



# The Sizewell C Project

## 9.30 Comments on Responses to the ExA's First Written Questions (ExQ1) Volume 1 - SZC Co. Responses

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## 1 INTRODUCTION

1.1.1 This report provides SZC Co.'s comments on the responses submitted by Interested Parties (IP) at Deadline 2 (2<sup>nd</sup> June 2021) to the Examining Authority's First Written Questions and requests for information (ExQ1) [PD-016 to PD-022, [PD-025](#)].

1.1.2 SZC Co.'s response to the ExQ1s was submitted to the Examining Authority at Deadline 2 [REP2-100 to REP2-114].

1.1.3 This document only provides SZC Co.'s comments on ExQ1s where a response has been provided by an IP. For the ease of reading, SZC Co.'s response at Deadline 2 is provided, as well as the response submitted by IP.

1.1.4 It follows the same structure as the SZC Co.'s Responses to the ExA's First Written Questions (ExQ1) issued at Deadline 2 [[REP2-100](#)], and is arranged as follows:

- Part 1:
  - General and cross-topic questions;
  - Agriculture and Soils;
  - Air Quality;
  - Alternatives;
  - Amenity and Recreation;
- Part 2:
  - Biodiversity and Ecology;
  - Habitats Regulations Assessment;
- Part 3:
  - Climate Change;
  - Coastal Geomorphology;
  - Compulsory Acquisition;
  - Community Issues;



- Cumulative and Transboundary;
- Part 4:
  - Draft Development Consent Order (DCO);
  - Flood Risk and Water;
  - Health and Wellbeing;
  - Historic Environment;
  - Landscape and Visual Impact Assessment and Design;
- Part 5:
  - Marine Water Quality;
  - Marine Navigation;
  - Noise and Vibration;
  - Radiological Consideration;
- Part 6:
  - Socio-economics;
  - Transport; and
  - Waste and Materials.
- Annex:
  - Section 106 Agreement

1.1.5 This report contains Examination Library References in square brackets (e.g. [[APP-001](#)]).

1.1.6 Appendices are provided in **Volume 2** of this document.



**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)**

**PART 1 OF 6**

Chapter 2 G. 1	<a href="#">General and Cross-topic Questions</a>
Chapter 3 Ag.1	<a href="#">Agriculture and soils</a>
Chapter 4 AQ.1	<a href="#">Air Quality</a>
Chapter 5 Al.1	<a href="#">Alternatives</a>
Chapter 6 AR.1	<a href="#">Amenity and recreation</a>

ExQ1 Question to: Question:		
Chapter 2 - G.1 General and Cross-topic Questions		
G.1.0	The Applicant	<p><b>Limits of deviation</b></p> <p>As drafted the DCO has no limitation on the depth to which works could be undertaken. Please explain how this aligns with the assessment carried out within the ES.</p> <p>In order to reflect the assessment within the ES does the DCO not require a maximum depth of excavation – with a potential for a limit of deviation? If this is not considered to be necessary, please explain how the ES has assessed the potential effects of unlimited excavation.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The depth of excavations at the main development site, where relevant, is described within the Description of Construction chapter of the <b>Environmental Statement (ES)</b> (e.g. refer to <b>Volume 3, Appendix 2.2.B</b> of the <b>ES Addendum</b>, paragraphs 3.4.30, 3.4.176, 3.4.184 [<a href="#">AS-202</a>]).</p> <p>Requirement 8 of the <b>draft Development Consent Order (DCO)</b> (Doc Ref. 3.1(C)) sets out the requirement for the construction works to be undertaken in general compliance with the Construction Method Statement (which comprises the <b>Volume 2, Chapter 3</b> (Description of Construction) of the <b>ES</b> (refer to <b>Volume 3, Appendix 2.2.B</b> of the <b>ES Addendum</b> (Doc Ref. 6.14(A) for the latest version). Any material exceedence of the depths of excavations described would therefore be a breach of Requirement 8. The DCO as drafted does therefore effectively limit the depth to which works could be undertaken. The ES has assessed the works as described within the Description of Construction chapter of the ES.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC shares the ExA's concerns in relation to the apparent lack of limits of deviation in the draft DCO [<a href="#">APP-059</a>]. As currently drafted, Article 4 allows for unlimited vertical limits of deviation, except for works 4C, 11 and 12 for which there are some restrictions. This is troubling as it appears to potentially allow works of any vertical limits of deviation, potentially without this having been environmentally assessed. ESC would welcome an explanation from the Applicant about how, if there are to be restrictions, these are to operate, and if there are not any restrictions, how the extent of excavations has been environmentally assessed.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 however, for further detail, please also refer to SZC Co.'s response to <b>Question DCO.1.21</b> <a href="#">[REP2-100]</a> and the associated <b>Appendix 14I – DCO Drafting Note 9</b> <a href="#">[REP2-111]</a> , which includes reference to the limits of deviation of the Associated Development sites, submitted at Deadline 2
G.1.12	The Applicant, SCC, ESC	<p><b>Policy approach</b></p> <p>The Planning Statement, paragraph, 3.9.2, states that it is appropriate to treat EN-1 and EN-6 as providing the primary policies relevant to the determination of the application. Likewise, section 3(10)(b), paragraph 3.10.2, refers to EN-1 (paragraph 4.1.6) as stating that other matters which the decision-maker may consider both important and relevant to its decision making include development plan documents or other documents in the local development framework. However, it goes on to say that in the event of a conflict between the NPS and local policy, the NPS prevails for the purposes of decision making given the national significance of the infrastructure:</p> <p>(i) Does that correctly reflect the position where both the NPS and the development plan fall within the scope of s105(2)(c)?</p> <p>(ii) Alternatively, in such a case, do NPS policies not “<i>sit alongside</i>” other national and local planning policies?</p> <p>(iii) How should the weight to be attributed to those matters and the question of primacy be assessed by the decision-maker in each case?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>S105(2)(c) requires the Secretary of State to have regard to any other matters which the Secretary of State thinks are both important and relevant. It does not deal with the question of primacy.</p> <p>NPS EN-1 paragraphs 4.1.5 and 4.1.6 deal with primacy and provide not only that the NPS prevails for the purposes of (DCO) decision making but also explain the reason why that is the case that the NPS prevails ‘<i>given the national significance of the infrastructure</i>’.</p> <p>That is a statement of policy, giving a clear public interest reason for the approach. It is not a statement purporting to explain the application of s104(3). The NPS prevails as a matter of public policy, whether the decision falls to be made under s104 or s105.</p> <p>The reasons for this policy approach do not fall to be questioned in decision-making on individual applications but they are apparent. Paragraph 4.1.5 makes clear that the NPSs are, for the most part, intended to make existing policy and practice of the Secretary of</p>



ExQ1	Question to:	Question:
		<p>State in consenting nationally significant energy infrastructure clearer and more transparent. The clear intention is that they provide the primary basis for decision making and they are designed for that purpose.</p> <p>The NPSs are prepared in order to address the issues specifically associated with NSIPs. They are based on assessments of the need for such developments, the benefits and impacts of the proposed policy for assessing proposals which seek to meet that need, and they set out to make clear what would be the right policy approach in the public interest balancing those needs, benefits and impacts. The proposed policies are subject to strategic environmental impact assessment and other formal assessments as part of that process. The proposed policies are then examined and voted on by democratically accountable MPs in Parliament based on their suitability for that specific purpose. Paragraph 4.1.5 makes clear that, in doing so, they take account of other policy considerations. Other policy documents are prepared for different purposes – their perspective is partial and none address – or seek to address – the balance that must be struck in considering nationally important infrastructure. That is reflected in the process for the preparation and testing of such policies, which does not include consideration of the need for, benefits and impacts of, and alternatives to nationally significant infrastructure projects of any type.</p> <p>Other policy documents may therefore be relevant, but unlike national policy statements they are not prepared or assessed on the basis that they will set policies for determining the acceptability of NSIPs. That hierarchy of policy is reflected in paragraph 5 of the NPPF, which makes clear that the Framework does not contain specific policies for NSIPs, which are determined in accordance with the decision-making framework of the PA 2008 and relevant national policy statements, as well as other matters that are relevant (which may include the NPPF). That clear statement of national planning policy applies directly also to policies within local plans, which are required by paragraph 35 of the NPPF to be consistent with the policies in the NPPF.</p> <p>That position is also reflected in relation to the Local Plan in this case, as explained at paragraph 3.10.7 of the Planning Statement. The Local Plan recognises the primacy of the NPSs. The Applicant's response to Question <b>G.1.15</b> records that this was recognised by the Inspector conducting the local plan examination.</p>

ExQ1	Question to:	Question:
		<p>The Energy White Paper (at page 55) confirms that the current NPSs will '<i>continue to provide a proper basis on which the Planning Inspectorate can examine, and the Secretary of State make decisions on, applications for development consent</i>'. Accordingly:</p> <ul style="list-style-type: none"> <li>(i) The <b>Planning Statement</b> correctly reflects the position where an application falls to be determined under s105;</li> <li>(ii) NPS policies have primacy and do not simply sit alongside other policies for this purpose;</li> <li>(iii) Inherent in the policy position that the NPSs have primacy over other policy documents is the fact that significant weight attaches to the policies of the NPSs. These matters are addressed in the Updated Planning Statement (Doc Ref 8.4Ad), particularly in sections 3 and 4. The balancing of all important and relevant matters is a matter for the decision maker but, in balancing the relative weight to be applied to policy documents, primacy must be given to the policies of the NPSs.</li> </ul>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>The Planning Statement [<a href="#">APP-590</a>], paragraph 1.7.6 quotes the 2017 Ministerial Statement which states:</p> <p><i>"Government is confident that both EN-1 and EN-6 incorporate information, assessments and statements which will continue to be important and relevant for projects which will deploy after 2025, including statements concerning the need for nuclear power – as well as environmental and other assessments that continue to be relevant for those projects. As such, in deciding whether or not to grant development consent to such a project, the Secretary of State would be required, under section 105(2)(c) of the Act, to have regard to the content of EN-1 and EN-6, unless they have been suspended or revoked. In respect of matters where there is no relevant change of circumstances it is likely that significant weight would be given to the policy in EN-1 and EN-6"</i> (emphasis added).</p> <p>Section 105 of the 2008 Planning Act:</p> <p>(1) This section applies in relation to an application for an order granting development consent if section 104 does not apply in relation to the application.</p> <p>(2) In deciding the application, the Secretary of State must have regard to—</p> <p>(a) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2),</p>

ExQ1	Question to:	Question:
		<p>(b)any matters prescribed in relation to development of the description to which the application relates, and</p> <p>(c)any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.</p> <p>In response to (i), ESC considers that it is for the SoS to determine which matters are important and relevant to the making of their decision. To aid this process, within the Local Impact Report (LIR) [<a href="#">REP1-045</a>], ESC has highlighted NPS, Development Plan and any other local policies which it considers to be important and relevant to the Secretary of State's decision.</p> <p>(ii) ESC considers that the development plan "sits alongside" the NPSs in this instance. Both are important and relevant to the Secretary of State's decision. Development Plan policies of relevance have been highlighted in the LIR submitted at Deadline 1.</p> <p>(iii) S105 of the Planning Act does not prescribe weight to be attributed to important and relevant considerations or seek to prioritise one policy over another.</p> <p>The 2017 Written Ministerial Statement refers to the assessment of the need for new electricity generation carried out to support EN-1 remaining valuable and continuing to be relevant. It states that new nuclear power generation remains key to meeting 2050 obligations in line with the 2017 Clean Growth Strategy.</p> <p>The Written Ministerial Statement states that the Government continues to give its strong support in principle to projects at those sites listed in EN-6 and that '<i>Government is confident that both EN-1 and EN-6 incorporate information, assessments and statements which will continue to be important and relevant for projects which will deploy after 2025</i>'. The Statement explicitly states that the SoS would be required under section 105(2)(C) of the Act '<i>to have regard to the content of EN-1 and EN-6, unless they have been suspended or revoked.</i>'</p> <p>Development plans are discouraged from including policies that replicate policies to be found elsewhere. Specific planning policies relating to new nuclear proposals are not within the East Suffolk Council – Suffolk Coastal Local Plan. ESC therefore considers that it is essential for EN-6 to be given significant weight in the determination of this application.</p>

ExQ1	Question to:	Question:
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>(i) Where both the NPS and the development plan fall within the scope of s105(2)(c), the SCC does not consider the statement “in the event of a conflict between the NPS and local policy, the NPS prevails for the purposes of decision making given the national significance of the infrastructure” correctly reflects the position.</p> <p>The Secretary of State must have regard to the matters set out in section 105(2)(c) (and summarised above). There is nothing in section 105(2)(c) which states that the NPS prevails for the purposes of decision making. Nor is there any guidance or case law to assist on this specific question. While the WMS says it is “likely” that “significant weight” would be given to policy in EN-1 and EN-6, that is a matter for the Secretary of State to decide when determining the application. If, for instance, the Secretary of State considered in the circumstances of an application that greater weight should be given to (say) local policy, the Secretary of State could reach that conclusion, subject to the usual public law considerations.</p> <p>(ii) SCC agrees with the premise of question (ii) i.e. in the circumstances described, the NPS policies “sit alongside” other national and local planning policies.</p> <p>(iii) Section 105(2)(c) does not attribute weight to matters or state how primacy must be assessed by the decision-maker. This is a matter for the Secretary of State’s reasonable discretion.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Whilst ESC’s response at Deadline 2 directly engages with part (iii) of the ExA’s question, which asks <i>how</i> the weight to be attributed and the question of primacy should be assessed by the decision-maker, SCC simply states that these are matters for the Secretary of State’s reasonable discretion. Reference is made to the fact that section 105(2)(c) does not itself make provision in this respect, but otherwise SCC’s response offers no analysis of the wider statutory or policy context, and nor does it comment on <i>how</i> any discretion in respect of weight should be exercised in that context.</p> <p>ESC’s response, like SZC Co’s considers the different role and scope of local policy and National Policy Statements, and hence the extent to which these policies do or do not engage with the issues required to determine the appropriate policy for the determination of applications for development consent for Nationally Significant Infrastructure Projects. It also notes extant Government policy on the use of National Policy Statements as the basis for decision-making in respect of applications to be determined under section 105. In the</p>



