragraph 2.2.1 This paragraph suggests reviews and updates have been undertaken in response to both the EA and other key stakeholders. Other key stakeholder engagement is not outlined in Appendix A or B. Outline any other key stakeholders' engagement and how this has also affected the review and update.
	Response	
FR.1.12	Environment Agency	Main Development Site FRA Addendum [AS-157] Are you satisfied that the modelling undertaken on the effects of the revised design of the HCDF provides a robust assessment of the safety of people during construction and operation of the Proposed Development?
	Response	
FR.1.13	The Applicant	Main Development Site FRA Addendum [AS-157]

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Table 2.1, 200 year return period, 2140 epoch Explain why different Climate Change criteria is used for this particular prediction?
	Response	
FR.1.14	Environment Agency	Main Development Site FRA Addendum [AS-157] The EA [RR-0373] highlighted that the Proposed Development would result in an increase in hazard rating category for 4 residential properties and increased fluvial flood risk to 5/6 non-residential properties, as set out in the MDS FRA [APP-093, updated by AS-018]. The EA advised that compensatory flood storage measures (or other appropriate measures) should be investigated to mitigate fluvial flood risk to residential and non-residential properties. The Applicant has made design changes intended to mitigate fluvial flood risk and undertaken further assessment work, as presented in the MDS FRA Addendum [AS-157]. To what extent does this address the EA's concerns in this regard?
	Response	
FR.1.15	The Applicant	Main Development Site FRA Addendum [AS-157] Paragraph 3.3.18, Is this saying that there is no property at this postcode or that it would not be flooded?
	Response	
FR.1.16	The Applicant	Main Development Site FRA Addendum [AS-157] Paragraph 3.3.27 has the doorstep height of any affected residential properties been checked to ascertain whether even a small increase in flood depth could create a significant flooding issue?
	Response	
FR.1.17	The Applicant, Environment Agency, Suffolk County Council	Main Development Site FRA Addendum [AS-157] Fen Meadow Mitigation Habitat Paragraph 5.1.20 At what point will the ExA be able to understand whether the proposed mitigation sites are suitable?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
FR.1.18	Environment Agency, Suffolk County Council	Main Development Site FRA Addendum [AS-157] Surface Water Drainage Paragraph 5.1.46, What is your view of the suitability of the proposals at this stage of the development?
	Response	
FR.1.19	The Applicant	Main Development Site FRA Addendum [AS-157] Flood Risk Activity Permits The MDS FRA Addendum explains that a Flood Risk Activity Permit (FRAP) would be required in relation to the proposed fen meadow habitat compensation areas. The Applicant states that since the design of the scheme is ongoing, the application for the FRAP will be prepared and submitted to the EA "...at an appropriate stage of the Project". The EA's RR also indicates that works to remove existing flood defences are likely to require a permit. The ExA notes the contents of PINS Advice Note 11: Working with public bodies in the infrastructure planning process (Annex D) in this regard, which states that if the DCO and permit application(s) are not appropriately coordinated, there is a risk that the EA will be unable to comment on detailed technical matters raised by the Inspectors during the examination of the DCO. In view of these matters, can the Applicant confirm how many FRAP applications would be required and provide any firm commitment on the likely timescales for submission of these application(s) to the EA? The Other Consents, Licenses and Agreements document [APP-153] should also be updated, as required.
	Response	
FR.1.20	The Applicant	Two Village Bypass FRA Paragraph 7.2.17 [APP-119] and paragraph 2.1.5 [AS-171] state that talks are ongoing with the relevant landowner with respect to increased flood depth, hazard and velocity in an affected area. Provide an update on the current status of negotiation with the relevant landowner.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.21	East Suffolk Internal Drainage Board, Environment Agency, Suffolk County Council	Sizewell Link Road FRA [APP-136] It is explained [APP-136] that two of the proposed watercourse crossings have not been hydraulically modelled (SW4 and SW7). The Applicant confirms there would be no impact from SW4. For SW7, the Applicant sets out its proposed approach to addressing the current lack of information regarding the existing culvert and lack of modelling, at detailed design stage. Please comment on the Applicant's approach in this regard.
	Response	
FR.1.22	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] The Environment Agency [RR-0373] state that the Fen Meadow compensation area water body areas have been incorrectly identified and that the correct water body areas should be screened in and assessed. Respond to their concerns.
	Response	
FR.1.23	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.156 does not mention the pressure on groundwater bodies that would be created depending on the final solution for site water supply. The assessment should include impact on groundwater bodies depending on the possible impact of the water supply solution proposed. Explain how this is addressed and provide references to particular sections of the WFD Compliance Assessment report.
	Response	
FR.1.24	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.1.160 does not mention the implications for surface water levels and consequently river water bodies of the requirement for demand for water in both

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		construction and operation of the proposal. Depending on the water supply solution, should this not be a consideration in the assessment?
	Response	
FR.1.25	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621]
	Response	Paragraph 2.2.196 Explain where the decommissioning area is and the distance to the mentioned site boundary.
FR.1.26	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621]
	Response	Paragraph 2.4.8 first bullet point. Explain how the presence of the power station platform and the cut of wall could also result in indirect effects on the Suffolk coastal water body.
FR.1.27	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621]
	Response	Paragraph 2.4.26. Given the detailed plume information was unavailable at the time of scoping, what are the implications for the effects assessed and at what stage will the detailed plume information be available so that the effects can be properly considered?
FR.1.28	Environment Agency	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621]
	Response	Paragraph 2.5.38 "For the purpose of this WFD Compliance Assessment, only biological elements of relevance to WFD (fish, invertebrates and aquatic flora) are outlined below." Is this an acceptable approach?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.29	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.46 Figure 2.8 is not in APP-629, signpost or provide.
	Response	
FR.1.30	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.60 Figure 2.9 is not in APP-629, signpost or provide
	Response	
FR.1.31	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.98 Explain the significance of the exceedance of the Environmental Quality Standard for levels of zinc in the Suffolk coastal marine water body.
	Response	
FR.1.32	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.106 Explain the significance of the Centre for Environment, Fisheries and Aquaculture Science (Cefas) Action levels with respect to this assessment.
	Response	
FR.1.33	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.153 Explain why the current baseline conditions are considered appropriate for the whole construction period that could be as long as 12 years.
	Response	
FR.1.34	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621]