ExQ1	Question to:	Question:
		<p>light of those matters, ESC correctly concludes that it is “<i>essential for EN-6 to be given significant weight in the determination of this application</i>”.</p> <p>SZC Co’s position has been fully explained in its own response to this question, but it would be pleased to answer any further questions from the ExA.</p>
G.1.13	The Applicant, SCC, ESC	<p><b>Policy approach</b></p> <p>The Applicant’s Planning Statement, paragraph 3.10.13, sets out a number of regional or other policy documents which are relevant to the Sizewell C Project and have been considered within the ES technical assessments. The Applicant indicates that this is not a complete list. Are there any other policy documents that should be drawn to the ExA’s attention to at this stage?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Section 3.10 of the <b>Planning Statement</b> [<a href="#">APP-590</a>] summarises the regional and local planning policies of relevance to the Sizewell C Project. This is also reflected in the <b>Volume 1 Chapter 3</b> (Legislation and Policy Context) of the <b>ES</b> [<a href="#">APP-174</a>].</p> <p>Paragraph 3.10.13 of the <b>Planning Statement</b> presents a non-exhaustive list of other regional or other policy documents that have been considered within the technical assessments within the ES.</p> <p>Each <b>ES</b> topic chapter contains an appendix setting out the assessment methodology. These are contained at <b>Appendices 6D-6Y</b> of the <b>ES</b> [<a href="#">APP-171</a>]. Each of these appendices (section 1.2 of each appendix) identifies and describes legislation, policy and guidance of relevance to that particular technical discipline.</p> <p>This includes ‘regional or other’ policy and guidance. These are not repeated in the <b>Planning Statement</b>.</p> <p>Where any other existing policy or guidance is not listed in either the Planning Statement or the ES it would not add to or affect the clear policy approach established in the NPS. It is understood that a full list of policy documents is to be set out in the Councils’ joint Local Impact Report.</p> <p>Please see also the response to Question <b>AI.1.0</b>.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC, working with SCC, has included a comprehensive list of policy documents that it considers the ExA should take into account as part of the LIR submitted at Deadline 1 [<a href="#">REP1-045</a>].</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>The LIR [REP1-045] sets out, in sections 4 and 5, all policies and strategies that SCC and ESC consider relevant to be considered for the Sizewell C project. A copy of these policy documents has been included in the Appendices to the LIR.</p> <p>The policies/strategies not referenced in para 3.10.13 are:</p> <ul style="list-style-type: none"> <li>• Green access strategy (Rights of Way Improvement Strategy)</li> <li>• Suffolk County Council Travel Plan Guidance</li> <li>• Suffolk Guidance for Parking</li> <li>• New Anglia Local Enterprise Partnership (NALEP) Economic Strategy for Norfolk and Suffolk 2017</li> <li>• Integrated Transport Strategy for Norfolk and Suffolk</li> <li>• East Suffolk Economic Growth Plan 2018 - 2023</li> <li>• East Suffolk Business Plan</li> <li>• East Suffolk Strategic Plan 2020-2024</li> <li>• Suffolk County Council Priorities 2017-2021</li> <li>• Suffolk Coast and Heaths Area of Outstanding Natural Beauty Management Plan 2018-2023</li> <li>• Natural Beauty and Special Quality Indicators of the AONB</li> <li>• Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)</li> <li>• AONB: The selection and use of colour in developments guide</li> <li>• Section 106 Developers Guide to Infrastructure Contributions in Suffolk</li> <li>• State of the AONB Report 2018</li> <li>• Suffolk Flood Risk Management Strategy</li> <li>• Leiston Surface Water Management Plan Update</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has commented on this issue briefly in its response to the <b>Councils' Local Impact Report (LIR)</b> (Doc Ref. 9.29).
G.1.14	SCC, ESC	<p><b>Policy approach</b></p> <p>If not already provided, please submit complete copies of all relevant development plan and emerging policies and indicate in LIRs whether the status of any of those plans has changed.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC, working with SCC, has included as annex and appendices, the relevant policy documents that it considers the ExA should take into account as part of the LIR [REP1-045] submitted at Deadline 1.
	<b>Response by Suffolk County Council for Deadline 2</b>	The LIR [REP1-045] sets out, in sections 4 and 5, all policies and strategies that SCC and ESC consider relevant to be considered for the Sizewell C project. A copy of these policy documents has been included in the Appendices to the LIR.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.15	The Applicant, SCC, ESC	<p><b>Policy Approach</b></p> <p>The ESC Local Plan was adopted towards the end of 2020, please advise on the current position in respect of the policies that should now be considered and whether this change affects the assessment of policies set out by the Applicant.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Paragraph 3.10.5 of the <b>Planning Statement</b> [<a href="#">APP-590</a>] identified the development plan at the time of submission. This comprised:</p> <ul style="list-style-type: none"> <li>• The Suffolk Coastal Local Plan remaining Saved Policies – July 2018;</li> <li>• The Suffolk Coastal District Local Plan Core Strategy &amp; Development Management Policies (July 2013);</li> <li>• The Site Allocations and Area Specific Policies Development Plan Document (January 2017);</li> <li>• The Area Action Plan for the Felixstowe Peninsula (January 2017); and</li> <li>• The Leiston Neighbourhood Plan 2015-2029.</li> </ul> <p>The adopted East Suffolk Council Suffolk Coastal Local Plan (SCLP) now supersedes the Suffolk Coastal Local Plan remaining Saved Policies, Core Strategy &amp; Development Management Policies, the Site Allocations and Area Specific Policies Development Plan Document and the Felixstowe Area Action Plan.</p> <p>Paragraphs 3.10.9 – 3.10.12 of the <b>Planning Statement</b> also refers to the Suffolk Coastal Final Draft Local Plan, which was the version of the SCLP submitted for Examination. These are now also superseded by the adopted versions of the policies (although a number remained materially unchanged).</p>

ExQ1	Question to:	Question:
		<p><b>Appendix B</b> of the <b>Planning Statement Update</b> (Doc Ref 8.4Ad) provides a review of modifications that were made to the draft policies prior to adoption. This includes:</p> <ul style="list-style-type: none"> <li>• Policy SCLP3.4 – Major proposals for energy infrastructure</li> <li>• Policy SCLP10.4 – Landscape character</li> <li>• Policy SCLP12.35 – Land at Innocence Farm</li> <li>• Policy SCLP7,1 – Sustainable Transport</li> <li>• Policy SCLP10.1 – Biodiversity and Geodiversity</li> </ul> <p><b>Appendix B</b> of the <b>Planning Statement Update</b> explains the implications of these changes for the assessment of policy as presented in the <b>Planning Statement</b>. It also notes that the <b>Planning Statement</b> makes reference to other policies as they existed in draft form in the Final Draft Local Plan. This includes some which have been amended in a non-material way (to correct typographical errors for example) and other draft policies which have not been altered in their adopted form.</p> <p>The review of these matters in <b>Appendix B</b> of the <b>Planning Statement Update</b> concludes that:</p> <ul style="list-style-type: none"> <li>• The extent of amendments to these policies was relatively minor and it is considered that the Sizewell C Project continues to be consistent with relevant local planning policy.</li> <li>• Even where policies have been subject to significant alterations (i.e. SCLP3.4 and SCLP10.4), the revised text tends to enhance the consistency of the policy with that set out in the NPS and does not affect the assessments carried out within the Sizewell C DCO application or raise any new matters which are not already identified and addressed within the <b>Planning Statement</b> [<a href="#">APP-590</a>].</li> </ul> <p>The final Local Plan policies are in accordance with National Policy and are, therefore, not materially different from the policy framework that was relied upon in the <b>Planning Statement</b>. The assessments made within the <b>Planning Statement</b> [<a href="#">APP-590</a>] continue to be appropriate.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>The Applicant considered the East Suffolk Council - Suffolk Coastal Local Plan 2020 as emerging policy in their submitted Planning Statement [<a href="#">APP-590</a>]. Since that Statement was drafted the Local Plan was adopted by ESC in September 2020. Policies within the adopted Local Plan are referred to throughout the submitted LIR [<a href="#">REP1-045</a>] and the</p>



ExQ1	Question to:	Question:
		document is included as an Appendix to the LIR (LIR Appendix 1: 2) [REP1-062]. Policies referred to as emerging in the Applicant's Planning Statement were not significantly amended in the adopted version of the Local Plan. ESC considers that the Applicant's assessment of the Local Plan is acceptable.
	<b>Response by Suffolk County Council for Deadline 2</b>	We defer to ESC to respond to this question.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.16	The Applicant, ESC	<p><b>Policy approach</b></p> <p>The Applicant's Planning Statement section 3.10(b), paragraph 3.10.8, states that where the strategies of the Local Plan relate to generic issues such as the protection of the environment, the relevant policy tests are those set out in the NPS. Likewise, paragraph 3.10.11 states that for Policy SP13 of the emerging local plan, which sets out a series of matters against which the Council believes that major infrastructure proposals should be considered, the NPSs would prevail in the event of any conflict with local and national policy:</p> <p>(i) Does that reflect the correct position and is the primacy of the NPSs agreed between ESC and the Applicant?</p> <p>(ii) If not, please identify and explain any areas of disagreement?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Matters relevant to this question are also set out in response to Question <b>G.1.12</b> and in the <b>Planning Statement Update</b> (Doc Ref 8.4Ad).</p> <p>The Applicant's response to Question <b>G.1.15</b> also addresses this issue.</p> <p>Paragraph 3.54 of the adopted Local Plan confirms that decisions on NSIPs are taken at a national level taking into consideration relevant National Policy Statements. Policy SCLP3.4 is clear that it sets out matters which the Council will take into consideration in its role as consultee. The Local Plan does not set policy tests for the NSIP, and nor would it be appropriate for it to do so.</p> <p>The <b>Planning Statement Update</b> identifies that this approach was recognised by the Inspector conducting the Local Plan examination, who reported:</p>

ExQ1	Question to:	Question:
		<p><i>"Proposals for Nationally Significant Infrastructure Projects (NSIP) are considered against the designated National Policy Statements in a specific consenting process, rather than through the Town and Country Planning process. To be effective, the Policy and text should be amended so that it is clear as to how the Policy would be applied in the NSIP process."</i></p> <p>As explained above in response to Question <b>G.1.12</b>, this approach is consistent with the NPPF (paragraph 5) which confirms that the Framework <i>'does not contain policies'</i> for NSIPs. Policies in the Framework and in Local Plans prepared under the Framework are not policies prepared or tested for use in the determination of DCO applications. The reasons for this are explained in response to Question <b>G.1.12</b>.</p> <p>(ii) There is no disagreement between the Applicant and ESC. The <b>Planning Statement Update</b> has been shared with ESC and there is no disagreement about the position which it sets out on these issues. SZC Co. understands that this will be directly confirmed in ESC's response to this question.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) Policy SP13 referred to at paragraph 3.10.8 of the Planning Statement is from the now replaced Suffolk Coastal Local Plan 2013 and is not emerging policy [<a href="#">APP-590</a>]. Policy SCLP3.4 relating to Proposals for Major Energy Infrastructure Proposals is now adopted policy and does set out matters against which the Council considers major infrastructure proposals should be considered. ESC agrees that these matters are included within the NPSs. Both the Local Plan and NPSs have a role in this process but ESC considers that the NPS, in particular EN-6, has been written solely for nuclear power station proposals whereas SCLP3.4 refers to all major energy infrastructure. ESC therefore agrees that one should look first to the NPSs which should prevail in the event of any conflict with the Local Plan.</p> <p>(ii) There is no disagreement between ESC and the Applicant. The Applicant's Planning Statement Update has been shared with ESC and there is no disagreement about the position which the Applicant sets out on these issues.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
G.1.17	The Applicant, MMO	<p><b>Policy approach</b></p> <p>The Planning Statement, section 3(10)(c), paragraph 3.10.19, refers to EN-1 (paragraph 4.1.6) which states that "<i>The IPC must have regard to the MPS and applicable marine plans in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area. In the event of a conflict between any of these marine planning documents and an NPS, the NPS prevails for purposes of IPC decision making given the national significance of the infrastructure.</i>" Given that the decision in this case would be made pursuant to s105 PA 2008 and not s104 PA 2008, should the NPS still prevail in the event of a conflict or is the weight to be attributed to those matters a question for the decision-maker to assess in the light of the particular circumstances of each case?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Marine Policy Statement is unchanged since the drafting of the <b>Planning Statement</b> [APP-590]<sup>1</sup>, whilst the Energy White Paper has confirmed the continuing appropriateness of the Energy NPSs for the purposes of this examination.</p> <p>The Applicant's response to Question <b>G.1.12</b> addresses the relationship of the NPS to applications determined under s104 or s105 of the Planning Act 2008.</p> <p>Accordingly, the position set out in the <b>Planning Statement</b> remains appropriate and up to date.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO do not consider that it is within our jurisdiction to comment on such matters, and that this should be for the consideration of the decision maker. The MMO can provide comment on the appropriateness of the Applicant's Marine Plan Policy Assessment (MPPA).</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>
G.1.24	The Applicant, Relevant local planning authorities	<p><b>Benefits - Economic</b></p> <p>The Planning Statement, paragraph 7.2.18, states that home-based jobs generated by the project would equate to around 1% of all employment in Suffolk. This is regarded by the</p>

<sup>1</sup> Guidance to the UK Marine Policy Statement from 1 January 2021 was published in September 2020 but its purpose was to explain how references to EU law in the MPS should be interpreted following the UK's withdrawal from the EU. It does not affect the substance of the MPS or its relationship with the NPSs.

ExQ1	Question to:	Question:
		<p>Applicant as a significant increase in employment and a major beneficial change to employment in the area:</p> <p>(i) What reliance can be placed upon the estimate that around 2,000 home based workers would be employed on the main development site at peak?</p> <p>(ii) What weight can be placed upon such relatively temporary employment benefits in the overall balancing exercise?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>i) Evidence of strong home-based (HB) recruitment at Hinkley Point C means that the Sizewell C Project is confident of the reliability of its peak recruitment estimates.</p> <p>The assessment of local and regional socio-economic effects for the Sizewell C Project including assumptions on the number of home-based workers at peak and throughout the construction phase – set out and evidenced within <b>Volume 2, Appendix 9A</b> (Technical Note 1 – Workforce Profile) of the <b>ES</b> [APP-196] - draws on evidence from Hinkley Point C. As reported to the Socio-economic Advisory Group for the Project<sup>2</sup>, this shows there are currently (as at January 2021) 1,717 home-based (HB) workers out of a total workforce of 4,769. Many of these HB workers are in roles that will be available to local residents at Sizewell C, and which are not attractive to non-home-based (NHB) workers, because they do not have a subsistence allowance to support working away from home. Evidence from Hinkley Point C also suggests that higher skilled MEH roles are likely to be filled by local residents, supported by changes in work packages and local training to increase the HB number at peak.</p> <p>For clarity, the 2,000 workers referred to in the question does not include staff operating the Associated Development sites as these are outside of the Main Development Site security gate, or remote, and does not include pre-operational and commissioning staff who have the potential to be home-based.</p> <p>As also set out in response to Question <b>SE.1.33</b>, estimates of the total, HB and NHB employment for each year of construction, by phase/work package are set out in <b>Table 1.9 of Volume 2, Appendix 9A</b> (Technical Note 1 – Workforce Profile) of the <b>ES</b> [APP-196] with supporting text to evidence the assumptions.</p>

<sup>2</sup> HPC Socio-economic Advisory Board (2021) Available at: [https://www.sedgemoor.gov.uk/media/9721/SEAG-Dashboard-Accommodation/pdf/SEAG\\_Dashboard\\_-\\_Accommodation.pdf?m=637511338094670000](https://www.sedgemoor.gov.uk/media/9721/SEAG-Dashboard-Accommodation/pdf/SEAG_Dashboard_-_Accommodation.pdf?m=637511338094670000)



ExQ1	Question to:	Question:
		<p><b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> [<a href="#">APP-195</a>] uses a conservative assessment case for assumptions about HB and NHB workers - this is to ensure mitigation for the NHB component is sufficiently robust. Some of the additional workforce (resulting from changing assumptions about the scale of workforce required as presented through Stage 2 and Stage 3 Consultation) may be home-based, but the ES has taken a 'worst case' position with regards to knock-on effects on socio-economic factors.</p> <p>The scale of HB workforce was based on assumptions by broad contract package – though it may represent an underestimate given advances in higher-skilled operative recruitment for MEH roles. At Hinkley Point C, the proportion of HB workers is currently 36%, and has been above 50% in early years.</p> <p>SZC Co, ESC and SCC are working to develop iterative and responsive governance for the implementation of employment, skills and training interventions (set out in Schedule 7 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C))) that take into account real data from contractors for each Workforce Delivery Strategy at each phase of the Project, and review data to understand the effectiveness of such interventions, in order to maximise local labour market benefits and local recruitment. This is likely to be even more effective than similar measures applied at Hinkley Point C, having had the benefit of lessons learnt about the targeting of investment form Hinkley Point C.</p> <p>ii) Despite being temporary, the construction phase will:</p> <ul style="list-style-type: none"> <li>• Represents over 42,000 years of construction employment output, much of which is supported by the long-term gain in skills for individuals that will develop their sustainable careers in the industry well beyond the construction phase of this project;</li> <li>• Is equivalent to twice the median job tenure in the UK and far longer than the average job tenure on a construction site – as set out from paragraph 3.3.9 to 3.3.11 of the <b>Economic Statement</b> [<a href="#">APP-610</a>].</li> </ul> <p>Whilst construction employment is often short-term and peripatetic, the length of this particular construction project provides valuable opportunities for people to cycle through different roles on the Project (using the SZC Jobs Service), gain long-term skills and develop genuine long-term sustainable careers.</p> <p>SZC Co. has worked with SCC, ESC, the New Anglia Local Enterprise Partnership (NALEP) and local skills and training providers to generate a suite of measures for the labour market and supply chain to not just deliver the workforce for the Project, but maximise</p>

ExQ1	Question to:	Question:
		<p>the local opportunities for sustainable careers, transferrable skills, and particularly supporting breaking down barriers to employment and raising aspiration via an Outreach Fund, Sizewell C Bursary and Young Sizewell C. Other elements include long-term investment in revenue for the existing capital projects in the region, with the aim of supporting the legacy benefits for the region. Further detail is set out in response to question <b>SE.1.17</b> and within Schedule 7 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>The construction employment benefits are only one part of the benefits, with significant permanent benefits in the operational phase as well which represents a permanent uplift in employment, skills and supply chain benefits. Although they are temporary, they are relatively long-term, especially in the context of the typical duration of a construction job (typically only between 13% and 23% expect to be working on the same site for more than a year, and up to half less than six months) and in the economy more generally, where the median job tenure is 5.6 years.</p> <p>There are also important qualitative elements in providing a pipeline into the industry, including the HPC-SZC skills conveyor, leaving behind a more skilled and productive workforce.</p> <p>Further information on the scale of the benefits generated by the Project is outlined in the <b>Economic Statement</b> <a href="#">[APP-610]</a> and summarised in an appendix to this response (<b>Appendix 2A</b>), which also sets out how the Project will secure interventions and funding for regional skills infrastructure, and support the region to focus on long-term, legacy skill-sets to the benefit of sustainable economic growth forecast to be demanded by both the region and the Project.</p> <p>Substantial weight should be placed on the long-term, substantial economic benefits that this Project will bring to the region. Its scale – and the ways in which its benefits will be retained and enhanced – draw on the same successful measures for business and skills/employment as at Hinkley Point C, where to-date:</p> <ul style="list-style-type: none"> <li>• £2.7bn has been spent on local businesses who have been supported into the project's supply chain through engagement activities;</li> <li>• Currently 36% of the workforce is from within the 90-minute area, and for much of the construction period so far this has been higher, up to around 50%;</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• 9,494 people have registered for the Jobs Service, and 1,240 of them have been placed into work on the HPC Project;</li> <li>• 1,500 young people have benefitted from the Young HPC Programme; and</li> <li>• 734 apprentices have been employed on the Project.</li> </ul> <p>Hinkley Point C is yet to reach its peak of construction activity, but the Project has already substantially outperformed its aspirations for local (economic) benefits, which the Secretary of State considered '<i>significantly outweighed</i>' residual adverse impacts of the HPC Project (SoS HPC Decision Letter, Section 6.6).</p> <p>The Ten Point Plan for a Green Industrial Revolution identifies the importance of the benefits of construction employment associated with new nuclear projects, using Hinkley Point C (HPC) as its case study. Furthermore, regional supply chain benefits are also supported by the Energy White Paper (page 56), which sets out that 'Developing the domestic supply chain for the sector has the potential to transform the prosperity of these regions. It provides high-value and skilled employment opportunities, unlocking investment to support infrastructure projects and growing manufacturing and industrial capability'</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>i) In seeking to understand the home based workforce and the figures that have been presented by the Applicant, we have considered the experience from the build of Sizewell B, as considered in the longitudinal research study led by John Glasson of Oxford Brookes University (summarised in an article in "Impact Assessment and Project Appraisal", vol 23, September 2005, pages 215–226 [See SCC Appendix to SE.1.5]). This study identified a 'substantial boost to local employment especially in the civil engineering phase of construction'. We can also look to Hinkley Point C and the Oxford Brookes Study commissioned by the New Nuclear Local Authorities Group (para 3.2.3) which independently confirms that local employment percentages are above those predicted for the first years of construction (LIR Appendix 2:1 [<a href="#">REP1-045</a>]). Both of these studies confirm that this level of home-based recruitment can be reached. However, both studies confirm that these levels of home-based recruitment were underpinned by effective employment and training measures.</p> <p>Therefore, we are confident that with a robust and sufficiently funded employment, skills and education strategy the conservative estimate of 2,000 home based workers will be met and further home-based employment maximised. This strategy will need to be</p>

ExQ1	Question to:	Question:
		<p>deployed in advance of commencement of construction. However, in the context of Sizewell B approximately 60% of local recruitment was into semi-skilled/unskilled and clerical jobs. The employment, skills and education strategy for this project needs to ensure there are a range of measures to increase local employment levels in higher skilled roles, identified as legacy roles, in the region and therefore valuable in the long term. ii) As set out in para 25.1 – 25.12 LIR [<a href="#">REP1-045</a>] and in answers to SE1.28, SE1.29 and SE1.31 ESC's approach to the employment opportunities is to view the opportunities as a catalyst for long term employment in roles that have an increasing and enduring demand in the region as identified in the report "Technical Skills Legacy for Norfolk &amp; Suffolk" by Pye Tait Consulting (see Appendix submitted by SCC) ESC expects the Applicant to proactively support this ambition through the Employment, Skills and Education Strategy and through an agreed Governance structure. ESC will work with the Applicant to deliver a Workforce Delivery Strategy (WDS) and Annual Workforce Delivery Implementation Plans (AIP), which would secure a flexible, dynamic process enabling reaction to any impacts picked up through monitoring, such as workforce churn, and take account of the changing skills and employment landscape, legacy opportunities and the economic cycle we are in.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>i) SCC considers that any estimate like this has to be treated with a degree of caution, and should be considered as an indication rather than a worst or best case scenario.</p> <p>When looking to understand the home-based workforce and the figures that have been presented it is worth to review experience from the build of Sizewell B, as considered in the longitudinal research study led by John Glasson of Oxford Brookes University (summarised in an article in "Impact Assessment and Project Appraisal", vol 23, September 2005, pages 215–226 [submitted by SCC as ExQ SE.1.5 SCC Appendix]). This study identified a 'substantial boost to local employment especially in the civil engineering phase of construction'.</p> <p>Looking at Hinkley Point C, the Oxford Brookes Study commissioned by the New Nuclear Authorities Group ([<a href="#">REP1-089</a>] para 3.2.3) independently confirms that local employment percentages are above those predicted for the first years of construction.</p> <p>Both of these studies indicate that the level of home-based recruitment estimated by the Applicant can be reached. However, both studies confirm that these levels of home-based recruitment were underpinned by effective employment and training measures. Therefore, SCC considers that, subject to a robust and sufficiently funded employment, skills and education strategy, the estimate of 2,000 home-based workers is a conservative one that</p>

ExQ1	Question to:	Question:
		<p>can be met, and then encourages home-based employment to be maximised beyond this estimate.</p> <p>It is important for the ExA to note that, in the context of Sizewell B, approximately 60% of local recruitment was into semi-skilled/unskilled and clerical jobs. This has limited the legacy benefits for the local community. Therefore, SCC considers that the Sizewell C employment, skills and education strategy as set out by the Applicant needs to ensure there are a range of measures to increase local employment levels in higher skilled roles, identified as legacy roles, which would be valuable for the region in the long term.</p> <p>ii) As set out in para 25.1 – 25.12 LIR and in answers to SE1.28, SE1.29 &amp; SE1.31 SCC's approach to the employment opportunities is to view the opportunities as a catalyst for long term employment, especially for those furthest from the labour market, in roles that have an increasing and enduring demand in the region as identified in the report "Technical Skills Legacy for Norfolk &amp; Suffolk" by Pye Tait Consulting [submitted by SCC as ExQ SE.1.39 Appendix 2]. The higher number of individuals and the further they have been supported to progress (i.e. from unemployed to work or from within work to better work) the greater the value of the home-based worker opportunities to the region. We expect the Applicant to proactively support this ambition through the Employment, Skills and Education Strategy. Through an agreed Governance structure we will work with the Applicant to deliver a Workforce Delivery Strategy (WDS) and Annual Workforce Delivery Implementation Plans (AIP), which would secure a flexible, dynamic process enabling reaction to any impacts picked up through monitoring, such as workforce churn, and take account of the changing skills and employment landscape, legacy opportunities and the economic cycle we are in</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>As set out in SZC Co's response to this question at Deadline 2, SZC Co is content that the estimate of HB workforce is conservative, allowing for the 'reasonable worst case' to be assessed, and sufficient mitigation (for a 5,884 peak NHB workforce) to be established. That does not preclude the HB recruitment level exceeding the estimated peak – it is in the interest of the Project to maximise local recruitment, and this is why an extensive range of measures has been set out in terms of employment, skills, education and supply chain at Schedule 7 of the <b>Draft Deed of Obligation</b>, an updated version of which is submitted at Deadline 3 (Doc Ref. 8.17(D)).</p> <p>These measures are supported by specific Workforce Delivery Strategies for each phase of the Project, which focus directly on employment in civils and MEH construction, directing</p>

ExQ1	Question to:	Question:
		<p>funding and measures towards local recruitment in these areas which are often higher skilled roles, identified as legacy roles, which would be valuable for the region in the long term.</p> <p>See also SZC Co's response to the <b>Councils' Local Impact Report</b> (Chapter 25) (Doc Ref. 9.29).</p>
G.1.27	The Applicant, Relevant local planning authorities	<p><b>Benefits – Tourism</b></p> <p>The Planning Statement, section 7.2 (e), explains the provision of the proposed Tourism Fund and what that is anticipated to achieve:</p> <p>(i) Please explain further why the provision of such a fund could be relied upon to mitigate the potential for adverse impacts on tourism as anticipated by the ES distinguishing between construction and operational impacts?</p> <p>(ii) Please list the locations of particular concern and explain how the provision of a Tourism Fund would specifically assist those particular aspects of the tourist economy most likely to suffer an adverse impact?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. recognises the importance of the tourist economy within and around the Suffolk Coast, and has undertaken an assessment of the effects of the Sizewell C Project on tourism, in-line with the requirements of National Policy Statement EN-1, as part of <b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> <a href="#">[APP-195]</a>. This concludes that there is limited empirical evidence that the Sizewell C Project would lead to a quantifiable reduction in visitor numbers, a change in visitor behaviour, or a change in expenditure or business viability in the sector over and above normal variation. Nevertheless, based on stakeholder engagement, experience from Hinkley Point C, and in order to be precautionary, SZC Co. recognise that there would be benefit in the establishment of a Tourism Fund to market and promote the area so as to attract new potential and returning tourists. Such measures would be expected to pre-empt any adverse effects and reduce the likelihood of them occurring.</p> <p>There is a debate between SZC Co. and the local authorities about the messages to be drawn from surveys carried out in advance of Sizewell C about its potential impact on the area. A paper setting out further details of SZC Co.'s consideration of ex-ante stated preference surveys, and experiential evidence of the actual effectiveness of a Tourism Fund drawing on Hinkley Point C evidence is included within <b>Appendix 2A</b> to the written responses.</p>

ExQ1	Question to:	Question:
		<p>(i) SZC Co. commissioned an ex-ante stated preference survey to identify potential sensitivities to change for existing and potential visitors, in order to identify measures that could effectively be implemented by a Tourism Fund to reduce the risk of stated intentions to change visiting behaviour from manifesting in practice. [The results of this survey are summarised within the Environmental Statement at <b>Volume 2, Chapter 9</b>, from paragraph 9.7.82 to 9.7.89 <a href="#">[APP-195]</a> and set out in full at <b>Volume 2, Chapter 9, Appendix 9F</b> (Ipsos MORI Suffolk Coast Visitors Survey) <a href="#">[APP-196]</a> The survey identified a link between people's certainty of intention and their level of knowledge – (i.e. the evidence that people who knew more about the Project and the area in general were less likely to be concerned about the effects and state their intention to change their behaviour). Therefore, SZC Co. and stakeholders recognise that a Tourism Fund is a reasonable and sensible way to be precautionary about these risks.</p> <p>As such, use of a Tourism Fund for marketing, promotion, and other projects to benefit the image of tourism at the Suffolk coast is considered an effective way of providing precautionary mitigation for perceived risks as demonstrated by:</p> <ul style="list-style-type: none"> <li>• Experience at Hinkley Point C – where similar concerns about potential adverse effects were raised by Interested Parties, but have not manifested into actual effects on tourism in Somerset – has provided evidence for the positive effect of a Tourism Fund used to promote and market the area and provide information to visitors and prospective visitors. Monitoring of business confidence through governance (via SEAG), as well as public datasets such as tourist-sector employment (via BRES, 2019) and tourism spend (via GBTS, 2018), has shown no adverse effect on the Somerset tourist economy from the construction activity at Hinkley Point C where a Tourism Fund has been applied; and</li> <li>• By Visit Britain (2019) who suggest that every £1 invested in promotional, marketing and research activity within the British Tourist Authority delivered up to £23 to the British economy through visitor spend.</li> </ul> <p>The principle of a Tourism Fund is supported by East Suffolk Council [RR-0342] – paragraphs 1.185 to 1.187 – subject to agreement on the scale of the Fund.</p> <p>SZC Co. and regional stakeholders agree that a Tourism Fund is an appropriate way to ensure potential changes in visitor activity do not result in economic consequences. SZC Co. has shared with East Suffolk Council and Suffolk County Council a proposed approach</p>



ExQ1	Question to:	Question:
		<p>to the Tourism Fund including its release, scope, implementation (including Tourism Programme Manager Role), and governance. These matters are detailed in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) and largely agreed with details of areas of disagreement set out within the <b>Draft Statement of Common Ground between SZC Co, ESC and SCC</b> (Socio-economics) (Doc Ref. 9.10.12).</p> <p>SZC Co. and stakeholders agree that the operational phase effects of the Project are not anticipated to lead to adverse effects on tourism.</p> <p>(ii) While the Environmental Statement at <b>Volume 2, Chapter 9</b>, from <b>paragraph 9.7.92</b> <a href="#">[APP-195]</a> summarises that, before mitigation, there is potential for very local effects on tourism businesses and activities where there is a combination of significant residual environmental effects, and perception-related effects as a result of sensitivities to different aspects of the Sizewell C Project, it does not explicitly identify these locations. Doing so would pre-empt the inherently uncertain nature of effects, and would limit the ability of the Tourism Fund to be effective and wide-ranging. Local effects can be mitigated by promotional and marketing campaigns focused on wider areas. [A portion of the Tourism Fund will be allocated to monitoring and market research may be funded through the Tourism Fund in order to identify any such local effects. Where such local effects are identified, the Annual Tourism Fund Implementation Plans which are to be approved by the Tourism Working Group to direct the use of the Tourism Fund may identify specific attractions and events to be promoted and specific funding for initiatives which are focused on particularly sensitive attractions and/or locations within the Suffolk Coast and Heaths AONB.</p> <p>In some cases, where potential effects on sensitive receptors cross-cut socio-economic and environmental topic areas and would benefit from comprehensive and holistic mitigation, separate Resilience Funds are proposed to be agreed bilaterally with RSPB Minsmere and National Trust Dunwich Heath. This will ensure that the activities funded through those measures do not overlap but can complement the plans, programmes and projects supported by the proposed Tourism Fund (and other funds, where applicable). The Tourism Programme Manager will monitor such funds in order to identify opportunities for complementary activities. Details are included in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C))</p>

ExQ1	Question to:	Question:
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) ESC considers most adverse tourism impacts will occur during the construction phase. The 2019 survey [<a href="#">APP-268</a>] shows that potential visitors will be dissuaded from coming to the area during construction. With reference to these expected negative perceptions, it is considered that the Fund could fund a variety of interventions to mitigate this – effective marketing and promotion of the area, creation of new and improved visitor experiences, infrastructure, effective monitoring of the impact on the visitor economy during construction etc. For the years immediately after the completion of construction, ESC has concerns that there could be a “boom and bust” effect for the local economy (referred to in the LIR [<a href="#">REP1-045</a>] paragraph 26.12); therefore, the proposed tourism fund should include provision to mitigate the impacts at this post-construction period. Impacts further into operation are considered to be less important but could still have a negative impact on existing business viability as people continue to use alternative tourism locations elsewhere.</p> <p>(ii) The development is located within the AONB which is a significant tourist attraction in its own right with a reputation for quiet, peace and natural tranquillity built up over many years. The proposed construction of Sizewell C in and adjacent to this highly sensitive area will have significant negative impacts on people’s willingness to visit during construction. The construction phase will have significant impacts on the experience of the AONB and as a result will negatively impact the associated reputation of the whole of the Suffolk coast as a high-quality recreational destination. The tourism fund is designed to mitigate these negative impacts in a number of ways including effective marketing of the area and other tourism hotspots nearby and providing new visitor experiences to attract a new generation of visitors to the area. Key fund areas should include:-</p> <ol style="list-style-type: none"> <li>1. Visitor Experience Development</li> <li>2. Infrastructure Asset Investment</li> <li>3. Destination Marketing and Promotion</li> <li>4. Tourism Business Support Grants</li> <li>5. Tourism Support Resources</li> <li>6. Research Visitor/Business Surveys</li> </ol>