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Paragraph 2.5.156 Explain the implications of Defra's "Water Abstraction Plan" to this assessment.
	Response	
FR.1.35	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.196 states "all foul waters generated during construction would be collected in a self-contained chemical system and tankered off site for disposal". The Outline Drainage Strategy [APP-181] sets out in paragraph 3.6.5 "Disposal to sea following treatment has been selected, as the receiving waters are less sensitive, and dilution of the treated effluent is much greater than for a watercourse." Explain the apparent discrepancy in these two statements.
	Response	
FR.1.36	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.248 Explain: (i) The term "synthetic baseline"; and (ii) Where in Chapter 19 of Volume 2 of the ES the data relating to Leiston Beck referred to, can be found.
	Response	
FR.1.37	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.3.335 state whether the stated concentrations have any implications for the compliance assessment or not.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.38	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.336 provide references to the relevant paragraphs above.
FR.1.39	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.346 Is it correct to assume that the reactors will be commissioned in succession not as this seems to imply only one reactor will be commissioned?
	Response	
FR.1.40	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.363 Given the site is in most documents is stated to have an operational life of 60 years and it is stated in Paragraph 2.5.153 of this section to be operational until approximately 2100, explain the discrepancy in operational life stated here of 2130.
	Response	
FR.1.41	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Table 2.45 Explain why the bottom part of the Table abandons the column headings in the top part.
	Response	
FR.1.42	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.537 Does this include staff for an outage and if not, what effect does the additional staff during an outage have?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.43	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.553 What are the implications for the WFDCA of an exceedance of the absolute 23°C threshold mentioned?
	Response	
FR.1.44	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.649 What is the implications for the WFDCA of the predicted exceedance of the EQS?
	Response	
FR.1.45	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Paragraph 2.5.651 refers to Biological Oxygen Demand not exceeding the EQS but what is the conclusion for the rest of physico-chemistry?
	Response	
FR.1.46	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Page 265 O4 Suffolk Explain the implications for the WFDCA is there is an impact on hydromorphological parameters created by the hard coastal defence.
	Response	
FR.1.47	The Applicant	Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621] Page 265 O5 Suffolk. Provide paragraph reference numbers to where considerations, stated in the last sentence, of other adjacent water bodies is set out.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.48	The Applicant, Relevant Authorities	Flood Risk Emergency Plan (FREP) Appendix F [AS-170] The Suffolk Resilience Forum comments in Appendix A of the FREP: (i) Do they relate to this version of the FREP? (ii) If not, have they been consulted on this version; and (iii) Provide any additional comments they may have made.
	Response	
FR.1.49	Environment Agency	Main Development Site (MDS) - Flood Risk Emergency Plan (FREP) Appendix F [AS-170] The Applicant has now provided a FREP. Could the EA confirm: (i) Whether this plan addresses its concerns regarding safety during any fluvial, coastal and tidal breach flood events, as outlined on pages 24 and 28 of its RR [RR-0373]? (ii) Any other outstanding matters of concern with respect to the FREP.
	Response	
FR.1.50	The Applicant	(MDS) Flood Risk Emergency Plan (FREP) Appendix F [AS-170] (i) How would adherence with the measures set out in the FREP be secured through the DCO? (ii) Whilst the MDS FREP contains reference to the permanent SSSI crossing, it is unclear from this document how the Applicant intends to manage the risk of fluvial flooding to the temporary SSSI crossing and people using it. In view of the EA's comments on page 27 of its RR [RR-0373], can the Applicant provide clarity on this point and make any necessary updates to the FREP?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.51	The Applicant	<p>Outline Drainage Strategy (ODS) [APP-181]</p> <p>Paragraph 3.4.4 the Temporary Sewage Plant location is not indicated on Plate 3.4. This plate and subsequent plates are clearly extracted from larger plans that have a number of areas, facilities and buildings shown and annotated. Provide:</p> <ul style="list-style-type: none"> (i) Full annotation on all relevant plates in the ODS; and (ii) A set of the full plans that show more detailed layouts of the temporary construction areas.
	Response	
FR.1.52	The Applicant	<p>Outline Drainage Strategy (ODS) [APP-181]</p> <p>Paragraph 3.4.13 Explain:</p> <ul style="list-style-type: none"> (i) How surface water runoff from the main construction area will be conveyed both to Water Management Zone (WMZ) 1 and WMZ2; (ii) Identify which attenuating features in WMZ1 need to be sized accordingly and how that analysis will be undertaken. (iii) Page 29 of the EA's RR [RR-0373] outlined concerns relating to the Applicant's proposals for Water Management Zone 1. The Applicant sets out how it intends to address these comments in paragraphs 5.1.3 – 5.1.7 of the MDS FRA Addendum [AS-157], confirming that a temporary outfall from the main platform area out to the sea is now proposed (prior to construction of the permanent Combined Drainage Outfall). Management of flood risk during construction of the earth bund for Water Management Zone 1 has also been discussed within the MDS FREP (Appendix F [AS-170]) (as part of the 'temporary construction area'). To what extent does this address the EA's concerns in this regard?
	Response	
FR.1.53	The Applicant	<p>Main Development Site FRA Addendum [AS-157]- Temporary Outfall</p> <p>Provide an updated Outline Drainage Strategy that includes the role of the temporary outfall</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.54	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Paragraph 3.4.57 Explain, with reference to the Schedule of Other Consents, Licences and Agreements document [APP-153], how permission would be obtained for discharge of treated storm water to the foreshore in extreme storm conditions.
	Response	
FR.1.55	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Tables 3.1 and 3.2, Row 7 Discharge to Combined Sewer discounted due to no known combined sewers. Could the Combined Drainage Outfall (CDO), once constructed not be considered in the event of flooding?
	Response	
FR.1.56	The Applicant	Outline Drainage Strategy (ODS) [APP-181] After WMZ2 all subsequent text about WMZs have errors in referencing the correct plate number. These are WMZ3 paragraphs 3.4.28 and 3.4.36, WMZ6 paragraphs 3.4.37 and 3.4.43, WMZ4 paragraph 3.4.45, WMZ5 paragraphs 3.4.50 and 3.4.53, WMZs 7, 8 and 9 paragraphs 3.4.55 and 3.4.59, WMZ10 paragraph 3.4.65 and LEEIE paragraph 3.4.80. Correct this referencing.
	Response	
FR.1.57	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Table 3.4 Row 5 – Discharge to watercourse. “Surface water may be discharged into the surrounding watercourses following appropriate measures to account for the volume of surface water and the presence of silt and contaminant load.” All the other Group 1 WMZs state that water will be discharged “indirectly into surrounding watercourses” Explain: (i) Is direct discharge intended in WMZ6; and (ii) Describe the appropriate measures referred to in this context.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.58	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Plate 3.17. (i) It is assumed that the red dotted line on this plate is the CDO. Confirm this assumption and explain the operation of the CDO including identifying any elements on the plate that relate to such operation; and (ii) In Paragraph 3.4.59 explain which other techniques are shown on Plate 3.17 (3.16 sic).
	Response	
FR.1.59	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Paragraph 3.4.61 states that the CDO will be discontinued once cold commissioning is completed. Explain whether this also means that the CDO will be removed at this point and if not, when will it be removed?
	Response	
FR.1.60	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Paragraph 3.4.64. Explain which tunnel the access shaft connects to is it the CDO or cooling water tunnel?
	Response	
FR.1.61	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Table 3.7 Row 6 There is little description of the capacity and suitability of surface water drainage system referred to. Explain how its suitability has been assessed.
	Response	
FR.1.62	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Paragraph 3.4.82. Explain why underground geocellular storage is suitable for parts of the LEEIE and also how the necessary maintenance regime will be undertaken in the areas suggested for its use.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
FR.1.63	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Paragraph 3.5.10. Has the groundwater model been used to model the potential impact of the cut off wall so that after its construction the ongoing monitoring could be used to examine any significant adverse impacts not originally modelled?
	Response	
FR.1.64	Environment Agency and other Relevant Authorities	Appendix 19F – Monitoring and Response Strategy [APP-309] Provide comment on the Monitoring and Response strategy set out in this document.
	Response	
FR.1.65	The Applicant	Main Development Site FRA Addendum [AS-157]- Water Resource Storage Area Paragraph 5.1.21 states that “The water would be used for construction activities and would not have direct links to the outline drainage strategy methods as it is for water storage.” This area is now proposed to be in WMZ5, how will the non-potable water be collected if not by some form of drainage system. Explain how this collection system and distribution system will operate and also why this has not been included in the ODS.
	Response	
FR.1.66	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Figure 2A.6. The proposed foul water network has been indicated on a plan of the existing area. Provide a fully annotated plan shown on a base layer showing indicative layouts of the Main and Temporary Construction Areas. By way of example of base layer most of the plates used in the ODS have a base layer that would mean the proposed foul drainage system could be related to temporary works proposed.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.67	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Paragraphs 3.6.13 to 3.6.14 describe a number of options for foul water drainage at the LEEIE. Has work to secure a feasible option progressed? and if so, explain the option that will be pursued.
	Response	
FR.1.68	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Foul water drainage of associated development sites could, if all more suitable alternatives prove not to be feasible, rely on tankering to works. Has suitable treatment works capacity been identified should this be required?
	Response	
FR.1.69	The Applicant	Outline Drainage Strategy (ODS) [APP-181] East Suffolk Council [RR-0343] express concern that the ODS does not at this stage demonstrate that appropriate sustainable drainage systems can be implemented at all sites. Comment on the level of certainty that can be attributed to the total implementation of sustainable drainage solutions for the Proposed Development.
	Response	
FR.1.70	The Applicant	Outline Drainage Strategy (ODS) [APP-181] East Suffolk Council [RR-0343] have queried whether suitable pollution control techniques will be implemented as part of the drainage solutions at the Associated Development sites. Explain how any runoff pollution will be dealt with as part of the sustainable drainage solution for those works.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
FR.1.71	The Applicant	Outline Drainage Strategy (ODS) [APP-181] Suffolk County Council [RR-1174] paragraph 125 state they have “not yet seen evidence that any of the surface water drainage infrastructure proposed to serve the Main Development Site, the Land East of Eastlands Industrial Estate and Associated Developments can be facilitated within the proposed red line boundaries to a satisfactory standard.” Comment on whether the drainage design strategy being developed can provide the necessary reassurance to the Council.
	Response	
FR.1.72	The Applicant	Outline Drainage Strategy (ODS) [APP-181] The East Suffolk Internal Drainage Board (ESIBD) [RR-0345] raise an issue concerning the importance of Minsmere Sluice in relation to surface water drainage. Their concern is that Minsmere Sluice is reaching the end of its useful life and changes to water level and discharge volumes as a result of the development will accelerate the change to a pumping station that could have significant implications for surface water management. Has this concern been considered as part of the surface water management regime of the development?
	Response	
FR.1.73	The Applicant	Outline Drainage Strategy (ODS) [APP-181] ESIDB [RR-0345] have expressed concerns that changes to coastal processes as a result of the HCDF element of the Proposed Development could hamper discharge to the sea from Minsmere. Explain how this has been considered?
	Response	
FR.1.74	Environment Agency, Suffolk County Council, East	Outline Drainage Strategy (ODS) [APP-181] Provide any comments you have on the coverage and content of the ODS at this stage.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Suffolk Council, East Suffolk Internal Drainage Board	
	Response	
HW.1	Health and wellbeing	
HW.1.0	ESC, SCC, CCG, Sizewell Health Working Group	Methodology (i) Do you agree that the methodology and scope for assessment of effects from the proposed development as set out in [APP 346] is appropriate and has properly assessed the potential health and wellbeing impacts of the proposed development on the local community? (ii) Do the Councils agree with the methodology in determining the degree of intimidation from traffic and in particular from HGVs? (iii) Do you consider the findings of this part of the ES have been adequately justified?
	Response	
HW.1.1	The Applicant	Uniform Approach Please respond to East Suffolk Councils concern [RR-0342] that by adopting an approach which uniformly applies across the whole area that particular groups might have been missed and therefore this might underplay the degree of effect in certain circumstances.
	Response	
HW.1.2	The Applicant, SCC, ESC part (ii)	Severance Concern has been expressed by a number of RRs including (RR-0758, RR-1008) with regard to the degree of severance that could occur for their local community either through physical barriers – e.g. Sizewell Link Road, or through volume of additional traffic.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<p>(i) Please advise how you consider the proposal minimises these affects for each community and how the scheme has taken into account consideration for more vulnerable groups.</p> <p>(ii) Do the Councils consider the assessment of severance has justified the approach taken, or do you consider there are more adverse effects than have been reported?</p> <p>(iii) In answering please comment on the suitability of the methodology used and be specific in respect of the locations where there remain concerns should this be the case.</p>
	Response	
HW.1.3	Relevant local authorities, CCG	<p>Severance</p> <p>Do the Councils and CCG agree the assessment of severance as set out in [APP-198] reasonably reflects the degree of effects of severance on the local communities concerned such that the ExA can be confident that the proposed development would not have any indirect health impacts or adversely affect access to key public services as sought by the NPS EN-1.</p>
	Response	
HW.1.4	The Applicant, SCC, ESC	<p>On Street Parking B1078</p> <p>Concern has been expressed [RR-0762] that the removal of on street parking in this locality would have an adverse effect particularly on the disabled and elderly, please respond to this concern and whether this has been considered as part of any equalities assessment.</p>
	Response	
HW.1.5	The Applicant	<p>Potential Delays</p> <p>Please explain if the ES has considered the potential for delays in the construction programme, and how if at all this potential has been considered in terms of the potential</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:																																																
		effects on the local community from the works extending beyond an already lengthy build programme.																																																
	Response																																																	
HW.1.6	The Applicant	<p>Equality Statement</p> <p>Table A1.2 [APP-158]</p> <p>Appears to have a series of errors the table below has been populated with what are believed the corrected figures highlighted, please clarify and check the rest of this table and confirm what are the correct figures.</p> <table><tr><td>Ward</td><td></td><td>0-15</td><td>%</td><td>16-64</td><td>%</td><td>65+</td><td>%</td></tr><tr><td>Leiston</td><td>6360</td><td>1167</td><td>18.3%</td><td>3819</td><td>60.0%</td><td>1374</td><td>21.6%</td></tr><tr><td>Saxmundham</td><td>4913</td><td>894</td><td>18.2%</td><td>2765</td><td>56.3%</td><td>1254</td><td>25.5%</td></tr><tr><td>Snape</td><td>1911</td><td>271</td><td>14.2%</td><td>1126</td><td>58.9%</td><td>514</td><td>26.9%</td></tr><tr><td>Yoxford</td><td>1901</td><td>215</td><td>11.3%</td><td>1022</td><td>53.8%</td><td>664</td><td>34.9%</td></tr><tr><td>Aldeburgh</td><td>3225</td><td>329</td><td>10.2%</td><td>1519</td><td>47.1%</td><td>1377</td><td>42.7%</td></tr></table> <p>Have the apparent errors affected any of the subsequent conclusions?</p>	Ward		0-15	%	16-64	%	65+	%	Leiston	6360	1167	18.3%	3819	60.0%	1374	21.6%	Saxmundham	4913	894	18.2%	2765	56.3%	1254	25.5%	Snape	1911	271	14.2%	1126	58.9%	514	26.9%	Yoxford	1901	215	11.3%	1022	53.8%	664	34.9%	Aldeburgh	3225	329	10.2%	1519	47.1%	1377	42.7%
Ward		0-15	%	16-64	%	65+	%																																											
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	Response																																																	
HW.1.7	The Applicant	<p>Equality Statement</p> <p>(i) Paragraph 1.6.26 [APP-158] Please advise on what basis you reach this conclusion, when the evidence suggests there is a higher proportion of the population in the locality in the higher age groups.</p> <p>(ii) Do you have direct evidence of the age profile of users of the PROW network?</p>																																																
	Response																																																	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
HW.1.8	The Applicant	Equality Statement (i) Paragraph 1.6.31 [APP-158] limited control would be available over a certain proportion of the journeys, in these circumstances at what level would the mitigation be applied? (ii) How would this be communicated and subsequently controlled in conjunction with other major projects?
	Response	
HW.1.9	SCC, ESC	Equality Statement The Applicant considers that with mitigation significant adverse transport effects on schools, nurseries, places of worship, GP surgeries and community facilities would not be significantly adverse. Paragraph 1.6.39 [APP 158] (i) Do you agree that the mitigation identified would overcome any significant adverse effects? (ii) Do you consider the mitigation is adequately secured?
	Response	
HW.1.10	The Applicant, SCC, ESC, CCG	Equality Statement The Applicant advises that the Public Services Contingency Fund which would be secured through the S106 would be an appropriate response to the concerns identified in respect of the difficulties associated with recruiting and retaining staff. Paragraph 1.6.49 [APP 158] (i) Please provide an update on the progress of the S106 (ii) Do the Councils and CCG regard this as an appropriate method of mitigation?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
HW.1.11	Ipswich and East Suffolk, CCG, West Suffolk CCG	Anchor Institution (i) Please explain what you mean when you refer to 'an Anchor Institution approach' [RR-500] and how you envisage this approach might be delivered through the DCO. (ii) In light of point 7 of your [RR-500] please explain in detail your concerns regarding the shortcomings of the assessment and how you consider these could be addressed to ensure appropriate mitigation. (iii) Has the reliance on historic data as referred to in the [RR-500] at paragraph 6 diminished the findings of the ES such that you consider the findings could not be relied upon? (iv) How would the CCG wish to see this issue addressed? (v) At paragraph 10 of your [RR-500] you refer to 'most active county' objectives – what/where does this come from? If the ExA is to rely on this document it will need to be submitted into the Examination?
	Response	
HW.1.12	The Applicant	Housing Market (i) Please respond to the concerns identified by the CCG [RR-500] in respect of the additional volatility they anticipate in the housing market and the knock-on effects to healthcare. (ii) How would you propose to minimise these effects such that the indirect health impacts are not caused as a consequence of the proposed development? (iii) How would the mitigation proposed be secured?
	Response	
HW.1.13	The Applicant	Care Home Residents