ExQ1	Question to:	Question:
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>(i) SCC considers that most negative tourism impacts will occur during the construction phase. The 2019 visitor survey [APP-268] shows that potential visitors will be dissuaded from coming to the area during the construction phase. In light of these expected negative perceptions, it is considered that the Fund could fund a variety of interventions to mitigate this – such as effective marketing and promotion of the area, creation of new and improved visitor experiences, infrastructure, effective monitoring of the impact on the visitor economy during construction etc. For the years immediately after the completion of construction, SCC has concerns that at the end of the construction period, there could be a “boom and bust” effect for the local economy (referred to in the LIR [REP1-045] para 26.12) ; therefore the proposed tourism fund should include provision to mitigate the impacts at this post-construction period. Impacts further into operation are considered to be less important but may still have a negative impact on existing business viability as people may continue to use alternative tourism locations elsewhere.</p> <p>(ii) The development is located within the AONB which is a significant tourist attraction in its own right with a reputation for quiet, peace and natural tranquillity built up over many years. The proposed construction of Sizewell C within what is a highly sensitive area will have significant negative impacts on people’s willingness to visit during construction. The construction phase will have significant impacts on the experience of the AONB and as a result will negatively impact the associated reputation of the whole of the Suffolk coast as a high quality recreational destination. The tourism fund is designed to mitigate these negative impacts in a number of ways including effective marketing of the area and other tourism hotspots nearby and providing new visitor experiences to attract a new generation of visitors to the area. Key fund areas should include:-</p> <ol style="list-style-type: none"> <li>1. Visitor Experience Development</li> <li>2. Infrastructure Asset Investment</li> <li>3. Destination Marketing and Promotion</li> <li>4. Tourism Business Support Grants</li> <li>5. Tourism Support Resources</li> <li>6. Research Visitor/Business Surveys</li> </ol>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. and SCC are in broad agreement on how the Tourism Fund should be managed and implemented, including focusing on the AONB and marketing and promotional activities linked to it. Please refer to the <b>Initial Statement of Common Ground</b> [<a href="#">REP2-076</a>] (SE25 and SE41).</p> <p>SZC Co is content that the description of the Tourism Fund set out in the <b>Draft Deed of Obligation (Schedule 17)</b> an updated version of which is submitted at Deadline 3, includes provision for the 'key fund areas' set out by SCC in response to this question.</p> <p>SZC Co considers that the Tourism Fund would mitigate for any potential post-construction effects in the final years of the construction phase, when construction activity would be significantly less than the peak, though wil continue to discuss this with ESC and SCC.</p> <p>SZC Co's position on effects on tourism have been made clear within <b>Volume 2, Chapter 9</b> of the <b>ES</b>, the <b>Economic Statement</b>, in <b>Responses to the ExA's First Written Questions (ExQ1), Volume 1 - SZC Co. Responses</b> [<a href="#">REP2-100</a>] and <b>Appendix 23A (Response Paper – Tourism – Ex-ante Stated Preference Surveys)</b> [<a href="#">REP2-112</a>], and in <b>Chapter 26</b> of SZC Co's <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).</p>
G.1.41	The Applicant, Essex & Suffolk Water Company	<p><b>Water Supply</b></p> <p>In [AS 189] you indicate that the provision of the preferred pipeline may have adverse effects in respect of noise, air quality and terrestrial ecology.</p> <p>Please explain how mitigation could be secured for these operations when the pipeline would not appear to be part of the DCO application.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>In [<a href="#">AS-189</a>] the potential cumulative effects between the Sizewell C Project and the proposed Sizewell Transfer Main are assessed. No likely significant cumulative effects are identified. The scheme would involve construction of new mains between Northumbrian Water Limited's (NWL) Northern/central Water Resource Zone and Sizewell.</p> <p>It is anticipated that sections of new main would be installed relatively quickly along the route, impacting upon receptors for a limited period of no more than a few weeks.</p> <p>NWL would design and construct the new transfer main, and would also secure any necessary planning permission(s), consents and licences, and carry out any necessary environmental monitoring and mitigation. It would not form part of Sizewell C's DCO.</p>

ExQ1	Question to:	Question:
	<b>Response by Northumbrian Water Limited (NWL) (Trading as Essex and Suffolk) at Deadline 2</b>	<p>Extract of Response by Northumbrian Water Limited (NWL) (Trading as Essex and Suffolk) at Deadline 2</p> <p><i>"Document AS189 was produced on behalf of SZC Co although NWL was not involved with its preparation. The document assesses the potential cumulative effects of SZC Co's preferred pipeline and concluded that no likely significant cumulative effects were identified.</i></p> <p><i>The proposed pipeline is still at an outline stage and so NWL has not yet carried out its own impact assessments. However, once the proposed pipeline has progressed to a full feasibility study, it will be subject to NWL's full environmental assessment procedures. Among other aspects, this includes undertaking ecological surveys along the proposed route of the pipeline to ensure there are no significant ecological effects. If potential receptors are identified during feasibility and onsite mitigation is not appropriate, we will investigate whether there is an alternative route.</i></p> <p><i>As with all NWL pipeline schemes, appropriate method statements and risk assessments would be agreed to prevent any significant temporary noise and air quality issues."</i></p> <p>Please refer to the response by <b>NWL</b> to <b>ExQ1</b> [<a href="#">REP2-158</a>] for full response.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>
G.1.42	The Applicant	<p><b>Draft DCO</b></p> <p>In [AS-148] Table 2 refers to how Article 3 and 4(1)(a) set vertical limits to control the parameters of development.</p> <p>(i) Please explain how this would be achieved for each of the associated development sites where there are no parameters plans and are not specifically covered by these articles except for Work No. 4C, Work No. 11 and Work No. 12.</p> <p>(ii) Is it not fairer to say that there are no vertical limits of deviation in these locations as parameter plans have not been provided and as the DCO is currently drafted?</p> <p>As this document is intended to be a signposting document to aid the public's understanding of the DCO, is this a fair representation to them?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The ExA is referred to <b>Appendix 14I – DCO Drafting Note 9</b> of the written responses.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC shares the ExA's concerns in relation to the absence of limits of deviation and refers the ExA to its response to question G.1.0.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.43	The Applicant	<b>Vertical Limits of Deviation</b> In [APP-451] SLR, Noise and Vibration para 4.6.40 the ES seeks to explain that a parameters approach has been adopted, and this is duplicated in para 4.6.37 of [APP 415] (TVB Noise and Vibration) . Both Chapters appear to rely on a limitation of vertical deviation of 1m. Please show where this is set out and secured in the DCO.
	<b>Response by SZC Co. for Deadline 2</b>	The vertical limit of deviation of 1m applicable to the Sizewell Link Road (Work No. 12) and Two Village Bypass (Work No. 11) are secured in the <b>Draft DCO</b> (Doc Ref. 3.1(C)) by article 4(1)(b).
	<b>Response by East Suffolk Council at Deadline 2</b>	As the local authority who would deal with any noise complaints, ESC is eager to ensure that noise and vibration has been correctly assessed in the ES and that this translates into appropriate control measures in the draft DCO. It would welcome an explanation from the Applicant as to how this is to be achieved.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.45	The Applicant, All relevant local authorities, EA	<b>Code of Construction Practice</b> The CoCP [AS-273] sub heading m) indicates SZC Co. would hope to lead on complaints. Please explain how this would be undertaken to respect privacy and comply with the GDPR as well as enforcing authorities' responsibilities to investigate complaints.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>All complaints are and will continue to be recorded and monitored through the 'Tractivity' database used by SZC Co. and personal data will be processed in accordance with SZC Co.'s privacy policy, which ensures compliance with the GDPR. The privacy policy is available here: <a href="https://sizewellcdco.co.uk/privacy-notice-and-policy/">https://sizewellcdco.co.uk/privacy-notice-and-policy/</a> . It is, and will continue to be reviewed regularly and updated as necessary.</p> <p>SZC Co. will monitor, record and provide information on complaints monthly to relevant authorities via the communications teams. This would not disclose any personal data that could breach the GDPR.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>Paragraph 3.1.45 – 3.1.49 of the CoCP [<a href="#">AS-273</a>] does reference SZC Co. as taking responsibility for all enquiries and complaints.</p> <p>However, ESC, as a statutory investigating authority for planning and noise complaints is not able to hand this responsibility to the Applicant. Statutory complaints will therefore continue to be investigated by ESC in consultation with the Applicant where appropriate. Minor complaints or queries that are considered by ESC to be better dealt with by the Applicant, will be referred to the Applicant following a process to be agreed. At 3.1.47 [<a href="#">AS-273</a>] the Applicant acknowledges that ESC may also respond where it has overall responsibility.</p> <p>ESC, upon taking a call that is considered better dealt with by the Applicant would re-direct the caller to the Applicant thus avoiding any compromise of our own published privacy and GPDR requirements. If a caller is making a complaint that ESC has a duty to investigate under our statutory responsibilities, then we will do so in accordance with our existing privacy and GPDR requirements.</p> <p>Although article 10 of the draft DCO proposes some limitations on the scope of statutory nuisance proceedings (see also the response to DCO.1.28 below) the duty remains placed upon ESC under S.79 of the Environmental Protection Act 1990 to investigate complaints of statutory nuisance received. ESC will still be responsible for enforcing the DCO and associated documents to ensure that agreed criteria are being complied with and this will rely partially on involvement in the complaints process. It is likely that we would require notification of complaints and regular updates on investigation and actions taken on complaints received directly by Sizewell C, we would also liaise with Sizewell C about complaints received directly by us in our role as the regulatory authority in respect of the DCO and relevant legislation. ESC would disagree that SZC Co would "lead" on complaints</p>



ExQ1	Question to:	Question:
		although their role in investigating and resolving them is critical. On a project of this scale and scope we would envisage that there would be a collaborative approach in dealing with complaints to efficiently resolve matters arising but ultimately, we are the regulating authority for many matters including the DCO itself. In terms of reconciling any information sharing with Sizewell C this would have to be compliant with the GDPR and would not occur if it were otherwise.
	<b>Response by Suffolk County Council for Deadline 2</b>	We defer to ESC's response to this question.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.46	The Applicant, Network Rail	<p><b>Green Rail Route and Land East of Eastlands Industrial Estate (LEEIE)</b></p> <p>(i) In the event the Saxmundham to Leiston branch line is modified as proposed and both the LEEIE and Green Rail Route are established could they both be operational at the same time?</p> <p>(ii) Please explain whether this is possible and if not what would be in place to prevent it?</p> <p>(iii) Has the ES assessed the possibility of both operating together?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>i) Based on the proposed designs, it would be technically possible to operate both the Green Rail Route and the LEEIE at the same time, although simultaneous operation is not intended.</p> <p>ii) The design is being optimised for sequential operation of the LEEIE, and then the Green Rail Route. For example, the signalling design is being developed to enable access to the LEEIE, and then the Green Rail Route. While both pieces of infrastructure could theoretically be operated simultaneously, this would require a specifically agreed operational process. Any simultaneous use of the infrastructure in the course of normal operation has not been identified as a design requirement and would only be likely during a short changeover period.</p> <p>iii) Please see the response to question <b>TT.1.90</b>.</p>

ExQ1	Question to:	Question:
	<b>Response by Network Rail for Deadline 2</b>	<p>The applicant has entered into a BAPA arrangement with Network Rail. As part of this undertaking a full review of designs and interoperability will be undertaken. At this stage we are unable to provide comments on the designs proposed.</p> <p>N.B Green Rail Route and Land East of Eastlands Industrial Estate (LEEIE) is being developed by EDF.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.51	The Applicant, Network Rail	<p><b>Freight Trains</b></p> <p>(i) Please advise of the stages to go through to confirm that freight trains could begin to deliver materials to both Land East of the Eastlands Industrial Estate (LEEIE) and the Main Development Site (MDS) using the Green Rail Route.</p> <p>(ii) Please set out what you consider to be a realistic time frame for the delivery and facilitation of both options in the event the DCO were to be granted.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Project Stages (common to all railway projects):</p> <p>In addition to approvals necessary through the DCO process, the Sizewell C rail projects are being developed and delivered in line with Network Rail (NWR) standards NR/L1/INI/PM/GRIP/100 (Governance for Railway Investment Projects) and NR/L2/INI/02009 (Engineering Management for Projects). This includes the Green Rail Route and LEEIE sections which, as temporary sections of track, will remain the responsibility of SZC Co. throughout the period of their operational use. As such there is no obligation on SZC Co. to comply with NWR standards; however, compliance with these standards demonstrates the “best practice” approach being adopted by SZC Co. In summary, the steps are:</p> <ul style="list-style-type: none"> <li>• GRIP 3 – Single Option Selection</li> <li>• GRIP 4 – Single Option Development to achieve Approval in Principle (AiP) by NWR of the design. This confirms compliance with the appropriate technical standards.</li> <li>• GRIP 5 – Detailed Design, based on AiP design, with inter-disciplinary check and reviews and independent design checks carried out. Acceptance of the detailed design by suitably qualified and experienced NWR and SZC engineers. Designs progressed to “Approved for Construction” status.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>GRIP 6 – Construction of the new and upgrade infrastructure works associated with the project, in line with the accepted design and specification for the work. Testing &amp; Commissioning activities to confirm operation to the operator and maintainer prior to bringing into use.</li> <li>GRIP 7 – Handover, transferring responsibility for the new and upgraded assets to the operator and maintainer, likely to be NWR for the existing branch line; and the appointed Freight Operating Company (FOC) for the Green Rail Route and LEEIE.</li> </ul> <p>Compliance with the NWR GRIP and Engineering Management standards will ensure that, once commissioned, the new and upgraded rail infrastructure will be capable of operating the rail services required for construction of SZC. There are, however, additional elements which need to be in place prior to the commencement of these services. These include the following:</p> <ul style="list-style-type: none"> <li>Freight Customer Track Access Contract, between NWR and SZC Co. This sets out the terms on which SZC Co. is entitled to operate services. Where SZC Co. requires services to be operated, it issues a "drawdown notice" to NWR and the FOC. NWR and the FOC then enter into an access contract as below. This contract requires the approval of the Office of Road and Rail (ORR).</li> <li>Freight Track Access contract, between NWR and the FOC. This is required to secure the train paths to allow the proposed SZC freight trains to operate on the national railway network. This contract requires ORR approval.</li> <li>Connection Agreement, between NWR and SZC Co. to secure approval to make the proposed temporary rail connections between the Saxmundham to Leiston branch line and the development site. This agreement requires ORR approval.</li> <li>Asset Protection legal agreements or implementation agreements, between NWR and SZC Co., under which SZC Co. secure the services of NWR to support the development and / or delivery of the necessary infrastructure changes. A schedule of these agreements is set out in the NWR / SZC Co. Statement of Common Ground.</li> <li>Framework Agreement / Protective Provisions between NWR and SZC Co, the purpose of which is to regulate aspects of the relationship between NWR and SZC Co. to ensure that NWR's interests are properly protected in relation to the implementation of the Works.</li> </ul>

## ExQ1

## Question to:

## Question:

- Land Access licences or agreements between NWR and SZC Co., to secure the necessary access to NWR property to enable the infrastructure work to be carried out.
- Network Change. A formal process, led by NWR, under which all users of the railway infrastructure are consulted on the proposed changes, leading to ORR approval.
- Level Crossing Order. A formal process, led by the crossing operator, generally NWR, to secure approval to changes to the layout or operation of level crossings, leading to ORR approval.

(ii) Realistic timeframe for these activities:

The summary timeframe for the proposed rail works is as shown below. This timeframe includes a suitable allowance for putting in place the necessary agreements as listed above.

Activity			2021												2022												2023												2024											
	Start Date	Finish Date	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A				
Design																																																		
GRIP 3	07/09/2020	30/07/2021																																																
GRIP 4	01/07/2021	28/02/2022																																																
GRIP 5	04/01/2022	14/02/2023																																																
SIZ Branchline																																																		
Saxmundham Junction upgrade	Jul-23	Sep-23																																																
Branchline Upgrade	Jul-23	Jan-24																																																
Install turnout at Leiston West Jn (for GRR)	Nov-23	Nov-23																																																
ACA Sidings																																																		
Site Establishment Team Works (Earthworks, drainage)	Feb-23	Sep-23																																																
Track Works	Sep-23	Dec-23																																																
T&C branchline & ACA sidings	Dec-23	Jan-24																																																
Branchline & ACA sidings Open		Jan-24																																																
Green Rail Route																																																		
Green Rail Route (Leiston West Jn - Buckleswood LX)																																																		
Site Establishment Team Works (Earthworks, drainage)	Nov-22	Jun-23																																																
Trackworks	Nov-23	Jan-24																																																
Green Rail Route (Buckleswood LX - Abbey Rd LX)																																																		
Site Establishment Team Works (Earthworks, drainage)	Nov-22	Sep-23																																																
Trackworks	Jan-24	May-24																																																
Buckleswood & Abbey Rd LX	Feb-23	Oct-23																																																
Green Rail Route (Abbey Rd LX - TCA Head)																																																		
Site Establishment Team Works (Earthworks, drainage)	Nov-22	Feb-24																																																
Trackworks	Feb-24	Jun-24																																																
T&C Green Rail Route		Jun-24																																																
GRR Open		Aug-24																																																

ExQ1	Question to:	Question:
	<b>Response by Network Rail for Deadline 2</b>	The Applicant has responded outlining the Network Rail Governance for Railway Investment Projects and the necessary processes for access to the Network. An indicative programme has been provided by the applicant which will form the basis of discussion between the parties
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
G.1.53	ESC, SCC, EA, Natural England	<b>Code of Construction Practice (CoCP)</b> The CoCP [AS-273] would be an important part of the mitigation strategy for dealing with and controlling potentially adverse effects from the various construction activities. Do you consider that as drafted it is sufficiently robust and precise and consequently enforceable?
	<b>Response by SZC Co. for Deadline 2</b>	The <b>CoCP</b> [AS-273] (Doc Ref. 8.11(B)) includes precise controls that provide clarity on the measure, scope and timing for each commitment relied on by the ES. Given the scale and complexity of the construction process there may be instances where minor derogations are needed, or where more than one set of controls apply to a specific set of works and there may be ambiguity over which control takes precedence where a conflict may exist. These limited instances mean that a degree of flexibility is therefore both necessary and appropriate.  The proposed governance and monitoring arrangements secured will then ensure that ESC, SCC, the EA and NE will have sufficient oversight of the Project to ensure that relevant measures and commitments can be monitored and enforced.
	<b>Response by East Suffolk Council at Deadline 2</b>	<b>Noise and Vibration:</b> In terms of noise and vibration we do not currently consider the draft CoCP to be sufficiently robust and precise and consequently enforceable. We are however in continuing discussion with the Applicant in respect of matters of concern. <b>Ecology:</b> As drafted the CoCP does not currently capture all of the appropriate ecological mitigation measures, for example relating to the most recently submitted mitigation strategies for bats and otters. Please see the LIR [ <a href="#">REP1-045</a> ] for more detailed comments on this. The current draft CoCP does not fully capture the ecological mitigation strategies necessary for some of the Associated Developments, including the Two Village Bypass, please see our LIR for comments in relation to this. Given the importance of the CoCP as the mechanism for securing delivery of many of the necessary construction ecological mitigation measures, it is essential that they are correctly captured within the document.

ExQ1	Question to:	Question:
		<p><b>Air Quality:</b> There are matters within the CoCP that are still under discussion and as such the document is still evolving and further discussion will be required around mitigation measures. In terms of air quality, we do not currently consider the CoCP to be sufficiently robust, precise and consequently enforceable. We are however in continuing discussion with the Applicant in respect of matters of concern.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>SCC considers that the wording of the CoCP should be less ambiguous and more precise (noting that PINS guidance "Drafting Development Consent Orders" (July 2018, section 3) requests that ambiguous wording should be avoided), but we defer to ESC to comment further on enforceability.</p> <p>See also AQ.1.72 and AQ.1.78.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>Currently we consider that some of the potential adverse effects to the natural environment relevant to our remit can be adequately mitigated through the provisions within the CoCP where we consider what is proposed to be sufficiently robust and precise (i.e. issues 1, 2, 4, 6, 12, 14 and 16 which are marked 'green' in column G of the Statement of Common Ground (SoCG) between EDF Energy and Natural England for the reasons set out in columns D and E). In these instances, there is clearly a dependency that the respective mitigation as set out in the CoCP will be rigorously implemented and maintained. With regards the other potential adverse effects to the natural environment relevant to our remit (i.e. those marked as 'amber' or 'red' within column G of the SoCG), we do not consider that the Applicant has yet provided sufficiently robust and precise mitigation/compensation, either through the provisions within the CoCP or elsewhere; the reasons for this are outlined further in the SoCG (column D), our Relevant Representations (our ref: 306236, dated 30th September 2020) and our Written Representations (our ref: 350822, dated 2nd June 2021). In regard to enforcement we defer to the competent authorities who would be responsible for securing, monitoring and enforcing the measures outlined in the CoCP.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co. is continuing to agree measures to be included within the <b>CoCP</b> [<a href="#">REP2-056</a>] through the development of the Statement of Common Ground with ESC and engagement with other environmental stakeholders. An updated version of the <b>CoCP</b> [<a href="#">REP2-056</a>] was also submitted at Deadline 2.</p> <p><b>Noise and vibration:</b> Further detail on the processes to monitor and control noise and vibration will be set out in the 'Noise Monitoring and Management Plans', which are</p>

ExQ1	Question to:	Question:
		<p>currently being developed for discussion with the local planning authorities. The 'Noise Monitoring and Management Plans' form part of the <b>CoCP</b> [REP2-056].</p> <p><b>Ecology:</b> The <b>CoCP</b> [REP2-056] is one of the documents which includes ecological mitigation measures but as ESC identifies, does not include all the measures. The <b>TEMMP</b> [REP1-016] is a key document securing the ecological mitigation measures and other ecological mitigation is secured through separate consents and licences, the Deed of Obligation and the DCO. SZC Co. has provided a detailed response to the points raised by ESC within <b>Bio.1.17</b> and <b>Appendix 7C</b> submitted as part of the SZC Co.'s <b>Responses to ExQ1s</b> at Deadline 2.</p> <p><b>Air Quality:</b> Air quality control and mitigation measures have been agreed between SZC Co. and the Councils through discussions, as documented in the draft Statement of Common Ground [REP2-076]. Further detail on the dust monitoring approach and locations will be set out in the 'Dust Management Plan', which will be developed in consultation with the Councils. The 'Dust Management Plan' forms part of the <b>CoCP</b> [REP2-056].</p> <p>SZC Co. has provided a response to the Natural England Written Representation in Chapter 11 of <b>Comments on Written Representations</b> (Doc Ref. 9.28) and will continue to work with Natural England to agree common ground on the outstanding issues in amber and red within the response.</p>
<b>Chapter 3 - Ag.1 Agriculture and Soils</b>		
Ag.1.0	ESC, Natural England	<p><b>Approach</b></p> <p>Are you satisfied with the overall assessment approach and findings in respect of Agriculture and Soils?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Natural England for Deadline 2</b>	Based on the information provided with the application documents, it appears that the proposed development comprises 583.28 ha of agricultural land, including 143.3 ha



ExQ1	Question to:	Question:
		<p>classified as 'best and most versatile' (BMV) (Grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system). We understand that, of the 143.3 ha of BMV land which will be affected by the proposals during construction (10-12 years), 67.6 ha of this will be permanently and irreversibly lost following removal and reinstatement of temporary development at the end of the construction phase. The land take figures provided in 6.11 Volume 10, Cumulative and Transboundary Effects, Chapter 3 Assessment of Project-wide Effects [APP-577] show discrepancies between individual ES Soil chapter. We advise that the Applicant should provide simple breakdowns in this summary for each of the individual components. For example, total agricultural area impacted by scheme (split by scheme component and by ALC grade), total area of BMV agricultural land (split by component) and total BMV agricultural area permanently and temporarily required for the development (split by component). The main impact on BMV appears to be the in relation to the ancillary development rather than the main development site. The loss of BMV land can only be considered temporary if it can be restored back to its original quality – given some of the development proposed (e.g. rail works involving cut and fill earthworks or roadways involving compacting basal layers and the application of tarmac, paving etc) is somewhat doubtful and greater justification is required as to how the soil will be restored back to its original quality post development. Furthermore, it is not clear how the route options or site design has been devised to help minimise this loss.</p> <p>Nevertheless, having reviewed the ALC surveys provided within [APP-278] and the assessment conclusions provided within [APP-577], we agree with the general conclusion that effects in this regard would be major adverse (significant). However, having reviewed the ALC survey approach and methodologies, we have the following concerns:</p> <ul style="list-style-type: none"> <li>i) It is not clear whether suitably qualified and experienced individuals have undertaken the survey work</li> <li>ii) Representative soil pits have been dug to support the ALC grades applied which means it is unclear how the applicants have accurately assessed key ALC metrics such as subsoil structure (for wetness and droughtiness assessment) or subsoil stone content and rooting for which is also a component of soil droughtiness assessment.</li> <li>iii) The laboratory assessment of soil particle size lacks rigour given the range of soil types</li> </ul>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>and survey locations. Where particle size assessment to inform grading has been carried out it is not clear how the results relate back to the individual auger borings as the laboratory and field assessment of soil texture do not always closely match, potentially effecting the reliability of the findings. iv) The ALC surveys do not cover the whole project area</p> <p>It is noted that the overall conclusions regarding BMV land are agreed with Natural England.</p> <p>In relation to the areas stated in the chapters as compared to the areas presented in <b>Volume 10</b>, the figures presented do not show discrepancies. The tables show the total area of BMV land affected (i.e. land required permanently and areas required temporarily for the construction phase) and then present the actual split between the land required permanently and temporarily so it is clear what land is being returned by the end of the construction phase. However, we note these tables do not show the split across all grades and we will provide this summary for Deadline 5.</p> <p>It is recognised that handling soils has the potential to cause damage to soil structure, and that long-term storage can exacerbate this and result in further changes to soil characteristics. The <b>Outline Soil Management Plan</b> (SMP) has been designed to follow published guidance and ensure the methodologies used for soil handling and the restoration of the soil profile (and associated characteristics) required for the designed end use (e.g. return to agriculture, landscape planting or habitat creation) can be achieved. SZC Co. fully recognise the importance of the correct implementation of the SMP with the appropriately skilled and qualified personnel involved in its delivery.</p> <p><b>Planning Statement Appendix 8.4A Site Selection Report</b> [<a href="#">APP-591</a>] provides further information on how the schemes were selected and design has evolved through consultation.</p> <p>Responses to the specific queries raised are set out below:</p>

ExQ1	Question to:	Question:
		<p>i) The Agriculture and Soils Lead is Bruce Lascelles. Bruce has over 30 years experience in soils research and consultancy and has undertaken ALC surveys and assessments on a wide range of projects, from solar farms and housing developments (such as the Northstowe development in Cambridgeshire) to major linear projects such as Lower Thames Crossing. Bruce is a Fellow (F.I.Soil.Sci) of the British Society of Soil Science (BSSS) and is the current President of the BSSS. A key member of the team leading and undertaking surveys and processing the data is Rob Askew. Rob has similarly undertaken ALC surveys and assessments on a wide range of projects, including a significant input on High Speed Two (HS2). Rob is also a Fellow of the BSSS. Both Bruce and Rob meet the requirements of the Professional Competency Scheme for Agricultural Land Classification. The Professional Competency Scheme is endorsed, amongst others, by the Department for Environment, Food and Rural Affairs (Defra), Natural England, the Science Council, and the Institute of Environmental Assessment and Management (IEMA).</p> <p>ii) Our approach to the ALC surveys, in line with guidance, has been to dig a small number of soil pits as determined by the surveyor as representative soil types. Some of these soil profile descriptions are presented in <b>Appendix 17A</b> of <b>Volume 2</b> of the <b>ES</b> [<a href="#">APP-278</a>]. Some soil pit descriptions have, however been presented as auger descriptions. It is proposed, as an outcome of discussions with the NFU, to resurvey areas where the data is oldest and where we did not originally survey. The surveys will potentially be undertaken in the autumn 2021 and further soil pits can be dug as part of this work and the information set out and reviewed against the ALC data currently presented to validate the assessments.</p> <p>iii) Soil samples were collected for laboratory assessment of soil particle size data as determined by the surveyor, either as being representative of a particular area or where there was some uncertainty as to the exact particle size class. Checks are being undertaken on the Rail Route data as it appears there has been a mis-recording of the data points associated with the laboratory analysis. For the main development site the texture reported in the auger logs (as medium sand) was analysed as sandy loam for the upper two horizons at one data point. This profile will be limited by drought and so unlikely to change the ALC grade; this point is within the area where a preconstruction ALC and soil survey will be undertaken (proposed for autumn 2021) and this can therefore</p>

ExQ1	Question to:	Question:
		<p>be checked through this process. For the Sizewell link road data it should however be noted that the sample numbering had to be changed when new data points were added and the new sample references should be used to correlate with the laboratory data sheets.</p> <p>iv) As part of the review of the data and discussions with the NFU a proposal is being developed to undertake pre-construction ALC and soil surveys across parts of the project, and it is proposed that these surveys also include those areas not originally surveyed. These surveys will confirm the ALC grades and provide the soils information to support the further development of the Soil Management Plan.</p>
Ag.1.1	The Applicant	<p><b>Impact Assessment</b></p> <p>In chapters [APP-277], [APP-371], [APP-402], [APP-435], [APP-470], [APP-502], [APP-531] and [APP-563] a table is included titled 'Assessment of magnitude of impact on soils and agriculture' which defines high, medium, low and very low magnitudes of impact:</p> <p>(i) Please confirm whether each of the criteria listed in the table is to be met for the magnitude to be allocated?</p> <p>(ii) Please provide detailed justification for how the magnitude of impact of the loss of Best and Most Versatile land is determined. How is severance, whether temporary or permanent, taken into consideration, particularly associated with smaller agricultural holdings?</p> <p>(iii) How does the methodology assess smaller agricultural or other holdings for which a permanent or long-term loss or degradation of &lt;10ha of BMV land, and/or loss of &lt;5% of farmed land and/or no severance would be seen by the owners and/or occupiers as having more than a very low impact?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The criteria set out in the tables titled '<i>Assessment of magnitude of impact on soils and agriculture</i>' do not all have to be met for a magnitude to be assigned. For example, the permanent loss of over 50ha of high grade agricultural land under arable production, which is not under any agri-environment scheme, would be determined to be an impact of High magnitude.</p>

ExQ1	Question to:	Question:
		<p>(ii) The magnitude of loss of Best and Most Versatile (BMV) land has been assessed in line with the tables titled '<i>Assessment of magnitude of impact on soils and agriculture</i>'. Areas of BMV land affected have been based on an overlay of the scheme footprint (in terms of both the permanent footprint and additional land required temporarily during construction where relevant) and the Agricultural Land Classification (ALC) survey data. ALC surveys have been undertaken in accordance with the published guidelines and agreed with Natural England. The extent of loss of BMV land (hectares) required to trigger a certain level of impact magnitude was set out in the EIA Scoping Report (provided in <b>Volume 1, Appendix 6A</b> of the <b>ES</b> [<a href="#">APP-168</a>]) placing all BMV land into the High sensitivity category. At the time of writing the EIA Scoping Report there was no published guidance relating to the thresholds; the thresholds were based on professional experience.</p> <p>In 2019 the Geology and Soils section of the Highways England Design Manual for Roads and Bridges (DMRB) was updated to include criteria for assessing the sensitivity of soil receptors and the magnitude of impact on these. The thresholds relating to sensitivity used in the impact assessment are in line with the published DMRB criteria (noting that DMRB includes a Very High sensitivity category in which Grade 1 land is placed, with Grades 2 and 3a in the High category). In terms of magnitude, the impact assessment accords with DMRB in assigning the permanent loss of soils as an impact of the highest order. DMRB places a threshold of &gt;20ha for the highest magnitude of impact, whilst the impact assessment used places a threshold of &gt;50ha for the highest magnitude of impact, with an impact on 20-50ha defined as being of medium magnitude. An impact of medium magnitude on a receptor of high sensitivity results in a major adverse, and significant impact, which is similar to the outcome under the updated DMRB criteria. For example, for the Main Development Site there is a temporary impact on 22.2ha of BMV land (Grades 2 and 3a). This impact is defined as Medium on a receptor of High sensitivity, resulting in major adverse (and Significant) impact.</p> <p>Severance impacts have focused on whether land parcels, or fragments of individual parcels, would become isolated, either fully with no access or still accessible but with extended journey times from the main farm unit. This approach has been applied to all landholdings.</p> <p>(iii) The assessment has had to set thresholds for the various receptors. BMV land is usually assessed based on area (hectares) across the whole project, rather than specifically by landowner, as it is considered a national resource. In addition, land use,</p>