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		The CCG [RR-500] raise questions of the conclusions reached in para 28.6.80 of [APP-346] particularly the potential impact upon two care homes, please respond to this specific concern and highlight how you have assessed any likely effects on this potentially vulnerable group.
	Response	
HW.1.14	The Applicant	Vulnerable Groups The Suffolk Safeguarding Group [RR-1179] express concern about insufficient risk assessments of the potential impact on vulnerable groups and the lack of a strategy to minimise the risks which may arise from the proposed development. Please respond to this specific concern and advise how the information provided meets the tests set out in the NPS EN-1.
	Response	
HW.1.15	The Applicant	Vulnerable Groups The CCG [RR-500] and Suffolk Constabulary [RR-1174] also raise the concern over potential exploitation of vulnerable groups. (i) What is proposed to be in place to mitigate this concern? (ii) How would it be secured?
	Response	
HW.1.16	The Applicant	Vulnerable Groups Impact on the wellbeing of the older community in the locality is a concern expressed by both the CCG [RR-500], and Suffolk Safeguarding Partnership [RR-1179] amongst others. How do you propose to ensure that appropriate mitigation would be in place to support this sector of the community and mitigate any adverse effects such that they could be regarded as not significant?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
HW.1.17	ESC, SCC, CCG, Suffolk Safeguarding Partnership	Vulnerable Groups In light of the concerns expressed [RR-1179, RR-500, RR-1140, RR- 0342, RR-1174] in respect of the age demographic in the locality and the potential effects on the older population, do you consider the assessment on health and wellbeing and the equality assessment is adequate?
	Response	
HW.1.18	The Applicant, Suffolk Constabulary	Community Safety From the [RR- 1140] it would appear you are working together on a Strategic Relationship Protocol (SRP). Assuming this is agreed, is this intended to form part of the examination and be delivered through the DCO or a separate side agreement between the parties?
	Response	
HW.1.19	The Applicant, Network Rail	Rail Safety Network Rail [RR-006] identifies concerns, that by introducing any Freight Trains onto the East Suffolk line will (due to their slower running speeds), cause an increased risk and delay to users of level crossings. (i) Please respond to this concern and advise if any mitigation could be provided to address this issue. (ii) If this were appropriate, how would it be delivered through the DCO?
	Response	
HW.1.20	The Applicant	AONB The AONB is designated in part due to the unspoilt landscape and the opportunity this provides for recreation and the enjoyment, peace and health benefits that can arise for the public from having access to such a location. The ESC [RR-0342] and AONB [RR-1170] Partnership both express concerns regarding the impact of the proposed development on the broader noise environment as well as the access to this area. Please respond to these concerns and in particular, advise how the proposed mitigation might reduce effects to ensure there are not knock on effects to health and wellbeing.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
HW.1.21	The Applicant	Health Impact Assessment Please respond to the concerns raised by RRs with regard to potential health impacts [RR-0291, RR-0376, RR-853] and the concern raised by others over the lack of a Health Impact Assessment – [RR-1255, RR-0051]
	Response	
HW.1.22	The Applicant, ESC	Ozone Please respond the concern raised in [RR-392] over the potential effects from the proposed development on the release/creation of ozone.
	Response	
HW.1.23	ESC, SCC, CCG, East of England Ambulance Service, PHE	Effects on Mental and Physical Health A number of RRs including [RR-376, 546, 853, 291, 241] express concerns over the direct or indirect effects on health that the construction could have on an individual's health. (i) Please respond to the concerns and advise whether you consider the assessment properly addresses the potential effects of the proposed development. (ii) Additionally, is there confidence that the mitigation proposed adequately addresses any concerns and that this is appropriately secured?
	Response	
HW.1.24	ESC, SCC	Sizewell Link Road In paragraph 2.126 of the ESC [RR-0342] adverse effects on 19 receptor groups are identified for residential receptors. (i) Are the mitigation measures proposed considered within the ES sufficient? (ii) Is the method of securing the mitigation appropriate and enforceable?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
HW.1.25	ESC, SCC, CCG, Sizewell Health Working Group	Methodology (i) Is it agreed that the methodology and scope for assessment of effects from the proposed development is appropriate and has properly assessed the potential health and wellbeing impacts of the proposed development on the local community? (ii) Do you consider the findings of this part of the ES have been adequately justified?
	Response	
HW.1.26	The Applicant	BLF (i) With increased activity on the beach from the introduction of the changed BLF and increased number of deliveries, please explain how these changes have been assessed in terms of the effects on the amenity and recreational use of the beach and the coastal path both during construction and subsequent operation (ii) What implications would this have for tourism and or numbers of users of the coastal path and the beach?
	Response	
HW.1.27	The Applicant, Network Rail	Change Request No. 2 The Change Request could see an increase in the number of freight trains running along the line. Please advise how this could be safely delivered to ensure there would not be unacceptable risks to users of level crossings both for the branch line and the Ipswich to Lowestoft main line.
	Response	
HW.1.28	The Applicant, Network Rail, Suffolk Constabulary, East of England Ambulance	Change Request No. 2 In the event the number of trains were to be increased, please explain what implications this may have for the operation of level crossings on the branch line and the main Ipswich

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Service, Suffolk Fire and Rescue, SCC, ESC	to Lowestoft line and the effect on severance of communities or impacts on emergency services.
	Response	
HW.1.29	East of England Ambulance Service	Service Impact Model (i) Please advise on the latest position in respect of the model being developed to assess the effects of the proposed development on service delivery? (ii) Has this model been agreed as an appropriate method to assess effects with the applicant or any other party?
	Response	
HE.1 Historic environment (terrestrial and marine)		
General		
HE.1.0	The Applicant	Guidance In respect of the '2011 Research and Archaeology Revisited: A Revised Framework for the East of England' it is noted that additional period-based summaries have become available since the submission of the DCO (Paragraph 1.2.36 [APP-171]). Have the new summaries been reviewed? How has any new relevant content been taken into consideration in the formulation of mitigation strategies?
	Response	
HE.1.1	The Applicant	Site Investigation Surveys In addition to location specific questions relating to survey work detailed below, please provide a general update as to whether any additional site investigation surveys have been undertaken since the submission of the DCO? Please confirm how findings will be incorporated into the existing assessments?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
HE.1.2	ESC, SCCAS, Historic England	Overarching Written Scheme of Investigation (WSI) Please provide a critique of the Overarching WSI contained within Appendix 2.11.A of [AS-210]. Are you satisfied that the content and level of detail would allow you to discharge your responsibilities?
	Response	
Main Development Site (MDS)		
HE.1.3	The Applicant	Public Outreach Please provide a response to the request made by ESC at paragraph 1.97 [RR-0342] that public outreach for archaeology should be secured via either a Requirement or s106.
	Response	
HE.1.4	The Applicant	Built Heritage Repair Please provide a response to the statement made by ESC at paragraph 2.15 [RR-0342] that the proposed investment for built heritage repair appears very low compared to the landscape and ecology investment.
	Response	
HE.1.5	ESC, SCCAS, Historic England	Evaluation Trenching At paragraph 16.3.31 [APP-272], the Applicant confirms several limitations in respect of the assessment. One such limitation is that it has not been possible to undertake evaluation trenching on some areas of the site, however most of the site has been subject to a magnetometry survey. Are you satisfied with this approach?
	Response	
HE.1.6	The Applicant	Evaluation Trenching Has evaluation trenching been completed east and south east of Lower Abbey Farm (Paragraph 16.4.31 [APP-272])? If so, how are the findings to be incorporated into the assessment?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
HE.1.7	ESC, SCCAS, Historic England	Summary of Survey Status Table 16.5 [APP-272] confirms where geophysical surveys and/or evaluation trenching has not been undertaken. In such areas, the Applicant has confirmed that a programme of further work will be set out in a site-specific Written Scheme of Investigation. Do you see any significant limitations with this approach?
	Response	
HE.1.8	The Applicant	Summary of Survey Status Please confirm if the name of the field listed in row 20 of Table 16.5 and row 19 of Table 16.6 [APP-272] is complete?
	Response	
HE.1.9	The Applicant	Summary of Survey Status Has the evaluation trenching at Area 4, as detailed in Table 16.5 [APP-272], been completed? If so, how are the findings to be incorporated into the assessment?
	Response	
HE.1.10	The Applicant	Unrecorded Heritage Assets Paragraph 16.4.69 [APP-272] discusses the potential for heritage assets which have not previously been identified or recorded to be present in areas of the site that have not been subject to geophysical surveys and/or evaluation trenching. Please confirm if the SSSI crossing and borrow pit field 2 have been subject to survey? If not, please explain why.
	Response	
HE.1.11	The Applicant	Offsite Heritage Assets Please detail the archaeological interest for the following: (i) Aldeburgh Conservation Area (paragraph 16.4.146 [APP-272]) (ii) Slaughden Martello Tower (paragraph 16.4.154 [APP-272]) (iii) Southwold Conservation Area (paragraph 16.4.158 [APP-272]) (iv) Orford Castle (paragraph 16.4.166 [APP-272])