ExQ1	Question to:	Question:
		whilst influenced by land grade, is also influenced by other factors and so, for example, BMV land on one landholding may not be farmed in the same way as similar land on a neighbouring landholding (and therefore actual productivity may differ). When assessing areas of farmed land this is usually assessed as a proportion of the total landholding, either directly affected or affected as a result of severance. The threshold of <5%, for example, would mean that a small landholding of 10ha would have <0.5ha of land affected for the magnitude of impact to be assessed as very low.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC does not have technical expertise in this area. Further detail is provided in Section 9 of the LIR [REP1-045]. However, the main issues relate to the loss of agricultural land, disruption to agricultural activities, and contaminated land process and procedures. National Policy Statement (NPS) EN-1 states in Section 5.10 that Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. This advice is echoed in the National Planning Policy Framework (NPPF) 2019, footnote 53, which states 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. Section 9 of the LIR highlights areas where mitigation of likely impacts (i.e., the permanent loss of agricultural land) has not been proposed by the Applicant but which ESC considers to be necessary.
	<b>Response by SZC Co. for Deadline 3</b>	The impact on agricultural land has been assessed as part of the Soils and Agriculture topic. Where there is permanent loss of agricultural land, and in particular best and most versatile (BMV) land this is identified and mitigation proposed, which includes the ' <i>agreement of assurances and obligations that SZC Co. will accept upon entering the land and compensation, where applicable</i> '.
Ag.1.4	ESC, Natural England	<b>Impact Assessment</b> The temporary compounds associated with the Saxmundham to Leiston branch line rail improvement works have not been included in the agriculture and soils assessment [APP-563]. Please confirm if you are satisfied with this approach?
	<b>Response by SZC Co. for Deadline 2</b>	For information, <b>Volume 9, Chapter 10</b> of the <b>ES</b> [ <a href="#">APP-563</a> ] states that these have been scoped out due to their small size (each being approximately 0.5ha in size) and the short-

ExQ1	Question to:	Question:
		term use of these before the land would be reinstated. The assessment considers that this would result in negligible impacts on agricultural land or operations.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC recommends that all potential impacts, including those relating to the proposed temporary compounds, should be fully assessed as part of this DCO Application.</p> <p>The Applicant acknowledges in Section 10.3.10 of ES Volume 9, Chapter 10 Soils and Agriculture assessment [<a href="#">APP-563</a>] that <i>'the screening exercise has also considered the potential for the proposed rail improvement works on the Saxmundham to Leiston branch line to result in environmental effects which could be significant' however have concluded that 'as these works would be limited to the renewal of the track using new ballast, flat bottom continuously welded rail and concrete sleepers and would take place within the existing railway corridor, with the exception of the temporary compounds, the works are unlikely to impact on agricultural land or operations'.</i></p> <p>It is noted from Table 10.1 within [<a href="#">APP-563</a>] that each temporary compound would have an approximate footprint of 0.5Ha and would be located on adjacent land. ESC is therefore not satisfied with the approach taken by the Applicant on this matter. The temporary compounds are not located within the existing railway corridor and potential impacts should therefore have been assessed. Further justification should be provided by the Applicant if their position not to include these structures in the assessment is maintained.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>From the description given within APP563, we understand that this aspect of the application is likely to affect approximately 2 ha of BMV agricultural land (four temporary satellite compounds, each approximately 0.5ha in size). We consider that these are unlikely to lead to significant long-term loss of BMV agricultural land as a resource for future generations. Document [<a href="#">APP-541</a>] states that, with regards the temporary compounds "The parking space and comfort facility would be stored on geotextile matting without the need to removal topsoil from the satellite compounds be secured to the ground by steel piles with limited soil disturbance... All temporary satellite compounds associated with the construction of the proposed rail improvement works would be removed and the land reinstated to its former use". We are therefore satisfied that these could be removed in the future with no permanent loss of BMV agricultural land likely to occur, provided the development is undertaken to high standards, and remedial treatment is carried out.</p>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	The rationale for scoping out the effects of the temporary compounds was summarised in the SZC Co. response for Deadline 2. This rationale is supported by Natural England in their response for Deadline 2. Further assessment of these compounds in relation to Soils and Agriculture is not considered necessary and would not result in a requirement for any mitigation additional to that already set out in Section 10.5 of <b>Volume 9, Chapter 10</b> of the <b>ES</b> [ <a href="#">APP-563</a> ].
Ag.1.6	Mollett's Partnership [RR-0812] Finn Dowley [RR-0382] LJ and EJ Dowley Farming Partnership [RR-0697] Justin Dowley [RR-0638] Myles Dowley [RR-0866] Miss Frances Paul on behalf of Mrs J F Flick [RR-0806] NJ Bacon Farms [RR-0867] Ward Farming Business [RR-1259]	<b>Effect on Business Operations</b> Please provide more detail in respect of your concern on the impact that the Proposed Development may have on your business.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Mollett's Farm at Deadline 2</b>	Full details are provided in our Written Response to Deadline 2 [Mollett's Farm - ExA Deadline 2 Representation (2021-06-02).pdf] [ <a href="#">REP2-380</a> ].

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	There is no land required from Molletts Farm and as such there is no direct impact on the agricultural land. SZC Co. has met with the owners of Molletts Farm to understand concerns, and to provide detail of experiences of Hinkley Point C and outline details of statutory compensation. A further meeting has been diarised for late June 2021 to discuss their concerns further, and confirm the opportunities available to business as a result of the Project.
	<b>Response by Ward Farming Ltd, N J Bacon Farms and A W Bacon Will Trust at Deadline 2</b>	<p>The development will affect our business in the following ways:</p> <ul style="list-style-type: none"> <li>• Land Take</li> </ul> <p>The impacts of land take, severance and lost rented land will mean that we have around 67 acres less land available for the production of cereal and vegetable crops including onions, potatoes and peas. This will affect our profitability considerably because the land taken is some of our most productive land and is also within 1 mile of our main operating centre at Theberton. It will not be possible for us to reduce our overhead and as such the lost net margins of this area of cropping will cause our profitability to be reduced accordingly.</p> <ul style="list-style-type: none"> <li>• Logistics</li> </ul> <p>Difficulties with logistics arising from increased levels of traffic in the area, in particular on the B1125 which we use to access land to the north and east of Westleton are likely to increase operating times for works involving access to land in these areas.</p> <ul style="list-style-type: none"> <li>• Cost of Accommodation</li> </ul> <p>It is anticipated that rental values and potentially capital values for properties in the area are likely to increase as a result of demand arising from the need for housing for workers employed as part of the Sizewell C development. This is likely to increase the cost of employment to local business who are either renting properties for employees or paying employees who are themselves renting properties.</p> <ul style="list-style-type: none"> <li>• Impact on shooting</li> </ul> <p>The farm business includes a small shooting enterprise which sells sporting days annually. The land take resulting from the SLR development around Theberton will reduce the land available for shooting by around 25%. It cannot be said for certain what impact this will have on the shoot, but it may be that it is no longer a viable enterprise.</p> <ul style="list-style-type: none"> <li>• Impact on cost of local trades</li> </ul>

ExQ1	Question to:	Question:
		<p>We are concerned that the ability for SZC Ltd to pay higher rates for local trades, albeit in the medium term, will adversely affect other local businesses (and households) who are forced to pay more for trades such as plumbers and electricians. The impact of this should not be underestimated.</p> <ul style="list-style-type: none"> <li>• Impact on drainage of inland water</li> </ul> <p>The Minsmere New Cut carries water from as far inland as Sibton and Peasenhall. It is fed by a network of ditches, drainage channels and small rivers, including the Minsmere River. It takes this water out to sea at the Minsemere Sluice to the east of Eastbridge. The New Cut passes through the Minsmere Levels and, as the main channel, its level will impact on water levels on the marshes and surrounding areas. The increased impermeable areas resulting from the construction of roads, compounds, car parks, and the main facility at Sizewell will all potentially result in water levels in the New Cut and Minsmere Levels drainage system increasing more rapidly following periods of rainfall.</p> <p>The Minsmere Levels drainage system is finely balanced and relies on a sluice which lets water through the sea wall during low tide, to release inland water into the sea. Increased pressure on this sluice could increase water levels on the marshes. This could affect our ability to manage the habitat in line with Natural England prescriptions for the area, much of which is designated as a Site of Special Scientific Interest (SSSI), please see maps showing the extents of the SSSI area on the Minsmere Levels as well as SSSI areas on our farm at Theberton in appendix 1 [Please refer to <a href="#">[REP2-382]</a> for further detail].</p> <p>Arable areas also rely on this drainage system to take water away and increased pressure on these systems and increased water levels would impact on their effectiveness in doing so. There are a number of low-lying houses in Eastbridge, Theberton and Middleton, the residents of which would also be concerned with negative impacts on this drainage system.</p> <ul style="list-style-type: none"> <li>• Saltwater Intrusion and Irrigation</li> </ul> <p>We have major concerns over the potential impacts of the project on coastal erosion and the ensuing impacts of saltwater intrusion onto the Minsmere Levels. If this system was to fail, SSSI marshes, providing rare habitat and used for grazing livestock, which are not only part of our farming enterprise, but also essential to the ongoing management of this habitat, would be lost. The New Cut, which is a large drainage channel, is also an essential source of water used for irrigation. In line with Environment Agency guidance, we have</p>

ExQ1	Question to:	Question:
		<p>built winter storage facilities to harvest peak flows of winter water which flow through the Minsmere Levels. It is absolutely essential to the ongoing viability of our farming business that we are able to abstract fresh water from the Minsmere New Cut.</p> <p>It is also possible that salt intrusion into the marshes would impact on ground water also used for irrigation and again, essential to the business.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co. has responded to these issues as raised in the <b>Interested Party's Written Representation</b> <a href="#">[REP2-384]</a> the <b>Comments on Written Representations</b> (Chapter 20) (Doc Ref. 9.28) included in this Deadline 3 submission.</p>
	<p><b>Response by Justin and Emma Dowley at Deadline 2</b></p>	<p>Our family has run a farming business at Eastbridge since the 1960s. It has a number of areas of operation and all will be affected in one way or another by the Proposed Development at Sizewell.</p> <p>We run an integrated farm involving a mix of arable and beef cattle with shooting, and disruption to any one area will have a knock-on effect on the others. We have not received any assessment from EDF of how our particular holding might be affected. There has also been no mention of any mitigation measures which might be put in place to offset adverse effects (individual or cumulative, direct or indirect) during either the construction period or the post-construction phase.</p> <p>1. Arable farming:</p> <p>The land EDF would like to acquire from us for the Proposed Development for the site Entrance Roundabout at the junction of the Eastbridge Road with the B1122 and for Borrow Pits along the Eastbridge Road, comes to some 24 acres (as notified on 4th May 2021, but EDF changes proposed land take regularly without explanation). This is 12% of our total arable acreage and would have a major adverse effect on the viability of our business. Shrinking the area of irrigable land is also a particular problem because of the consequent necessity of spreading the fixed costs of irrigation over a smaller area.</p> <p>Successful cultivation of crops is dependent on being able to irrigate our 200 acres of arable land because it consists of very light sandy soil. To do this we take water from a bore hole located on the edge of the marshes at Eastbridge – please see map. Our irrigation system is at risk if the Project causes coastal erosion to the extent that salt water either comes in over the Eastbridge marshes or through the sluice gates in the New</p>

ExQ1	Question to:	Question:
		<p>Cut and contaminates our water source. EDF state that they have taken all possible precautions to prevent this, but there is no guarantee that these measures will not fail at some point. Being unable to irrigate our land would severely impact our ability to grow arable crops.</p> <p>We ask the Inspectors to note what happened at Aldeburgh Golf Club at the time of the tidal surge in December 2013. A note in this connection from the Secretary of Aldeburgh Golf Club is attached (Attachment 1) [Please refer to <a href="#">REP2-342</a> for further information] which details the damage from saline incursion suffered by the course, trees and other flora and the fact that the water rose to a level 2.5 metres above ordnance datum. A startling photograph is also attached. The Inspectors may also note that this incursion took place approximately 7 miles up the river from the mouth at Shingle Street, whilst our marshes are close to, and those of the RSPB adjoin, the sea. The village of Eastbridge is only approximately one mile up the New Cut from the sluice.</p> <p>EDF have not attempted to tell us what they would do to correct this situation if it arises or provided any guarantee of water supply. This is understandable because there is nothing that they could do. A saline incursion is irreversible and as noted above would be fatal to our business. When we raised this with EDF's agents at the meeting on 30th April 2021 all they could say was that any undertaking or agreement by EDF would not survive the 6 year limit imposed by the Statute of Limitations. Tidal surges or floods do not necessarily occur on a 6 year cycle.</p> <p>The Borrow Pits on the Eastbridge Road are likely to involve considerable amounts of dust, noise and light pollution for our land surrounding them. No details, however, have been provided about the types of works that will be conducted there during the construction of SZC. Post construction, the Borrow Pits also hold a potential future danger since we have not been told what materials will be left behind in them, whether or not there will be any risk of contamination leaching out into our adjacent arable land and marshes nearby at some future point or whether the land would be in a fit state to be farmed afterwards.</p> <p>2. Cattle</p> <p>We have a prizewinning herd of c.220 pedigree Simmental cattle and feed them on barley, maize and fodder beet grown by us, as well as grass silage and hay taken from our grassland and marshes. Additionally we use the straw from our barley crop for bedding in barns and use the muck generated by the cattle to fertilize our arable acreage in an environmentally friendly way. The cattle are usually turned out onto the marshes from the</p>

ExQ1	Question to:	Question:
		<p>end of May until October each year. The marshes are at risk from two main threats. First, SZC have stated that fresh water levels may rise on the marshes at Eastbridge and any rise in water levels would inevitably reduce the grazing available for cattle in the summer, which cannot readily be replaced. Second, coastal erosion resulting from the SZC project or any failure of the sluice gates in the New Cut could result in sea water contaminating the Eastbridge marshes and render them useless for grazing purposes.</p> <p>We would have to sell our herd and make our herdsman of 21 years, as well as a part-time man who does weekend relief work, redundant if the Proposed Development goes ahead.</p> <p>3. Shoot</p> <p>We run a small commercial shoot, which dovetails with the farming operations as it runs over our woodland and set-aside land. We would have to shut the shoot down if the Proposed Development goes ahead. The woodland taken for the SLR, the land taken for the roundabout at the junction of the Eastbridge Road and the B1122, and the land taken for the Borrow Pits is such that 5 of our 7 drives would be taken out, whether through total loss of habitat or proximity to construction works and traffic. We would have to make our full-time game keeper of 34 years redundant and the casual employment of c.20 beaters and other helpers would cease.</p> <p>4. Camp site at Eastbridge Farm</p> <p>Besides the farming operation, we run a small no-frills camp site at Eastbridge Farm. Most visitors come for an inexpensive break in the peace and quiet of the local rural surroundings (many have been coming for years). Our customers include bird watchers visiting the RSPB Minsmere sanctuary adjacent to our land and groups of students doing Duke of Edinburgh awards. It is difficult to see how visitors would not be put off by the noise of large vehicles manoeuvring in the Borrow Pits (EDF states they will be 30m high as 'promised' at Hinkley Point, which is bad enough, but evidence from Hinkley suggests they may be as high as 45m), and the light and dust pollution arising from them, situated as they are along the Eastbridge Road within 250 metres of the camp site and easily visible from it. This is to say nothing of the nuisance value and security risk of having 2,500 SZC workers living nearby next to the Borrow Pits.</p> <p>5. Other</p>

ExQ1	Question to:	Question:
		<p>We employ a gardener at our house, but he also helps out on the farm business on a regular basis when needed. He has been with us for some 35 years. It would be impossible to justify continuing his full-time employment if the SZC project goes ahead.</p> <p>6. Employment overall</p> <p>We employ 3 people full-time and 4 more on a part-time basis as well as casual labour for the shoot – most sadly for us, all would most likely have to go.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has responded to these issues as raised in the <b>Interested Party's Written Representation</b> [<a href="#">REP2-343</a>] the <b>Comments on Written Representations</b> (Chapter 20) (Doc Ref. 9.28) included in this Deadline 3 submission.</p>
Ag.1.10	ESC, Natural England	<p><b>Outline Soil Management Plan</b></p> <p>Are you satisfied with the approach and content of the outline Soil Management Plan [APP-278]? Please provide specific comment regarding whether soils would be suitable for the required end use and the proposed soil restoration methods?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ES Volume 2 Main Development Site Chapter 17 Soils and Agriculture – Appendix 17C sets out the Outline Soil Management Plan [<a href="#">APP-278</a>]. This assessment applies a method to control, record and audit activities relating to soil conditions and soil quality for future reuse. It also includes requirements and standards for any imported topsoil and subsoil. ESC does not have qualified experts in this area of specialism, however, it considers that the Soil Management Plan appears to have followed industry guidance and best practice in its approach. The assessment makes reference to the following industry best practice guidance documents:</p> <ul style="list-style-type: none"> <li>• Defra Construction Code of Practice for the sustainable use of soils on construction sites;</li> <li>• MAFF Good Practice Guide for Soil Handling;</li> <li>• BS 3882:2015 – Specification for topsoil;</li> <li>• BS 8601:2013 – Specification for subsoil and requirements for use;</li> </ul> <p>ESC notes that detailed Soil Resources Plans (SRP) will be produced for each part of the Sizewell C Project prior to any soil stripping works commencing, forming part of the</p>

ExQ1	Question to:	Question:
		<p>ongoing soils assessment. Soil suitability for end use / proposed soil restoration methods – ESC acknowledges that prior to restoration activities taking place, topsoil will have been stored in stockpiles for extended periods. The Soil Management Plan puts measures in place to confirm the continuing suitability of stockpiled soils for restoration, including visual inspection and assessments to be carried out before re-use. If any soil is found to be plastic or display excessive anaerobic conditions, then the materials will be reconditioned and it will be the responsibility of the contractor to assess soil conditions in each stockpile and to recommend appropriate pre-treatment prior to soil placement - should it be required.</p> <p>ESC consider that this obligation is critical to the success of the soil restoration process and should be made clear to contractors in the early stages of construction. Contractor accountability is an important factor in this process.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>We advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.</p> <p>The outline Soil Management Plan (OSMP) (APP-278) already draws on the Defra Construction Code as a source of key guidance and confirms that detailed Soil Resources Plans will be produced by the Contractor for each part of the Sizewell project in line with the Defra Code. However, the OSMP needs to be clearer that the aim is for BMV agricultural land to be returned to its original quality and all soils to be suitable for the planned end use. For example, this could be actioned by a target specification for the restored soils according to location and soil types, end use and required ALC grade.</p> <p>It is expected that soil data collected as part of the ALC surveys will be re-used to develop the Soil Resources Plans. This soil data should be supplemented, where necessary, to provide coverage for all soils including those in non-agricultural use. There should be least one soil observation per ha for all soils, including on parts of the main site where ALC surveys have been carried out at a semi-detailed level. Where information on soil nutrients has not already been collected, this should also be carried out.</p>



ExQ1	Question to:	Question:
		<p>rAll soils should only be handled in a dry and friable condition, and it is expected that soil handling will be confined to the drier summer period to minimise risk of soil damage. Soil handling methods should normally be as specified as in the Defra <a href="#">Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks)</a>.</p> <p>To avoid risk of soil damage and compaction, bulldozers (as currently proposed in the OSMP) should not normally be employed for soil stripping or replacement for soils being reused. Soil stockpiles should not exceed 3m in height for topsoils and 5m for subsoils. Soils should also be stored 'like on like' with topsoil stored on topsoil, and subsoil on subsoil.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>The points raised by Natural England are noted. The <b>outline Soil Management Plan (OSMP)</b> <a href="#">[APP-278]</a> is in the process of being updated to take account of some detailed comments made during discussions with the NFU. The points raised by Natural England will be responded to with changes in the <b>OSMP</b> <a href="#">[APP-278]</a> to:</p> <ul style="list-style-type: none"> <li>a. ensure it is clear what competencies/qualifications are required to advise on and supervise soil handling and restoration;</li> <li>b. ensure the requirement to restore agricultural land to its original quality is clearly stated;</li> <li>c. detail what pre-construction ALC and soil surveys will be undertaken, including the sampling of soils for nutrient analysis;</li> <li>d. provide more clarity on when bulldozers can/can't be used and stockpile height limitations.</li> </ul> <p>In relation to stockpile heights and storage situation, stockpile heights will be limited where the soil resources are required to be returned to the pre-construction agricultural use. The maximum heights have not been detailed in the <b>OSMP</b> <a href="#">[APP-278]</a> but will be set out in the final SMP. It is likely that the maximum height proposed will be set based on the soil texture and the resilience this gives the soil to structural damage as a result of soil handling.</p>

ExQ1	Question to:	Question:
		Soil materials will also be stored on like for like where restoration to agricultural use is required. However, to deliver the <b>Outline Landscape and Ecological Management Plan (OLEMP)</b> [APP-588] the soil resources available will need to be adapted to be suitable for the proposed habitat types. This may, for example, require the mixing of topsoil and subsoil resources to reduce the fertility of the restored profile. Where these resources are coarse textured it may be necessary and appropriate to stockpile the materials higher. More detail on these proposals is being developed to set out how the available soil resources will be used to ensure the delivery of the <b>OLEMP</b> [APP-588].
Ag.1.21	ESC, Natural England	<p><b>Code of Construction Practice</b></p> <p>The below issues may increase effects on soils and agricultural land required for reinstatement of land, landscape planting areas, land outside the site boundary and soils required for reinstatement of land required temporarily:</p> <ul style="list-style-type: none"> <li>(i) ground contamination, soil erosion and silt-laden runoff;</li> <li>(ii) hydrological or hydrogeological changes; and</li> <li>(iii) noise and dust</li> </ul> <p>Are you satisfied with the measures detailed within the <b>CoCP</b> [AS-273] to manage/reduce the risk of the above occurring?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) ESC is satisfied that the CoCP provides sufficient mitigation measures as detailed below:</p> <p>Ground contamination - the Applicant proposes that a watching brief is maintained by trained personnel during the construction works, with mitigation measures being implemented as required. In addition, the wheels of all vehicles will be inspected and made free of contamination before arriving at site and when leaving. Section 9 of the LIR [REP1- 045] sets out details of a Land Contamination Management Plan which will be provided and adhered to as part of the required mitigation. ESC is satisfied by this provided there is provision for the Land Contamination Management Plan to be included in the CoCP.</p>

ExQ1	Question to:	Question:
		<p>Soil erosion – the Applicant proposes a range of measures including coverings and hydroseeding of landscape bunds and temporary stockpiles to reduce soil erosion. ESC is satisfied by this.</p> <p>Silt-laden runoff – the Applicant is proposing the implementation of industry standard measures and good working practice to control siltladen runoff from the stockpiles, landscape bunds or working areas adjacent to surface watercourses (or leaching into underlying groundwater). Settlement and infiltration lagoons are also proposed for each borrow pit during excavation. Ditches, swales and bunds will also be constructed where required to prevent untreated surface water run-off from leaving the site. ESC is satisfied by this.</p> <p>(ii) ESC is satisfied that the CoCP provides sufficient mitigation.</p> <p>(iii) ESC is satisfied that the CoCP provides sufficient mitigation measures to minimise impacts from general earthworks, for example diggers, dozers, and stockpiling. See further comments under AQ.1.1 through to AQ.1.78.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>The Outline Soil Management Plan (see above under Natural England’s response to question Ag.1.10) has been developed by the Applicant to feed into the Code of Construction Practice (CoCP). In addition, the CoCP also contains control measures under other topic headings for geology, soils and land contamination, and for groundwater and surface water which include measures to mitigate soil and agricultural impacts such as contamination, hydrology, noise and dust which we consider to be satisfactory.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further response from SZC Co. is required.</p>

ExQ1	Question to:	Question:
Ag.1.25	<p>Catherine Bacon [RR-0184]  NJ Bacon Farms [RR-0867]  NFU [RR-0885]  Clarke &amp; Simpson on behalf of  Family Mellen [RR-0241]  Ward Farming Ltd [RR-1259]  Mollett's Partnership [RR-0812]  Savills (UK) Ltd on behalf of  David and Belinda Grant [RR-1098]  Savills UK (Ltd) on behalf of  Nat &amp; India Bacon [RR-1100]  Savills UK (Ltd) on behalf of  Trustees of AW Bacon Will  Trust  Myles Dowley [RR-0866]  Justin Dowley [RR-0638]  Emma Dowley [RR-0367] Finn  Dowley [RR-0382]  LJ &amp; EJ Dowley Farming  Partnership [RR-0697] Dowley  Family Business [RR-0319]  Savills UK (Ltd) on behalf of  Justin &amp; Emma Dowley [RR-1099]</p>	<p><b>Water Supply</b></p> <p>Please provide information, including annotated maps, confirming whether your agricultural business(es) rely on private boreholes for water supply. Please also indicate whether you rely partly or solely on such supplies.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Mollett's Farm at Deadline 2</b>	Full details are provided in our Written Response to Deadline 2 [Mollett's Farm - ExA Deadline 2 Representation (2021-06-02).pdf]

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is aware that land at Molletts Farm relies on a water supply from the neighbouring land-holding (Friday Street Farm) for irrigation. SZC Co. has requested details of the existing water supply and has instructed an irrigation and drainage specialist to engage with landowners and identify and agree irrigation and drainage solutions.
	<b>Response by Ward Farming Ltd, N J Bacon Farms and A W Bacon Will Trust at Deadline 2</b>	<p>We rely on well points for the irrigation of land for the growing of 600 acres of cereals and vegetable crops at Theberton Hall Farm. These well points are shown on Map showing abstractions points at Theberton Hall Farm included in appendix 2 of this document [note figRefer to <a href="#">[REP2-382]</a> for further information]. If this were to be affected by saline intrusion the viability of the farming business would be affected catastrophically as this is our sole source of water.</p> <p>It is essential that management of coastal defences are carried out such that salt water is not allowed to enter the irrigation abstraction points within the Minsmere Levels. This irrigation water is essential to the production of cereals and vegetables on a further 650 acres around Westleton. The location of the New Cut abstraction point is shown on the map New Cut Abstraction Point included in appendix 3 of this document [Refer to <a href="#">[REP2-382]</a> for further information].</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has responded to this issue in <b>Comments on Written Representations</b> (Chapter 20) (Doc Ref. 9.28) included in this Deadline 3 submission.
	<b>Response by Justin and Emma Dowley at Deadline 2</b>	<p>Our agricultural business relies on a private bore hole for water supply to our irrigation system. Virtually all our arable land is irrigated due to the fact that it consists of very light sandy soil. Successful cultivation of crops is dependent on being able to irrigate them. The bore hole is located on the edge of the marshes at Eastbridge – please see map.</p> <p>[Please refer to <a href="#">[REP2-342]</a> for further information]</p>
	<b>Response by David and Belinda Grant at Deadline 2</b>	We have no private boreholes.
	<b>Response by SZC Co. for Deadline 3</b>	No response from SZC Co. required.

ExQ1	Question to:	Question:
Ag.1.27	<p>Catherine Bacon [RR-0184]  NJ Bacon Farms [RR-0867]  NFU [RR-0885]  Clarke &amp; Simpson on behalf of  Family Mellen [RR-0241]  Ward Farming Ltd [RR-1259]  Mollett's Partnership [RR-0812]  Savills (UK) Ltd on behalf of  David and Belinda Grant [RR-1098]  Savills UK (Ltd) on behalf of  Nat &amp; India Bacon [RR-1100]  Savills UK (Ltd) on behalf of  Trustees of AW Bacon Will  Trust [RR-0003]  Myles Dowley [RR-0866]  Justin Dowley [RR-0638]  Emma Dowley [RR-0367] Finn  Dowley [RR-0382]  LJ &amp; EJ Dowley Farming  Partnership [RR-0697] Dowley  Family Business [RR-0319]  Savills UK (Ltd) on behalf of  Justin &amp; Emma Dowley [RR-1099]</p>	<p><b>Land Ownership and Severance</b></p> <p>Please provide information, including annotated maps if possible, to illustrate where agricultural land may be severed by the Proposed Development.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Mollett's Farm at Deadline 2</b>	Full details are provided in our Written Response to Deadline 2 [Mollett's Farm - ExA Deadline 2 Representation (2021-06-02).pdf] [ <a href="#">REP2-380</a> ].

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	There is no land take from Molletts Farm (the land is outside of the Order limits) and as such there is no severance.
	<b>Response by Ward Farming Ltd, N J Bacon Farms and A W Bacon Will Trust at Deadline 2</b>	The scheme causes significant severance and although the land required for the SLR is 33 acres, the impact on the area of arable land available to us is reduced by 67.95 acres. EDF have recently worked with us to mitigate the impact of this situation which is clearly very important to the ongoing viability of our business. Maps showing the severed land at Theberton have been included in appendix 4 [Refer to <a href="#">[REP2-382]</a> for further information].
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has worked with the Interested Party and as confirmed in their <b>Written Representation</b> <a href="#">[REP2-384]</a> the parties have worked constructively to agree mitigation for severance concerns as provided for in the signed Heads of Terms for a private treaty agreement for the acquisition of land and rights required for the project.
	<b>Response by Justin and Emma Dowley at Deadline 2</b>	Whilst not many fields will be severed as a result of the land take for the Proposed Development, our land is criss-crossed through field boundaries with irrigation pipework and it is no simple matter to relay pipework so that it is separated from the land on which development works are currently due to take place. As we run an integrated farm, losing 12% of our arable land to the SZC project would severely affect our various farming operations and make the whole unviable. The land which SZC would like to acquire would also write off 5 out of 7 drives on our commercial shoot, thus destroying our shooting operation.
	<b>Response by SZC Co. for Deadline 3</b>	As confirmed by the Interested Party, there is little (if any) severance of the Interested Party's landholding, although land is required for the project and the consequential impacts are recognised by SZC Co. SZC Co. has instructed a specialist drainage and irrigation consultant to engage with landowners and agree an irrigation and drainage solution that mitigates any construction impacts of the project.
	<b>Response by David and Belinda Grant at Deadline 2</b>	Maps contained in Second/Annex 2 hereto (refer to <a href="#">[REP2-252]</a> for further information).

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	The project proposals enable access to all land from existing or proposed highway infrastructure, to avoid severance of land. SZC Co. is working with the landowner to identify if further access improvements can be provided. The Interested Party has signed Heads of Terms with SZC Co. which confirms the arrangements for financial compensation if severance to the landholding occurs, and to address any injurious affection that may result from the project.
Ag.1.29	The Applicant, ESC, Natural England	<b>Best and Most Versatile land</b> Paragraph 17.6.6 of [APP-277] confirms that an area of 14.4ha has not been surveyed. Please can the Applicant detail why the area was unable to be surveyed. Do ESC and NE agree with the assumption that the un-surveyed area is unlikely to be Best and Most Versatile land?
	<b>Response by SZC Co. for Deadline 2</b>	The 14.4ha land parcel was included within the development site boundary at a later stage of pre-application and at the time the surveys and assessments were completed it was not envisaged that this land would be required. The area has not been surveyed subsequently as a suitable understanding of the surrounding land had been established. These surveys will be carried out in due course to validate the assessment. However, as a worst case assessment has been undertaken, SZC Co. consider the assessment to be robust. Whilst it has been noted that it has not been possible to survey all the land, the actual proportions of land un-surveyed are relatively low (for example the unsurveyed land comprises just 3.87% of the main development site area). For un-surveyed land expert knowledge has been used to predict the likely grade, based on available soil mapping, topography, flood risk and the soil characteristics from the closest surveyed points. The assessment clearly states whether, based on this information, it is considered that BMV land could be present in these un-surveyed areas. For the main development site it is considered that BMV land would not occur in that area due to flood risk and the closest survey points being Grade 3b or 4. For the road schemes it has been assessed that there is the potential for BMV land to occur in the un-surveyed areas and so this has been built in to the assessment outcome, stating a potentially worst case scenario where all the un-surveyed land is BMV. As such, the assessments remain valid.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC will defer to Natural England on this matter. However, ESC consider that this area of land should have been surveyed given the presence of best and most versatile land elsewhere within the development area. The Applicant states that the land adjacent to the



ExQ1	Question to:	Question:
		un-surveyed land has been mapped in detail as Grade 4. However, 14.4Ha of un-surveyed land represents a considerable area and it should not be assumed that this land would not be best and most versatile until sufficient evidence is presented by the Applicant.
	<b>Response by Natural England for Deadline 2</b>	It is stated in APP-277 that "An area of 14.4ha (3.87% of the total site area) was not surveyed. This relates to land that was brought into the site boundary following completion of the detailed surveys (the change in site boundary also explains why detailed ALC survey data is shown for land which now lies outside the site boundary)...This land lies at the northern edge of the site in an area provisionally mapped as Grade 4 land on freely draining sandy soils. Areas adjacent to the un-surveyed land have been mapped in detail as Grade 4, with the grade limited by droughtiness. Based on experience from the other ALC surveys in this area, it is assumed that the un-surveyed land would not be BMV land" The 14.4ha of land appears to fall within the area previously surveyed by AMEC in 2011 and mapped as Subgrade 3b (see [APP-278] <b>Appendices 17A - 17C</b> ) . We advise that it is therefore reasonably likely that this is not BMV land given the light sandy nature of the soils recorded at that location.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. note that Natural England accept it is unlikely that BMV land would be present in the location highlighted. As part of project-wide reviews of the data and discussions about updating the <b>outline Soil Management Plan</b> (OSMP) a proposal to update some surveys is being developed and this will include surveying of those land areas which have not yet been surveyed as part of the published assessment. The information gained will both confirm the ALC grade and provide the required soil data to support the further development of the OSMP.
Ag.1.36	ESC, Natural England	<b>Materials Management Strategy</b> Are you satisfied with the approach and content of the Material Management Strategy regarding soils and agriculture [AS-202]?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ES Volume 3 Appendix 2.2.C [ <a href="#">AS-202</a> ] provides details of the Materials Management Strategy update. The original Materials Management Strategy document demonstrated how the Applicant intends to manage excavated materials generated by the proposed development.