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
HE.1.12	ESC, SCCAS, Historic England, English Heritage	Direct Effects on Heritage Assets – Construction Paragraph 16.6.55 [APP-272] notes that groundworks associated with the construction of the accommodation campus, roundabout and site entrance of the MDS has the possibility of potentially harming buried archaeological remains associated with the Leiston Abbey assets (LB 121573, LB 1215754, LB 1216380 and LB 1268290). Please comment as to whether such assets comprise relatively minor and peripheral elements of the monastic landholding? Would harm to such designated assets discernibly affect the informative potential of them?
	Response	
HE.1.13	ESC, SCCAS, Historic England	Peat Strategy Please confirm whether the content of the Peat Strategy contained within Appendix 16G [APP-275] is satisfactory? If required, please provide suggested amendments or additions.
	Response	
HE.1.14	The Applicant	Leiston Abbey Asset Group (SM 1014520, LB 1215753, LB1215754, LB 1216380 and LB 1268290) Paragraphs 16.6.45 to 16.6.61 [APP-272] sets out the assessment of construction effects on the setting of the Leiston Abbey assets. It is acknowledged that changes to setting would occur given the proposed length of construction, visibility of at-height construction, noise levels and visibility of construction infrastructure for visitors travelling by road from both the north and south. It is identified at paragraph 16.6.50 [APP-272] that the construction features experienced would diminish the contribution of the setting to the heritage significance of the asset group. Given the presence of these new features, please explain how the retention of arable land between the asset group and the B1122 (Abbey Road) would serve to maintain a strong perceptual buffer between the proposed development and the asset group (paragraph 16.6.49)?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
HE.1.15	The Applicant, English Heritage	<p>Leiston Abbey Second Site – Sustainable Conservation and Management Plan</p> <p>Please provide detail and a progress update on the proposed Sustainable Conservation and Management Plan.</p> <p>To the Applicant - Is the plan to be included as mitigation? If so, how is this to be secured?</p>
	Response	
HE.1.16	The Applicant	<p>Non-Designated Coastguard Cottages, Dunwich Heath</p> <p>Due to their prominent positioning, the Coastguard Cottages are highly visible within their landscape setting and have a medium heritage significance for architectural and historical interests. Whilst they directly face Sizewell B power station, it is stated that the distance and intervening landscape provides a noticeable sense of separation and isolation.</p> <p>It is noted that both the construction and operation phases would result in intensification of industrial buildings and infrastructure. In addition, there would be a notable reduction in sense of seclusion and the aesthetic appreciation of the asset, particularly when the Coastguard Cottages are viewed from the north. Please provide further justification for the finding of a minor adverse effect which would not be significant in respect of the historic interest and diminution of aesthetic appreciation of the asset.</p>
	Response	
HE.1.17	ESC	<p>Abbey Cottage (LB 1216395)</p> <p>In respect of significance of effect on the setting of Abbey Cottage, paragraph 16.6.82 [APP-272] concludes changes would be significant during construction. Due to the</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		decommissioning of the proposed accommodation campus, main site entrance hub and various storage areas, no effect is anticipated during operation. Please provide further detail in respect of paragraph 2.16 [RR-0342] as to where the contradiction occurs and what mitigation is required.
	Response	
HE.1.18	ESC	Sizewell B Relocated Facilities – Pillbox Field (Change 3) Noting comments made in [AS-307] in respect of Pillbox Field (Option 1), are you satisfied with the following: i) The proposed location of the landscaping scheme in regard of the location of archaeologically sensitive areas; and ii) The production of a management plan within a site specific WSI to outline how remains are to be preserved in-situ during and after proposed landscaping works. If further measures are considered necessary, please detail.
	Response	
HE.1.19	ESC, SCCAS, Historic England, National Trust	Enhancement of the Permanent Beach Landing Facility (BLF) (Change 2) Due to the proposed enhancement of the permanent BLF, it is stated that increased visibility of construction plant is likely from the Coastguard Cottages, Leiston Abbey first site and from the edges of the Aldeburgh and Southwold Conservation Areas. Are you satisfied that, as detailed in [AS-181], such an increase in visibility would not alter the level of significance of effect on the above assets?
	Response	
HE.1.20	ESC, SCCAS, Historic England, National Trust	Temporary Beach Landing Facility (BLF) (Change 2) Are you satisfied that the construction of the temporary BLF would be seen within the wider context of construction related activity and visibility would be relatively limited? Do

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		you concur that as a consequence of such limited visibility the level of significance of the effects on Coastguard Cottages, Leiston Abbey first site and from the edges of the Aldeburgh and Southwold Conservation Areas would not change to that detailed in the initial assessment findings in [APP-272]?
	Response	
HE.1.21	The Applicant	Additional Fen Meadow Habitat at Pakenham (Change 11) Please confirm what survey work has been undertaken at Pakenham to date.
	Response	
HE.1.22	The Applicant	Site of Special Scientific Interest Crossing (Change 6) Both ESC and SCC state that the terrestrial historic environment should be considered because of the change in design [AS-307]. Please expand on why this change does not alter the assessment of effects on the terrestrial historic environment.
	Response	
HE.1.23	ESC, SCCAS, Historic England, English Heritage	Mitigation Alongside of the proposed site-specific WSI and Peat Strategy, is any further mitigation necessary in relation terrestrial heritage effects at the MDS? If necessary, how do you consider such measures should be secured?
	Response	
Sizewell Link Road (SLR)		
HE.1.24	The Woodland Trust	Veteran Trees Please confirm, on an annotated plan, the location of the veteran oak tree which may be lost due to the proposed SLR, as referred to in [RR-1213].
	Response	
HE.1.25	The Applicant	Ancient and Veteran Trees

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Please confirm whether ancient and veteran trees would be retained and adequately protected during construction? Would measures employed comply with Natural England's Standing Advice in relation to tree buffer zones?
	Response	
HE.1.26	ESC, SCCAS, Historic England	Historic Landscape Character - Important Hedgerows Paragraph 9.4.21 [APP-467] confirms that it is likely that most surviving hedgerows within the site would be considered important under the Hedgerow Regulations. Are you satisfied that these hedgerows are best considered of low heritage significance?
	Response	
HE.1.27	The Applicant	Site Investigation Surveys Figures 9.4A and 9.4B [APP-469] illustrate archaeological fieldwork undertaken at the time of submission of the DCO. Has any further access been granted to areas highlighted 'no access'? Please confirm how much of the route remains unassessed?
	Response	
HE.1.28	The Applicant	Archaeological and Historical Background - Theberton Hall and Theberton House Paragraph 9.4.47 [APP-467] refers to both the parkland landscape at Theberton Hall and the garden area of Theberton House. Please confirm whether the final sentence of paragraph 9.4.47 [APP-467] refers to Theberton Hall, Theberton House or both assets?
	Response	
HE.1.29	ESC, SCCAS, Historic England	Primary Mitigation - Theberton Hall Would the proposed woodland planting to the west of the SLR, described at paragraph 9.5.5 [APP-467], in the vicinity of Dovehouse Farmhouse adequately compensate for the loss of woodland in the belt west of Theberton Hall? In addition, would the proposed woodland planting east of the SLR successfully minimise views from Theberton Hall Estate and help integrate the proposed Pretty Road overbridge into the surrounding landscape?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
HE.1.30	The Applicant	<p>Significance of Effect</p> <p>Paragraph 9.6.61 [APP-467] describes noise related to construction activity as being limited and long-term temporary. In respect of significance of effect, paragraph 9.6.62 [APP-467] states any change as being short-term temporary.</p> <p>Please explain why the significance of effect is considered short-term if it is previously accepted that noise elements would be long-term temporary?</p>
	Response	
HE.1.31	ESC, SCCAS, Historic England	<p>Historic Landscape Character - Construction</p> <p>Are you satisfied that although the construction of the SLR would bisect several fields and truncate historic boundaries it would not eliminate the overall landscape pattern or ability to understand it (paragraph 9.6.67 [APP-467])?</p>
	Response	
HE.1.32	ESC	<p>Historic Road Pattern – Yoxford to Leiston</p> <p>Please provide additional detail regarding the conclusion that the effects of the interruption and realignment of the historic road pattern from Yoxford to Leiston would be moderate adverse and significant (Paragraph 2.105 [RR-0342]).</p>
	Response	
HE.1.33	The Applicant and ESC	<p>Moat Farmhouse (LB 1228246)</p> <p>To the Applicant - Please respond to the statement made by ESC in respect of Moat Farmhouse in [RR-0342] that the assessment findings cannot be supported as the land to the north is one of the earliest farming landscapes in Suffolk. Noting this, please consider whether a review of the finding of no significant adverse effects is required?</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		To the ESC - Please provide further detail in support of your concerns regarding the assessment of Moat Farmhouse. If additional mitigation is considered necessary, please provide detail.
	Response	
HE.1.34	ESC, SCCAS, Historic England	Mitigation Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation terrestrial heritage effects at the SLR? If necessary, how do you consider such measures should be secured?
	Response	
HE.1.35	ESC, SCCAS, Historic England	Outline Landscape and Ecological Management Plan (oLEMP) Would the proposed landscape measures within the oLEMP [AS-264] minimise impacts on cultural heritage resources? If not, please detail why.
	Response	
Freight Management Facility (FMF)		
HE.1.36	The Applicant	Site Size At paragraph 9.4.6 [APP-528] the site is described as approximately 9.4 hectares (ha). In other ES chapters, the site is described as 11 ha. Please confirm the size of the site.
	Response	
HE.1.37	ESC, SCCAS, Historic England	Historic Landscape Character - Construction Please comment on the effectiveness of the proposed planting at the eastern, northern and western borders of the FMF in ensuring that any change to existing landscape would be kept internal to the field (paragraph 9.6.15 [APP-528]).
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
HE.1.38	ESC, SCCAS Historic England	Historic Landscape Character - Operation Would the retention of existing boundary vegetation, the 10m buffer zone around the north, east and west site boundaries and the addition of three landscape bunds be effective in adding a visual screen and close the operational facility off from the rest of the agricultural landscape (paragraph 9.6.25 [APP-528])?
	Response	
HE.1.39	ESC, SCCAS, Historic England	Effect on Setting of Heritage Effects - Operation In respect of assets located to the south west of Redhouse Farm (SM 1011344), would the provision of additional planting in existing hedgerows and the landscape bund on the eastern boundary be sufficient in order to reduce any sense of intrusion experienced during operation (paragraph 9.6.20 [APP-528])?
	Response	
HE.1.40	ESC, SCCAS, Historic England	Secondary Mitigation Measures Would the proposed secondary mitigation measures detailed in paragraph 9.7.4 [APP-528] reduce the low magnitude of adverse impact on the bowl barrow south west of Redhouse Farm (SM 1011344) to a residual minor adverse effect that would be not significant?
	Response	
HE.1.41	ESC, SCCAS, Historic England	Mitigation Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation terrestrial heritage effects at the FMF? If necessary, how do you consider such measures should be secured?
	Response	
Southern Park and Ride (SPR)		
HE.1.42	ESC, SCCAS, Historic England	Landscaping Scheme

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Would the proposed landscaping scheme, as detailed on the illustrative masterplan [AS-196], minimise the impact on setting of historic assets and the historic landscape character?
	Response	
HE.1.43	ESC, SCCAS, Historic England	Historic Landscape Character - Important Hedgerows Hedgerows on the site boundary to the east and in a small enclosure in the south-west [AS-196] are considered important under the Hedgerow Regulations. Are you satisfied that these hedgerows are best considered of low heritage significance?
	Response	
HE.1.44	ESC, SCCAS, Historic England	Mitigation Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation terrestrial heritage effects at the SPR? If necessary, how do you consider such measures should be secured?
	Response	
Marine Historic Environment		
HE.1.45	The Applicant	Figures 23.1.-23.3 - Update Please can Figures 23.-23.3 [APP-336] be updated to reflect Change 2.
	Response	
HE.1.46	ESC, SCCAS, Historic England	Enhancement of the Permanent BLF and Construction of Temporary BLF (Change 2) Are you satisfied that the proposed changes in respect of BLFs would not alter the assessment conclusion detailed in [APP-334]? If not, please provide detail.
	Response	
HE.1.47	The Applicant	Enhancement of the Permanent BLF and Construction of Temporary BLF (Change 2) – Wreck Sites

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Please confirm the distance of both the permanent BLF and temporary BLF sites from wreck sites MSF20289 and MSF11344?
	Response	
Two Village Bypass (TVB)		
HE.1.48	ESC, SCCAS, Historic England	Outline Landscape and Ecological Management Plan (oLEMP) Would the proposed landscape measures within the oLEMP [AS-263] minimise impacts on cultural heritage resources? If not, please detail why.
	Response	
HE.1.49	The Applicant	Extension and Reductions of Order Limits (Change 12) Both ESC and SCC state that the terrestrial historic environment should be considered because of the change in design [AS-307]. Please provide a response.
	Response	
HE.1.50	ESC, SCCAS, Historic England	Mitigation Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation terrestrial heritage effects at the TVB? If necessary, how do you consider such measures should be secured?
	Response	
Northern Park and Ride (NPR)		
HE.1.51	ESC, SCCAS, Historic England	Oak Hall (LB 1030664) – Operational Effect on Setting Considering the assessment findings and the representative viewpoint provided at Figure 6.14 [APP-362] do you concur that during operation of the NPR there would be no change to heritage significance?
	Response	
HE.1.52	ESC, SCCAS, Historic England	Old Hall (LB 1198815) – Operational Effect on Setting

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Due to the existing landscaping and buildings located to the north and west of Old Hall, do you concur that there would be no change to either the non-designated parkland or setting of the building?
	Response	
HE.1.53	ESC, SCCAS, Historic England	Mitigation Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation terrestrial heritage effects at the NPR? If necessary, how do you consider such measures should be secured?
	Response	
Rail		
HE.1.54	The Applicant	Post-Medieval and Modern – Heritage Significance What is the level of heritage significance for archaeological interest for post-modern and medieval periods within the study area?
	Response	
HE.1.55	The Applicant	Change to the Setting of Archaeological Heritage Assets – Abbey Complex Paragraph 9.6.14 [APP-560] confirms that the perception of construction works to the south of the Abbey complex would result in a discernible loss of historic interest. Please confirm the significance of this effect.
	Response	
HE.1.56	The Applicant	Increased Frequency of Freight Train Movements (Change 1) – Abbey Ruins Paragraph 9.6.32 [APP-560] states that the limited number of rail movements means that perceptibility of rail operations would be intermittent and infrequent and would not significantly affect that ability to understand or appreciate the assets interests. Please signpost to where consideration on significance of effect of Change 1 in relation to the setting of the Abbey ruins is located.
	Response	

ExQ1: 21 April 2021

Responses due by Deadline 2: 2 June 2021

ExQ1	Question to:	Question:
HE.1.57	ESC, SCCAS, Historic England, English Heritage, Pro Corda Trust/Leiston Abbey	Mitigation Alongside of the proposed site-specific WSI and Heritage s106 agreement to provide for enhancements to the visitor experience for the two Leiston Abbey sites, is any further mitigation considered necessary in relation terrestrial heritage effects? If necessary, how do you consider such measures should be secured?
	Response	
Yoxford Roundabout and Other Highway Improvements (YROHI)		
HE.1.58	ESC, SCCAS, Historic England	Mitigation Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation terrestrial heritage effects at the YROHI? If necessary, how do you consider such measures should be secured?
	Response	
LI.1	Landscape impact, visual effects and design	
General		
LI.1.0	The Applicant	Design Approach Design is a matter which is cross-cutting in relation to multiple topics identified within the Initial Assessment of Principal Issues. Please explain the design approach and design credentials of the Main Development Site and Associated Development Sites. Reference should be made to the objectives listed in section 4.5 of NPS EN-1 and how the proposed development seeks to address or exceed the expectations of good design as set out in the National Design Guide. Whilst noting that the NPS is the primary source of policy under which applications will be considered, reference should also be made to policy within the National Planning Policy Framework (NPPF) which stipulates good design. In addition, please also have regard to 'Design Principles for National Infrastructure', published by the National Infrastructure Commission (February 2020) in respect of Climate, Places, People and Value in construction, operation and where relevant, decommissioning.

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
LI.1.1	The Applicant, ESC, SCC, Historic England, Natural England, Suffolk Coast & Heaths AONB Partnership, Parish and Town Councils, Together Against Sizewell C, Stop Sizewell C	<p>Design Approach</p> <p>It is imperative that the proposal represents a good quality sustainable design which can be effectively integrated into the landscape. As such, please comment on whether the following measures would ensure this would be achieved in the detailed design, construction and operation phases:</p> <ul style="list-style-type: none"> i) A 'design champion'. Such a role would advise on the quality of sustainable design and the spatial integration of the both the Main Development Site and Associated Development Sites ii) A 'design review panel' to provide a 'critical friend' role. Such a role would provide comment on the development of sustainable design proposals iii) The production of an approved 'design code' or 'design approach document' which would establish the approach to delivering the detailed design specifications to ensure good quality sustainable design (as approved in the Hinkley Point C Connector Project (EN020001)). <p>Please advise on how such measures could be secured. In addition, please comment as to whether any other measures or approaches are considered necessary?</p>
	Response	
LI.1.2	ESC, SCC, Historic England, Natural England, Suffolk Coast & Heaths AONB Partnership, Parish and Town Councils, Together Against Sizewell C, Stop Sizewell C	<p>AONB – Adverse Effects</p> <p>Has sufficient weight has been given to the statutory purpose and need for protection of the landscape, character and special qualities of the Suffolk Coast and Heaths AONB both within and outside its boundary, in accordance with paragraphs 5.9.9 and 5.9.12 of NPS EN-1? Please qualify your answer. If not, please identify what additional measures are required?</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.3	The Applicant, ESC, SCC, Natural England	<p>AONB and Heritage Coast</p> <p>In their RR [RR-1170], the Suffolk Coast and Heaths AONB Partnership state that the linking of the AONB designation to the Heritage Coast in various places throughout the ES is misleading. The AONB Partnership requests that each of the designations should be treated separately and the impacts on the purposes of each of the designations should be undertaken in recognition of each of their defined purposes. Please provide a response to this statement.</p> <p>To ESC, SCC and Natural England – Are you satisfied with the approach adopted by the Applicant in respect of the two designations? If not, please provide detail.</p>
	Response	
LI.1.4	ESC, SCC, Natural England and AONB Partnership	<p>Baseline Photographs and Visualisations</p> <p>Are you satisfied with the presentation of baseline photographs and visualisations prepared for the Proposed Development, including the Associated Development Sites?</p>
	Response	
LI.1.5	ESC, SCC, Natural England and AONB Partnership	<p>Night-Time Assessment of Lighting</p> <p>No specific guidance exists on which to base a night-time assessment of lighting on landscape and visual receptors. Are you satisfied with the approach adopted by the Applicant?</p>
	Response	
LI.1.6	The Applicant	<p>Landscape and Visual Impact Assessment (LVIA)</p> <p>Did the LVIA for both the Main Development Site and Associated Development Sites include an assessment of sequential views, for instance relating to users of public right of way networks?</p>
	Response	
LI.1.7	SCC	Mitigation and Offsetting

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Please provide additional detail in respect of concerns raised in [RR-1174] regarding inadequate proposals for mitigating and offsetting landscape impacts both within and beyond the AONB.
	Response	
LI.1.8	The Applicant	Outline Landscape and Ecological Management Plans – Ecological Steering Group Which stakeholders would be involved in the proposed Ecological Steering Group [APP-588]? The Steering Group is proposed to advise on the management measures to be specified within the LEMP. The establishment of such a group is not proposed for the Two Village Bypass oLEMP [AS-263] or the Sizewell Link Road oLEMP [AS-264]. Please confirm why not? How are management measures within the two additional LEMPs to be advised upon?
	Response	
LI.1.9	The Applicant	Associated Development Design Principles Please confirm how the Associated Development Design Principles are to be secured in the DCO?
	Response	
LI.1.10	The Applicant	Associated Development Design Principles – Gas Mitigation Measures Please confirm what gas mitigation measures are, as referred to in 'Building Design Principles' in respect of the proposed Northern Park and Ride, Southern Park and Ride and Freight Management Facility in [APP-589].
	Response	
LI.1.11	The Applicant	Sizewell B Infall and Outfall Structures Please confirm the distance of the Sizewell B infall and outfall structures from MHWM.
	Response	
LI.1.12	SCC	Detailed Design

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Noting comments made in [RR-1174] please expand on what additional control SCC considers necessary in respect of detailed design issues within the DCO requirements?
	Response	
Main Development Site (MDS)		
LI.1.13	The Applicant	Landscape and Visual Impact Assessment (LVIA) Please confirm whether findings from the noise and vibration assessments have been included as a source of data for the LVIA? If not, please explain why.
	Response	
LI.1.14	The Applicant	Proposed Landscape Masterplan Please confirm how the proposed Landscape Masterplan [AS-117] is to be secured?
	Response	
LI.1.15	ESC, SCC, Natural England, AONB Partnership	Outline Landscape and Ecological Management Plan (oLEMP) The overarching objective of the oLEMP [APP-588] is to create a large area of Dry Sandlings Grassland bordered by native woodland and scattered trees/scrub. Alongside of the proposed increase in biodiversity value, the oLEMP considers that the new habitats would enhance the landscape character of the Estate Sandlands LCT. Are you satisfied, once established, that the LCT would be enhanced?
	Response	
LI.1.16	ESC, SCC, Natural England, AONB Partnership	Pillbox Field - Planting Would the one hectare of new woodland and woodland edge planting proposed within Pillbox Field provide adequate replacement planting for the loss of Coronation Wood? In addition, would the planting successfully provide enhanced visual screening of the power station infrastructure from Sizewell Gap and Sandy Lane?
	Response	
LI.1.17	The Applicant	Pillbox Field – Soil Conditions

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		In their consultation response to the proposed changes [AS-307], ESC commented that the potential problems of establishing trees on light sandy soils has recently been agreed in respect of the 2019 Town and Country Planning Act consent. Please provide a summary of how this issue is to be addressed.
	Response	
LI.1.18	The Applicant	Sizewell B Relocated Facilities - Planting Please comment on Suffolk Preservation Society [AS-307] request for additional levels of planting within the car park and at the boundaries of the western access road to soften potential industrialising effects in the landscape.
	Response	
LI.1.19	The Applicant	Sizewell B Relocated Facilities – Coronation Wood Please provide a response to the concerns raised by the Suffolk Preservation Society [AS-307] that the loss of Coronation Wood to accommodate Sizewell B relocated facilities has not been adequately mitigated. Please review as to whether the proposed planting would be sufficient to screen, soften and/or provide filtered views of the facilities.
	Response	
LI.1.20	The Applicant	Sizewell B Relocated Facilities – Parameters Where possible please confirm maximum height of the following infrastructure: i) Outage Store ii) Training Centre iii) Visitor Centre iv) Administrative Building
	Response	
LI.1.21	The Applicant	Design A significant proportion of the proposed design of the MDS is a replica of the Hinkley Point C site. In [RR-1170] the AONB Partnership raises concern that this is not appropriate as

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		the Hinkley Point C design fails to recognise the siting within a nationally designated landscape. Please provide a response.
	Response	
LI.1.22	The Applicant	Photomontages/Wireframes In respect of construction impacts, the AONB Partnership does not consider the visualisations submitted are fit for purpose [RR-1170]. In addition, they also consider similar visualisations as provided for the Wylfa project would be more useful. Please respond and explain how the Wylfa visualisations differ to those submitted? How would the production of material similar to that provided for the Wylfa project assist the ExA?
	Response	
LI.1.23	AONB Partnership	Photomontages/Wireframes Please expand on why you consider the submitted visualisations are not fit for purpose in respect of construction impacts, as detailed in [RR-1170]. Please also confirm how the production of material similar to that provided for the Wylfa project would assist the ExA? Are you satisfied in respect of operational visualisations?
	Response	
LI.1.24	The Applicant	Photowire Visualisations Please provide operational phase photowire visualisations for the existing view, year 1 and year 15 for the following: <ul style="list-style-type: none"> • Viewpoint 10: Suffolk Coast Path and Sandlings Walk east of Hill Wood • Viewpoint 26: 1800m directly east of Sizewell power stations Please confirm whether, given the proposed changes, it is also necessary to update the following photowire visualisations in [APP-219]? If not, please detail why. <ul style="list-style-type: none"> • Viewpoint 5: Footpath south of Leiston Abbey • Viewpoint 6: Suffolk Coast Path east of Goose Hill • Viewpoint 8: Footpath north of Leiston Abbey • Viewpoint 9: Sizewell Gap south of Greater Gabbard sub-station

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Viewpoint 14: Suffolk Coast Path at Minsmere Sluice Viewpoint 17: National Trust Dunwich Coastguard Cottages car park
	Response	
LI.1.25	The Applicant	<p>Photomontages – Construction Lighting</p> <p>Please provide visualisations for the worst-case scenario in respect of construction lighting (to show infrastructure up to and including exceptional height parameters) for the following:</p> <ul style="list-style-type: none"> Viewpoint 5: Footpath south of Leiston Abbey Viewpoint 6: Suffolk Coast Path east of Goose Hill Viewpoint 8: Footpath north of Leiston Abbey Viewpoint 9: Sizewell Gap south of Greater Gabbard sub-station Viewpoint 10: Suffolk Coast Path and Sandlings Walk east of Hill Wood Viewpoint 14: Suffolk Coast Path at Minsmere Sluice Viewpoint 16: RSPB Minsmere (Whin Hill) Viewpoint 17: National Trust Dunwich Coastguard Cottages car park Viewpoint 26: 1800m directly east of Sizewell power stations
	Response	
LI.1.26	The Applicant	<p>Landscape and Visual Impact Assessment – Night-time</p> <p>The AONB Partnership do not consider the night-time impacts of the proposal have been appropriately assessed against the AONB criteria [RR-1170]. Please provide a response to this and confirm whether, considering the comments made, it is necessary to amend the night-time assessment?</p>
LI.1.27	ESC	<p>Operational Effects – AONB</p> <p>At paragraph 1.54 of [RR-0342], the findings in respect of operation effects on the AONB and Heritage Coast are stated as being a 'highly dubious and unsatisfactory conclusion'. Please expand upon the reasoning behind this conclusion.</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
LI.1.28	The Applicant	General Arrangement Plan Please explain why the building numbering on Figure 2.2 of [APP-183] is different to the building numbering on Figures contained with the Part 2 of the Main Development Site Design and Access Statement [APP-586].
	Response	
LI.1.29	The Applicant	Turbine Halls and Operational Service Centre (OSC) Please provide additional visual information confirming how the plinth storeys to the turbine halls and OSC would appear.
	Response	
LI.1.30	The Applicant	Main Access Building – Design Noting the comments made in [RR-0342] and the proposed location of the main access building, what consideration been given to a more innovative design?
	Response	
LI.1.31	The Applicant	Design Council Review – Operational Service Centre (OSC) The Design Council, in their November 2019 correspondence, (Appendix B [APP-587]) stated 'The design of the OSC appears to address the wider site considerations of the AONB at the expense of the staff within the proposed building the site layout of the worker's accommodation does not appear to have been designed with the users in mind'. Please provide a response, confirming how the proposed design has considered the needs of users.
	Response	
LI.1.32	The Applicant	Design Council Review - Cladding In their 2019 review the Design Council (Appendix B [APP-587]) commented that consideration should be given to the proposed colour of the panels in respect of the sky

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		rather than the earth. Furthermore, the proposed colour palette was stated as limited as reference is only from Autumnal colours. Please provide a response to these points. The Design Council also suggested that a large-scale mock-up of the proposed cladding panels may be beneficial to further assess how the façade would work. Has any consideration been given to such an exercise? Please confirm whether this would be feasible.
	Response	
LI.1.33	The Applicant	Cladding Colour Assessment The cladding colour assessment was undertaken over a two-day period. In which season was the assessment was undertaken? Please confirm how seasonal variations, in respect of weather conditions and lighting, were taken into consideration?
	Response	
LI.1.34	The Applicant	Cladding Selection Has a final design been made in regard of which pressed panel profile variant is to be utilised, as detailed at Figure 7.28 of [APP-586]?
	Response	
LI.1.35	ESC, SCC, AONB Partnership, Natural England	Ancillary and Plant Buildings The ancillary and plant buildings are likely to be clad with profiled sheet metal. It is proposed that they would have a consistent façade treatment which is likely to comprise a darker, visually recessive colour. Are you satisfied that the use of a darker finish would allow the ancillary and plant buildings to appear grounded within the wider operational platform?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.36	The Applicant	<p>Accommodation Campus</p> <p>In their 2019 review the Design Council (Appendix B [APP-587]) commented that the design of proposed accommodation campus is 'largely constraints-driven, suboptimal in terms of its use of land and does not create a welcoming sense of place. The proposal also seems to prioritise car movements and car parking within the site, and is constrained by sightline and key views, potentially to the detriment of the quality of life on the site'.</p> <p>Please respond to this statement confirming how the comments made have been taken into consideration in the proposed design.</p>
	Response	
LI.1.37	The Applicant	<p>Accommodation Campus – Materials Palette</p> <p>Paragraph A.30.6 [APP-587] states that the materials palette will not be fixed at this stage of the design process. However, specific colour palettes and illustrative elevations and perspectives depicting the palette of colours are shown in figures A.39-A.44 [APP-587]. Please confirm if the detailed colour palette is fixed?</p>
	Response	
LI.1.38	The Applicant	<p>Accommodation Campus – Materials Palette</p> <p>Please respond to the statement made by ESC [RR-0342] regarding how the local vernacular would lend itself to a modular form of construction.</p>
	Response	
LI.1.39	The Applicant	<p>Accommodation Campus – Modular Design</p> <p>Please respond to the statement made by ESC [RR-0342] regarding the need to ensure the design of the accommodation campus avoids a stacked portacabin effect.</p>
	Response	
LI.1.40	ESC, SCC, AONB Partnership, Natural England	<p>Accommodation Campus – Massing Model and Photomontage/Wireframe Visualisations</p>

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Following the Procedural Decision letter in December 2020 [PD-0009] the Applicant has supplied an annotated 3D massing model and photomontage/wireframe visualisations from three viewpoints in respect of the accommodation campus. Please review the additional information and provide any comment considered necessary.
	Response	
LI.1.41	ESC, SCC, Natural England, AONB Partnership	Accommodation Campus – Key Design Principles Alongside of the relevant parameter plans, the Key Design Principles listed at Table A.1 [APP-587] provides the detail for the delivery of the proposed accommodation campus. Are you satisfied that Table A.1, as drafted, is sufficiently robust and precise?
	Response	
LI.1.42	ESC, SCC, Natural England, AONB Partnership	Accommodation Campus – AONB In respect of the location of the proposed accommodation campus, please provide a detailed response regarding potential effects on the statutory purpose of the AONB.
	Response	
LI.1.43	Yoxford Parish Council	Accommodation Campus – Scale Please provide additional information as to why it is considered that the proposed accommodation campus would not provide enough accommodation [RR-1277].
	Response	
LI.1.44	The Applicant	Accommodation Campus – Refuse Stores Paragraph A.33.1[APP-587] refers to the location of dedicated refuse stores on Figure A.17. Please confirm where on Figure A.17 the refuse stores are depicted? Should the reference be to Figure A.25? Please also clarify which figure also shows the larger refuse store as stated in paragraph A.33.2 [APP-587]. Please make any amendments as necessary.
	Response	

ExQ1	Question to:	Question:
LI.1.45	The Applicant	Outage Car Park SCC consider that the staff car parking and outage car parking at Goose Hill represents additional development within the AONB for which there is no overriding need in the proposed location ([RR-1174] and [AS-307]). What consideration has been given to less sensitive locations, including the shared use of the Sizewell B outage car park?
	Response	
LI.1.46	The Applicant	SSSI Crossing – Design (Change 6) The MDS Flood Risk Assessment Addendum [AS-157] states that by 2090 the maximum crest height of the SSSI crossing is likely to need to be increased to 10.5m AOD. Noting the comments made by SCC in [AS-307], please explain why no further change is proposed in respect of the height of the crossing to mitigate against future flood overtopping? What consideration has been given to any future disturbance in respect of established landscaping on the embankments if an increase in height is required in the future?
	Response	
LI.1.47	ESC, SCC, AONB Partnership, Natural England	SSSI Crossing – Assessment (Change 6) Would the changes made to the embankment slopes on the SSSI crossing [AS-181] better integrate the crossing into the landscape from coastal viewpoints? Are you satisfied that because of the change, the level of significance of effects during the operational phase would remain as stated in [APP-216]?
	Response	
LI.1.48	AONB Partnership	Alison Farmer Associates Report Please provide a copy of the Alison Farmer Associates report as referred to in your response to the proposed project changes [AS-307].
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.49	The Applicant	<p>Independent Environmental Trust</p> <p>In respect of the proposed independent Environmental Trust, please provide further detail on the following areas:</p> <ul style="list-style-type: none"> i) Governance and Implementation ii) Financing iii) Membership <p>Would the Trust form part of any mitigation for the proposed development?</p>
	Response	
LI.1.50	SCC	<p>Pylons – Underground Cabling Options</p> <p>In respect of the proposed changes Richard Smith, Suffolk County Councillor for the Blything Division refers to a report [AS-307] produced by SCC which examines underground cabling options. Please provide a copy of the report and any responses received from the Applicant regarding it.</p>
	Response	
LI.1.51	The Applicant	<p>Pylons – Alternatives and Impact</p> <p>The change to both the location of pylon parameter zone P3 and reduction in height of the southernmost pylon from 79m AOD to 59m AOD is noted. Nonetheless, concern has been raised by several IPs, including [RR-0877, RR-0878, RR-1170, RR-1174], regarding the impact within a sensitive landscape and whether all alternatives to pylons have been adequately discounted. Noting the comment made at paragraph 3.2.82 of Appendix 8.4A [APP-591] please confirm the outcome of any further assessment regarding undergrounding options. Please also confirm what consideration has been given to the use of Gas Insulated Lines.</p>
	Response	
LI.1.52	SCC	Pylons – Mitigation

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		In respect of the use of pylons, please confirm what a 'significant compensation package' would consist of, as detailed in paragraph 86 of [RR-1174].
	Response	
LI.1.53	The Applicant	Interim Spent Fuel Store (ISFS) In their review the Design Council stated that they 'strongly recommend the inclusion of the dry fuel store as a detailed component of the DCO application given its key role' [APP-587]. Whilst parameters of the ISFS are detailed within [AS-202], please comment on why detailed design of the ISFS is to be submitted to and approved by the relevant local planning authority before construction commences.
	Response	
LI.1.54	The Applicant	Changes to Proposed Development – AONB Characteristics The AONB Partnership [AS-307] state a specific detailed assessment of the potential change impacts in relation to the statutory purpose of the AONB has not been undertaken. Please advise if such an assessment has been undertaken and signpost to its location.
	Response	
LI.1.55	The Applicant	Enhanced Beach Landing Facility (BLF) – Assessment (Change 2) Has the operational assessment considered the visual impact of additional moored and moving vessels due to the enhanced BLF?
	Response	
LI.1.56	The Applicant	Temporary Beach Landing Facility (BLF) – Visual Receptor Group 20 (Change 2) In respect of Visual Receptor Group 20 – Sizewell to Thorpeness Coast, at what distance would effects become moderate (not significant) and adverse further south of the temporary BLF?
	Response	
LI.1.57	The Applicant	Enhanced and Temporary Beach Landing Facilities (BLF) – Lighting (Change 2)

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		How often would the enhanced permanent and temporary BLF be used at night-time? Please signpost to detail of the required navigation lighting for both the enhanced and temporary BLF.
	Response	
LI.1.58	ESC, SCC, MMO, Natural England and AONB Partnership	Temporary Beach Landing Facility – Assessment (Change 2) Are you satisfied with the findings of effects relating to the temporary BLF detailed in section 2.8 [AS-181] as compared to the judgements in [APP-216]?
	Response	
LI.1.59	The Applicant	Lighting Management Plan Due to proposed Changes 1, 2 and 3 Natural England have commented [AS-307] that the Lighting Management Plan [APP-182] should be reviewed. Please confirm as to whether this is considered necessary. If not, please explain why.
	Response	
LI.1.60	The Applicant	Coastal Defences – Supporting Vegetation (Change 9) Please confirm what measures are proposed to ensure the safeguarding of the sand and shingle supporting coastal vegetation.
	Response	
LI.1.61	The Applicant	Coastal Defences – Landscaping/Vegetation (Change 9) Please confirm how long it is likely to take for the proposed landscaping/vegetation on the HCDF to mature to reflect the visualisation provided at Figure 2.2.24 [AS-190]?
	Response	
LI.1.62	The Applicant	Coastal Defences – Northern Mound (Change 9) Please confirm how long it is likely to take for vegetation to become established on the top of the substrate on the rock armour on the Northern Mound? Also, how long will it take for the Northern Mound profile to match the profile of the existing Sizewell B defences?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.63	The Applicant	Coastal Defences – Adaptive Design (Change 9) In respect of the adaptive design, paragraph 2.8.110 [AS-181] states that substantial uncertainties exist regarding the characteristics of future baseline conditions so the exact nature and significance of effects cannot be accurately reported. Is it possible to apply a range of possible worst-case scenarios to enable the significance of effects to be considered?
	Response	
LI.1.64	The Applicant	Additional Fen Meadow Habitat at Pakenham (Change 11) Please confirm the following: (i) The distance of the residential dwellings off Fen Road and Thurston Road (Old Hall) from the Pakenham site? (ii) Is lighting required during the construction phase? If so, has this been included within the assessment? (iii) What is the proposed length of establishment works?
	Response	
LI.1.65	The Applicant	New Bridleway Link between Aldhurst Farm and Kenton Hills (Change 15) How much hedgerow vegetation would be lost due to the new bridleway link and how much mitigation hedgerow planting is proposed? Please annotate on a plan.
	Response	
LI.1.66	The Applicant	Change to Certain Parameter Heights and Activities – Pylon Parameter Zones (Change 4) Please confirm from which locations visibility of the southernmost pylon would be reduced? Please annotate on a plan.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.67	The Applicant	Change to Certain Parameter Heights and Activities – Bat Barn (Change 4) Paragraphs 2.2.114 and 2.11.26 [AS-181] and Figure 2.2.1 [AS-190] refer to a new operational parameter zone 1G for a proposed bat barn. Figure 2.2.1 [AS-190] depicts zone 1K. Please confirm the correct zone reference. If necessary, please update plans and documentation accordingly.
	Response	
LI.1.68	ESC, SCC, Natural England, AONB Partnership	Mitigation What, if any, further mitigation is considered necessary in relation to the MDS? If necessary, how do you consider such measures should be secured?
	Response	
Freight Management Facility (FMF)		
LI.1.69	The Applicant	Draft DCO Work No. 13 as described in Schedule 1 [AS-145] states '(c) landscape works; including the provision of ecological habitat, hardstanding, and vehicle, motorcycle and bicycle parking areas;'. Please confirm where within the proposed FMF is the provision of ecological habitat? If the ecological habitat is no longer proposed, please update Work No. 13 in the next version of the draft DCO.
	Response	
LI.1.70	The Applicant	Parameter Plan Parameter Plan Figure 2.6 [APP-513] states that Zone 1A is to include: <ul style="list-style-type: none"> ○ amenity and welfare building up to 4m ○ security building up to 4m ○ shelters (smoking and cycle) up to 3m ○ HGV screen and search canopy up to 6m

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		These parameters are also reflected at Table 2.1 [APP-511]. However, the Freight Management Facility Proposed General Arrangement Plan (Drawing SZC-SZ0204-FP-000-DRW-100026 Rev 01) [APP-512] states different heights for the amenity and welfare building and security building. The height of the HGV screen and search lane is not stated. Please confirm the correct heights of all buildings within Zone 1A. Please update all relevant documents to reflect any amendments made.
	Response	
LI.1.71	The Applicant	Landscape Bund The proposed 3m high landscape bund does not run the whole length of the eastern boundary (Figure 2.1 [APP-513]). (i) Please confirm if this is due to the location of the unlined infiltration swale on the southern/eastern boundary? (ii) If so, please confirm whether it would be possible to reorientate the swale to enable the bund to extend the full length of the eastern boundary? Would such a change make any difference to the assessment findings? (iii) Where necessary, please update all relevant documents to reflect any amendments made.
	Response	
LI.1.72	The Applicant	Representative Viewpoint 1: Junction of Bridleways E-365/007/0 and E-365/006/0 Please provide a wireframe for Figure 6.5 [APP-522] with mature planting in-situ.
	Response	

ExQ1	Question to:	Question:
LI.1.73	The Applicant, ESC, SCC	<p>Representative Viewpoint 3: Footpath E-169/017/0</p> <p>In respect of Figure 6.7 [APP-522] construction and removal/reinstatement effects would be of medium scale and adverse. During operation, fencing, parking areas, lighting columns, site buildings, shelters, the screen and search canopy and vehicle movements would be visible. It is accepted that such views would be seen in conjunction with traffic movement along the A14. Despite the FMF remaining a prominent feature, it is stated that once planting begins to mature effects would be reduced to small scale.</p> <p>(i) Is the reduction in scale of effect solely due to the increased height of the planting?</p> <p>(ii) Whilst accepting that the lower elements of the development would be screened, several structures and buildings would remain visible above the landscaping. The Applicant is therefore requested to review the assessment made in respect of Figure 6.7 and provide comment.</p> <p>Are the Councils satisfied that effects would reduce from medium scale to small scale as the proposed planting matures at this viewpoint?</p>
	Response	
LI.1.74	The Applicant	<p>Lighting</p> <p>Please explain why only lighting along the perimeter of the FMF is to be fitted with demountable light shields to reduce the backward spill of light? Why is it not necessary for all lighting columns on the FMF to be fitted with such shields?</p>
	Response	
LI.1.75	The Applicant	<p>Lighting</p> <p>What, if any, is the predicted level of light spill anticipated to occur beyond the site boundary of the FMF?</p>
	Response	
LI.1.76	ESC, SCC	Lighting

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Are you satisfied that the effects of the operational night-time lighting from the FMF would be not significant for the LCTs and identified Visual Receptor Groups [APP-520]? In answering please be specific in respect of location if any concern exists.
	Response	
LI.1.77	The Applicant	Primary Mitigation – Landscaped Buffer Zone Please provide additional information in respect of the proposed landscaped buffer zone. Please provide detail of: i) Proposed species ii) Proposed height of planting at year 1 and year 10
	Response	
LI.1.78	The Applicant	Landscape Character Types Please confirm how the design of the proposed FMF complies with the landscape management guidelines contained within the Guidance Note which supports the Suffolk Landscape Character Assessment (Paragraph 6.6.15 of [APP-520]). Please respond in respect of both the Estate Sandlands and Plateau Estate Farmlands LCT.
	Response	
LI.1.79	ESC, SCC	Landscaping Would the retention of the existing boundary vegetation, the implementation of a 10m buffer zone and three landscape bunds be effective in adding a visual screen and therefore contain the FMF from the adjoining agricultural landscape [APP-520]? In answering please be specific in respect of location if any concern exists.
	Response	
LI.1.80	ESC, SCC, Natural England	Mitigation What, if any, further mitigation is considered necessary in relation to the FMF? If necessary, how do you consider such measures should be secured?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
Sizewell Link Road (SLR)		
LI.1.81	The Applicant	Description Figure Figure 2.1 is referred to in paragraph 2.2.5 [APP-446] but is not found in [APP-449] which is said to be the suite of Figures 2.1-2.11. Please confirm the location of Figure 2.1 or if found to be missing, please supply a copy.
	Response	
LI.1.82	The Applicant	Outline Landscape and Ecological Management Plan (oLEMP) Please provide higher resolution versions of Plates 4.1 to 4.7 [AS-264].
	Response	
LI.1.83	ESC, SCC, Natural England	Outline Landscape and Ecological Management Plan (oLEMP) In respect of the proposed oLEMP [AS-264], please comment on the following: (i) Would the proposed measures and monitoring within the oLEMP ensure post-construction habitats would be created correctly and provide adequate management to allow the successful establishment and integration within the surrounding landscape? (ii) Would the proposed new habitats contribute to the enhancement of the landscape character of this section of the Ancient Estate Claylands and Rolling Estate Claylands LCT? (iii) Would the new habitats help to minimise any visual impact of the SLR in views from the surrounding landscape and ensure the long-term sustainability and resilience of the landscape?
	Response	
LI.1.84	The Applicant	Outline Landscape and Ecological Management Plan (oLEMP) Please provide a detailed plan to illustrate the extent of the proposed additional native woodland to be created east of the East Suffolk line.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.85	The Applicant	<p>AONB Statutory Purpose</p> <p>Paragraph 6.4.46 [APP-457] states that no effects on the AONB and its special qualities are predicted and as such, the AONB is not considered within the assessments of effects. The RR received from the Suffolk Coast and Heaths AONB Partnership [RR-1170] states that the introduction of the SLR would bring development into the AONB that would not conform with its statutory purpose and would also permanently split the AONB and negatively impact on the setting of the AONB. Please provide a response.</p>
	Response	
LI.1.86	The Applicant	<p>Rosetta Lodge</p> <p>Red House Farm and Rosetta Lodge are both referred to in the Community Impact Report [APP-156] as having the potential to be significantly affected by the proposed SLR. In [APP-446] the new three arm roundabout required for the SLR is described as approximately 180m north of Red House Farm.</p> <p>Please confirm:</p> <p>(i) Is Rosetta Lodge a residential property?</p> <p>(ii) How close is it to the three-arm roundabout to Rosetta Lodge?</p> <p>(iii) Has this property been included within the assessment? If not, please explain why not.</p>
	Response	
LI.1.87	The Applicant	<p>Planting</p> <p>Tree and shrub planting is proposed in Area 1 around the roundabout at the junction with the A12. Figure 2.2 [APP-449] depicts a grassed area with proposed hedgerow planting. Is tree planting also proposed in this area? If necessary, please update Figure 2.2.</p>
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.88	ESC, SCC	Lighting In respect of night-time lighting effects, Receptor Group 1 would experience a significant effect [APP-458]. As such effects would be permanent are any mitigation measures necessary?
	Response	
LI.1.89	ESC, SCC, Natural England	Lighting and Special Landscape Area (SLA) Are you satisfied that effects from the proposed lighting around the A12 roundabout is unlikely to be experienced within the SLA (Appendix 6B, paragraph 1.4.31 [APP-458])? If not, please provide detail.
	Response	
LI.1.90	ESC	Layout Please can you expand on the statement made at paragraph 2.102 [RR-0342] in respect of potential adverse impacts on settings and views from existing properties due to layout issues. Where necessary please provide annotated plans to show specific locations.
	Response	
LI.1.91	The Applicant	Photowire Visualisations Please provide additional photowire visualisations for the following: i) Representative Viewpoint 2: Footpath E-515/004/0, west of Theberton ii) Representative Viewpoint 3: Pretty Road, west of route iii) Representative Viewpoint 6: Footpath E-396/023/0 near Trust Farm iv) Representative Viewpoint 7: Littlemoor Road v) Representative Viewpoint 8: Footpath E-584/016/a, south of route
	Response	
LI.1.92	The Applicant	Planting Please explain how woodland planting east of the proposed SLR would assist in integrating the Pretty Road overbridge into the surrounding landscape?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
LI.1.93	The Applicant	Pretty Road Overbridge Please provide an illustrative example of the proposed Pretty Road overbridge.
	Response	
LI.1.94	The Applicant	Pretty Road Overbridge – Operation Effects Permanent residual significant effects, once the proposed planting has become established by year 15 of operation, have been identified in the vicinity of the proposed Pretty Road overbridge. Such effects would also be experienced by the users of the nearby public footpaths. Given the orientation of the bridge and the associated earthworks, it is noted that it would not be possible to successfully implement mitigation planting that would screen the structure from view (Paragraph 6.7.2 [APP-457]). The bridge would be widely visible from Theberton, surrounding residential properties and footpaths in the locality. What consideration has been given to alternative, potentially more innovative, design options?
	Response	
LI.1.95	The Applicant	Receptor Group 1 – Operation Effects By year 15 of operation, effects are stated as not significant for this receptor group 1 (Paragraph 6.6.4 [APP-457]). It is however noted that whilst the proposed hedgerows and planting would have matured, the highest points of the road and traffic travelling on it would remain visible and users of the diverted public footpaths would still be required to cross it. Furthermore, the A12 roundabout would introduce a focused area of artificial lighting into a predominately unlit area. Please provide additional detail to support the 'not significant' assessment finding for this receptor group.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.96	SCC	Design and Mitigation Paragraph 42 [RR-1174] states that if the ExA was to disagree with SCC and conclude that the SLR should be retained then satisfactory detailed designs with suitable landscape mitigation would be required. Please provide detail as to what would be considered appropriate in respect of landscape design and mitigation.
	Response	
LI.1.97	The Applicant	Landscape Character Types Please confirm how the design of the proposed SLR complies with the landscape management guidelines contained within the Guidance Note which supports the Suffolk Landscape Character Assessment (Paragraphs 6.6.18 and 6.6.25 of [APP-457]). Please respond in respect of both the Estate Sandlands and Plateau Estate Farmlands LCT.
	Response	
LI.1.98	ESC, SCC, Natural England	Mitigation What, if any, further mitigation is considered necessary in relation to the SLR? If necessary, how do you consider such measures should be secured?
	Response	
Two Village Bypass (TVB)		
LI.1.99	ESC, SCC, Natural England	Outline Landscape and Ecological Management Plan (oLEMP) In respect of the proposed oLEMP [AS-263], please provide comment on the following: (i) Would the proposed measures and monitoring within the oLEMP ensure post-construction habitats would be created correctly and provide adequate management to allow the successful establishment and integration within the surrounding landscape? (ii) Would the proposed new habitats contribute to the enhancement of the landscape character of this section of the Rolling Estate Claylands, Rolling Estate Sandlands and Valley Meadowlands LCT? (iii) Would the new habitats help to minimise any visual impact of the TVBP in views from the surrounding landscape and ensure the long-term sustainability and resilience of the landscape?

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
	Response	
LI.1.100	The Applicant	Outline Landscape and Ecological Management Plan (oLEMP) Please define 'in the vicinity of' in respect of the proposed creation of native planting near Foxburrow Wood [AS-263].
	Response	
LI.1.101	The Applicant	Outline Landscape and Ecological Management Plan (oLEMP) Please provide a detailed plan to illustrate the extent of the proposed reinforcement and expansion of existing linear wooded corridors and new corridors [AS-263].
	Response	
LI.1.102	The Applicant	Outline Landscape and Ecological Management Plan (oLEMP)
	Response	Please provide detail as to how the new broadleaved woodland planting would link with existing areas of woodland within the site [AS-263].
LI.1.103	The Applicant	Outline Landscape and Ecological Management Plan (oLEMP) Please provide a high-resolution version of Plate 4.1 [AS-263].
	Response	
LI.1.104	The Applicant	Foxburrow Footbridge Design The RSPB and Suffolk Wildlife Trust have stated their disappointment [AS-307] in respect of the design of the footbridge. Please respond to this and confirm whether, given the likely significance effects during the early years of operation, consideration has been given to an alternative bridge design?
	Response	
LI.1.105	The Applicant	Landscape Character Types Please confirm how the design of the proposed TVB complies with the landscape management guidelines contained within the Guidance Note which supports the Suffolk

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		Landscape Character Assessment (Paragraphs 6.6.18, 6.6.25 and 6.6.32) of [APP-421]). Please respond in respect of the Rolling Estate Sandlands, Valley Meadowlands and Rolling Estate Claylands LCT.
	Response	
LI.1.106	ESC, SCC, Natural England	Mitigation What, if any, further mitigation over and above that detailed in Section 6.5 [APP-421] is considered necessary in relation to the TVBP? If necessary, how do you consider such measures should be secured?
	Response	
LI.1.107	The Applicant	Photowire Visualisations Please provide additional photowire visualisations for the following: vi) Representative Viewpoint 1: A12 north of junction with A1094 vii) Representative Viewpoint 6: Tinker Brook near access to Glemham Park viii) Representative Viewpoint 7: A12 north west of route
	Response	
Northern Park and Ride (NPR)		
LI.1.108	The Applicant	Lighting Darsham Parish Council has confirmed that the village is a dedicated dark sky village and home to the Darsham And Surrounding Villages Astronomical Society [AS-307]. Given that the village is visited by an astronomical society, please confirm why a 'community value' in respect of sensitivity has been allocated to this landscape character type? Please review and confirm whether a 'local value' sensitivity would be more appropriate. What, if any, implications would this have on the assessment undertaken?
	Response	
LI.1.109	The Applicant	Lighting

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
		What, if any, is the predicted level of light spill anticipated to occur beyond the site boundary of the NPR?
	Response	
LI.1.110	The Applicant	Landscape Character Types Please confirm how the design of the proposed NPR complies with the landscape management guidelines contained within the Guidance Note which supports the Suffolk Landscape Character Assessment (Paragraphs 6.6.1-6.6.15 [APP-360]).
	Response	
LI.1.111	ESC, SCC, Natural England	Mitigation What, if any, further mitigation is considered necessary in relation to the NPR? If necessary, how do you consider such measures should be secured?
Southern Park and Ride (SPR)		
LI.1.112	The Applicant	Landscape – Legacy Marlesford Parish Council have requested the delivery of a long-term legacy of landscape improvements within/around the site of the SPR [AS-307] and have provided specifics relating to this. Please provide a response.
	Response	
LI.1.113	The Applicant	Representative Viewpoint 5: Footpath E-178/003/0 Near Bottle and Glass Cottages - Photowire Please provide a photowire of the proposed development for Representative Viewpoint 5.
	Response	
LI.1.114	The Applicant, Wickham Market Parish Council	Representative Viewpoint – Wickham Market Please liaise with Wickham Market Parish Council as to a suitable location for an additional representative viewpoint to be produced from within the Wickham Market locality.
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.115	The Applicant	Dark Skies Area Both Hatcheson Parish Council and Marlesford Parish Council [AS-307] and [RR-0758] state that the location of the SPR is within a Dark Skies Area. Please confirm what consideration has been given to this?
	Response	
LI.1.116	The Applicant	Lighting – Light Spill What, if any, is the predicted level of light spill anticipated to occur beyond the site boundary?
	Response	
LI.1.117	The Applicant	Lighting – Dark Night Sky Please respond to the concern raised by Pettistree Parish Council [AS-307] that Pettistree will lose its enjoyment of its present relatively dark night sky.
	Response	
LI.1.118	The Applicant	Landscape Character Types Please confirm how the design of the proposed SLR complies with the landscape management guidelines contained within the Guidance Note which supports the Suffolk Landscape Character Assessment (Paragraphs 6.6.13 and 6.6.15 of [APP-390]).
	Response	
LI.1.119	The Applicant	Landscape Bunds Please provide a detailed plan annotated to confirm the heights of the proposed bunds. Please ensure the plan clearly shows where the bunds are reduced from 3m.
	Response	
LI.1.120	ESC, SCC, Natural England	Mitigation What, if any, further mitigation is considered necessary in relation to the SPR? If necessary, how do you consider such measures should be secured?
	Response	

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
Rail		
LI.1.121	The Applicant	Photowire Visualisations Please provide an additional photowire visualisation for Representative Viewpoint 5: Footpath E-363/006/0.
	Response	
LI.1.122	The Applicant	Ballast Stockpiling Please annotate on a plan the proposed location for ballast stockpiling, as detailed in paragraph 2.4.75 [AS-256] and confirm the maximum height of the stockpile.
	Response	
LI.1.123	The Applicant	Landscape Character Types Please confirm how the design of the proposed Rail developments comply with the landscape management guidelines contained within the Guidance Note which supports the Suffolk Landscape Character Assessment (Paragraphs 6.6.15 and 6.6.21 of [APP-551]). Please respond in respect of both the Ancient Estate Claylands and the Estate Sandlands LCT.
	Response	
LI.1.124	Pro-Corda/Leiston Abbey, English Heritage	Design – Leiston Abbey Does the design of the rail extension route effectively minimise the visibility of the route from Leiston Abbey?
	Response	
LI.1.125	ESC, SCC, Natural England,	Mitigation What, if any, further mitigation is considered necessary in relation to the Rail proposals? If necessary, how do you consider such measures should be secured?
	Response	
Yoxford Roundabout and Other Highway Improvements		

ExQ1: 21 April 2021**Responses due by Deadline 2: 2 June 2021**

ExQ1	Question to:	Question:
LI.1.126	The Applicant	Landscape Character Types Please confirm how the design of the proposed Rail developments comply with the landscape management guidelines contained within the Guidance Note which supports the Suffolk Landscape Character Assessment (Paragraphs 6.4.75 and 6.4.82 of [APP-490]). Please respond in respect of both the Rolling Estate Claylands and Valley Meadows and Fens LCT.
	Response	
LI.1.127	ESC, SCC, Natural England,	Mitigation What, if any, further mitigation is considered necessary in relation to the Yoxford Roundabout and other highway improvements? If necessary, how do you consider such measures should be secured?
	Response	