ExQ1	Question to:	Question:
		However, the document was based on assumptions, using early contractor input and material volume estimates. The updated document submitted Appendix 2.2.C presents more detailed analysis and updates to the imported material assumptions. ESC reviewed the updated document and is satisfied by the approach taken and findings presented.
	<b>Response by Natural England for Deadline 2</b>	As set out in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, a Soil Resource Plan should feed into a Materials Management Strategy (MMS) to describe how the applicants intend to manage excavated materials. Given that descriptions of soil resources and their management will be a part of the Soil Management Plan (currently outline) and that the applicants state that the Outline Soils Management Plan is a key overarching document feeding into their (original) MMS, Natural England is content with the approach and current content of the MMS regarding soils and agricultural land, provided the approach and content is maintained in updated versions.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Chapter 4 - AQ.1 Air Quality</b>		
AQ.1.1	ESC, EA, Natural England	<b>Air quality receptors</b> Are you satisfied that all potential sensitive receptors have been taken into account in the Air Quality Assessment (AQA), and with the Applicant's identification of worst-case locations for air quality?
	<b>Response by SZC Co. for Deadline 2</b>	Air quality receptors have been derived based on IAQM <sup>34</sup> and EA guidance <sup>5</sup> considering the different potential air quality effects (construction dust, construction traffic, NRMM, operational emissions).

<sup>3</sup> Institute of Air Quality Management (IAQM). Guidance on the Assessment of Dust from Demolition and Construction. 2014. (Online). Available from: <http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>.

<sup>4</sup> Institute of Air Quality Management (IAQM) and Environmental Protection UK. Land-Use Planning & Development Control: Planning for Air Quality. 2017. (Online). Available from: <https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.

<sup>5</sup> Department for Environment, Food and Rural Affairs (Defra) and Environment Agency. Air emissions risk assessment for your environmental permit. London: The Stationery Office, 2016. (Online). Available from: <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>.

ExQ1	Question to:	Question:
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>ESC has highlighted four construction or operation activities with regard to potential air quality impacts:</p> <ol style="list-style-type: none"> <li>1. Impacts from preparation and construction of Sizewell C. Dust nuisance and particulates generated during the construction phase including earthworks, construction and demolition. Additionally, emissions from non-road mobile machinery (NRMM) associated with construction such as generators and bulldozers.</li> <li>2. Emissions from transport associated with the construction and operation phases of the development.</li> <li>3. Emissions from permanent back-up emergency diesel generators (EDG) on site.</li> <li>4. Emissions from electricity and heating plant associated with workers accommodation.</li> </ol> <p>ES report Volume 2 Main Development Site, Chapter 12 Air quality, Appendices 12A-12F [APP-213 and APP-214] identifies sensitive receptors and worst-case assessment locations as follows:</p> <ol style="list-style-type: none"> <li>1. Appendix 12A, Table 1.10 shows ecological and human health receptors for dust nuisance and particulates. Ecological and human health receptors for NRMM impacts such as dozers using haul roads are identified within Annex 12A.5.</li> <li>2. Appendix 12B, Table 1.7 identifies human health receptors and Table 1.8 shows ecological receptors included in the assessment of transport emissions.</li> <li>3. Appendix 12C, Table 4-1 shows human health receptors and Table 4-2 shows ecological receptors included in the EDG assessment.</li> <li>4. Appendix 12F, Table 12F.1 shows human health receptors and Table 12F.4 shows ecological receptors considered within the assessment.</li> </ol> <p>In general, ESC considers that all potential sensitive receptor locations have been satisfactorily represented with worst-case locations. However, details regarding non-road mobile machinery such as generators have not been finalised yet so there are uncertainties whether worst-case impacts have been identified.</p> <p>This issue is being pursued with the Applicant, as highlighted in the LIR [<a href="#">REP1-045</a>]. Generators and non-road mobile machinery may be regulated by the Environment Agency, although this has not yet been confirmed. Regardless of permitting status, a request has been put forward that NRMM meets the highest emission standards to minimise impacts.</p>

ExQ1	Question to:	Question:
		Further details on the permitting status of NRMM can be found within 19.21(iii) and paragraph 19.3 of the LIR [ <a href="#">REP1-045</a> ].
	<b>Response by Environment Agency for Deadline 2</b>	<p>The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time.</p> <p>To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.</p>
	<b>Response by Natural England for Deadline 2</b>	The correct distance criteria have been used according to the Environment Agency approach to combustion and all sites of concern have been considered. The in-combination assessment contained within the "off-site development assessment" lacks clarity regarding the approach used to identify the relevant developments. No actual quantification has been undertaken, namely for Sport Facilities at Leiston and in-combination impacts for construction/operation phases in particular relating to traffic emissions.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The off-site developments assessment in <b>Volume 2, Appendix 12D</b> of the <b>ES</b> [<a href="#">APP-214</a>] includes a screening exercise for each of the off-site developments. All of the off-site developments were screened out of the air quality assessment in the ES based on the nature of the works proposed and the distances to receptors. No significant effects on air quality are expected, as the risk of construction dust impacts from each off-site development is expected to be negligible and predicted traffic movements related to construction of the off-site developments and operation of the sports facilities at Leiston are below the threshold set in air quality guidance for quantification of air quality effects.</p> <p>This screening exercise was presented in the main development site air quality chapter (<b>Volume 2, Appendix 12D</b> of the <b>ES</b> [<a href="#">APP-214</a>]) with a conclusion that the off-site developments are not expected to give rise to significant effects and therefore were not considered further in the ES.</p>
AQ.1.2	ESC, EA	<p><b>PM 2.5</b></p> <p>(i) Are you satisfied that potential impacts of PM2.5 concentrations have been fully taken into account in the ES and appropriately assessed as a fraction of PM10 particulate concentrations?</p>

ExQ1	Question to:	Question:
		(ii) Do you consider using PM <sub>10</sub> as a surrogate for PM <sub>2.5</sub> an acceptable methodology?
	<b>Response by SZC Co. for Deadline 2</b>	In the absence of comprehensive background PM <sub>2.5</sub> concentrations, use of PM <sub>10</sub> as a worst case and assuming that all PM <sub>10</sub> fractions occur as PM <sub>2.5</sub> is considered to be conservative.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>i) Yes, based upon the latest scheme design available PM<sub>2.5</sub>, has been adequately assessed.</p> <p>ii) PM<sub>10</sub> can be a suitable surrogate for PM<sub>2.5</sub> in some circumstances, for example, where identical emission factors are specified for PM<sub>10</sub> and PM<sub>2.5</sub>. This is often the case for combustion sources. The application of surrogate or direct PM<sub>2.5</sub> concentrations is discussed further within the four areas of assessment identified within AQ.1.1. Direct or surrogate assessment of PM<sub>2.5</sub> has been evidenced within the following areas:</p> <p>1. PM<sub>10</sub> impacts from construction activities have been presented within Appendix A, Annex 12A.3 [APP-213]. These have not been interpreted as a surrogate for PM<sub>2.5</sub>. ESC raised clarifications regarding the ES, these were discussed with the Applicant and ESC's final position shared on 20/10/2020. Agreement was reached between the Applicant and ESC that dispersion modelling of construction dust and particulates is subject to high levels of uncertainty. Consequently, it was recommended that focus should be placed on taking account of the coastal location and an adequate standard of dust mitigation instead, in accordance with the relevant industry guidance produced by the Institute for Air Quality Management. As a result, the question of PM<sub>10</sub> as a surrogate for PM<sub>2.5</sub> does not arise in relation to construction dust.</p> <p>2. <b>Section 1.3 of Appendix 12B</b> [APP-213] details modelled or estimated PM<sub>2.5</sub> concentrations from transport for the construction and operation phases. PM<sub>2.5</sub> has been directly assessed and PM<sub>10</sub> has not been used as a surrogate.</p> <p>3. Within <b>Appendix C, Table 5-7</b> [APP-214] PM<sub>2.5</sub> impacts associated with the operation of the EDG have been assessed. PM<sub>2.5</sub> has been directly assessed and PM<sub>10</sub> has not been used as a surrogate.</p> <p>Combustion of natural gas in a CHP engine has insignificant PM<sub>2.5</sub> emissions. This is acceptable for natural gas-powered CHP.</p>
	<b>Response by Environment Agency for Deadline 2</b>	(i) Local air quality management outside any regulated boundary is the responsibility of the Local Authority. Dust emissions during construction are a planning matter and are best answered by the Local Authority from an environmental health perspective. Our

ExQ1	Question to:	Question:
		responsibility for air quality is limited to fixed sources within a permitted boundary. The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission. (ii) The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission. This recommendation was not followed by the Applicant, and instead submitted permit applications and DCO application concurrently.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.3	ESC	<b>Dust emissions</b> Do you agree with the findings of the ES that the only potential source of significant air pollution would arise from construction dust?
	<b>Response by SZC Co. for Deadline 2</b>	The assessment has considered air quality effects from various emission sources including construction dust, construction traffic, NRMM, and operational emissions.
	<b>Response by East Suffolk Council at Deadline 2</b>	This is not agreed. <b>Construction phase</b> ESC agrees that potentially significant sources of air pollution will occur during the construction phase, but it has not yet been demonstrated that construction dust is the only potentially significant source of air pollution. ESC considers that it will be possible to limit the impacts of construction dust through mitigation so that they are insignificant. This was identified by the Applicant within Volume 2, Chapter 12, Table 12.21 [APP-212], where residual risk after mitigation is low to negligible. The proposed mitigation is appropriate but may not be sufficient to achieve a negligible impact. Discussions between ESC and the Applicant are ongoing to finalise

ExQ1	Question to:	Question:
		<p>construction dust mitigation to ensure impacts are negligible (see Paragraphs 19.25 to 19.29 in the LIR [REP1-045]).</p> <p>ESC is in discussion with the Applicant regarding the minimisation and management of emissions from NRMM during construction. To minimise the impacts of NRMM, a request for the highest available emission standard and a cap on more polluting plant has been made within paragraph 19.3 of the LIR.</p> <p>ESC considers that there is a risk of potentially significant impacts on air quality within the Stratford St Andrew Air Quality Management Area (AQMA). ESC and the Applicant have held constructive discussions on this matter, and it is likely that this issue will be resolved following further discussion with the Applicant (see LIR [REP1-045] Section 19.30).</p> <p><b>Operational phase</b></p> <p>The proposed development will require the use of emergency diesel generators (EDGs). It is expected that EDGs will be addressed appropriately through the environmental permitting regime. In the event that this does not occur, ESC may seek further controls on EDGs through the DCO process (LIR [REP1-045] Table 19).</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>An initial Statement of Common Ground was submitted at Deadline 2 [<a href="#">REP2-076</a>].</p> <p>Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed mitigation and control measures for construction dust, NRMM and construction traffic have been agreed. An updated Statement of Common Ground is anticipated to be submitted at Deadline 5.</p>
AQ.1.7	ESC	<p><b>Dust emissions</b></p> <p>Are you confident the baseline monitoring locations chosen for assessing the significance of dust emissions arising from the main development site would satisfactorily provide sufficient information such that appropriate standards can be monitored managed and mitigated to safeguard health and amenity for local receptors?</p>
	<b>Response by SZC Co. for Deadline 2</b>	See the Applicant's response to question <b>AQ.1.6</b> .
	<b>Response by East Suffolk Council at Deadline 2</b>	No, baseline dust monitoring locations presented within Appendix 12E, Plate 1.2 [APP-214] do not necessarily represent worst-case receptor locations. Construction dust assessment figures in Appendix 12A, figures 12A.1, 12A.4 and 12A.5 [APP-213] do not

ExQ1	Question to:	Question:
		<p>show dust deposition monitoring representative of Minsmere SPA/SAC, Sizewell Marshes SSSI, or human health receptors such as LE47 for main development site activities and trackout. In figure 12A.2, which is representative of activities associated with the main crag stockpile, site 5 is representative of worst-case ecological receptors. However, LE25 which is the worst-case human health receptor does not have a dust deposition monitoring location. For figure 12A.3, which represents lime spreading, worst-case monitoring has not been captured at human health receptor LE25, whereas the closest ecological site Minsmere is well represented with site 7. Please note that for matters relating to Statutory designated nature conservation sites we defer to Natural England for more detailed advice.</p> <p>At this stage, it may not be possible to be prescriptive about the specific locations where baseline and construction phase monitoring should be carried out. This is because exact construction details may not be known e.g., confirmation of which haul routes will be hardsurfaced. ESC recommends that a requirement for a minimum number of monitoring locations, and a minimum time period for monitoring during construction activities should be specified, to be agreed at the CoCP/Dust Management Plan/CEMP stage. This should include a requirement for the Applicant and contractors to propose and agree specific locations with ESC as part of the CoCP/Dust Management Plan/CEMP.</p> <p>The Applicant has made a commitment to monitor and take corrective actions during construction works (Table 1.1 of Appendix 12A) [APP-213]. As such the Applicant's current baseline dust monitoring is not critical for control of dust impacts. It is expected that dust deposition and particulate monitoring locations will be agreed at the CEMP stage.</p> <p>There are not considered to be satisfactory mechanisms within the CoCP to ensure that corrective actions will be taken if dust deposition and particulate concentrations thresholds are exceeded. ESC requests that this be included within the CoCP. Further to this, paragraph 2.3.8 of the CoCP only requires the Applicant to approve contractors' construction environmental management plans (CEMP). This should be amended to also require approval by ESC.</p> <p>ESC has made other requests in paragraphs 19.25 through to 19.29 of the LIR [REP1-045] to strengthen mitigation requirements.</p>
	<b>Response by SZC Co. for Deadline 3</b>	An initial Statement of Common Ground was submitted at Deadline 2 [ <a href="#">REP2-076</a> ].



ExQ1	Question to:	Question:
		<p>Further constructive dialogue has been held between SZC Co. and East Suffolk Council in developing the next version of the <b>Statement of Common Ground (SoCG)</b> between the parties, and an updated Statement of Common Ground is anticipated to be submitted at Deadline 5. This has addressed the points raised by ESC at Deadline 2 and the proposed construction dust monitoring measures have been agreed. SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed. The <b>Construction Environmental Management Plans</b> are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> [<a href="#">REP2-056</a>]), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>
AQ.1.11	The Applicant, ESC	<p><b>Dust Monitoring</b></p> <p>(i) A High Risk of dust spoiling and medium risk to human health is identified from activities undertaken on Site E yet no dust monitoring stations are identified in close proximity – please explain why this is the case?</p> <p>(ii) How will sensitive receptors be safeguarded; and</p> <p>(iv) the work monitored; and</p> <p>(v) standards enforced?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) See response at question <b>AQ.1.6</b>; where no additional baseline monitoring was undertaken, the area was judged to be represented by the baseline monitoring in other areas. The baseline dust deposition survey confirmed that dust deposition rates are very consistent across the study area. The consideration of potential risks</p>

ExQ1	Question to:	Question:
		<p>identified in the assessment initially assumes no embedded mitigation is applied, as per the IAQM guidance<sup>6</sup>. The risk assessment identifies the level of mitigation that is recommended such that the residual effect is 'not significant', as described in <b>Volume 2, Appendix 12A</b> (Construction Dust Assessment) of the <b>ES</b> [APP-213].</p> <p>(ii) Safeguarding will be through dust monitoring and reporting. See response at question <b>AQ.1.10</b>.</p> <p>(iii) &amp; (iv) The monitoring methods to be used will be based on established good practice for dust monitoring; this will be confirmed in the Dust Management Plan, as set out within the <b>CoCP</b> (Doc Ref. 8.11(B)).</p>
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>i) The unmitigated dust risk from zone E is identified as requiring high risk mitigation within Appendix 12A, paragraph 1.3.21 [APP-213]. The Applicant then concludes that, with mitigation in place, no significant adverse effects would be experienced (Appendix 12A paragraph 1.4.2). ESC agrees with the Applicant that residual impacts at Site E would not be high risk.</p> <p>ii) &amp; iii) Nevertheless, to ensure that receptors are safeguarded, the ESC has requested monitoring during works and that corrective actions are taken within the CoCP. ESC is in discussion with the Applicant to strengthen receptor safeguarding. The Applicant's DCO contains the No.2 requirement for construction works to be undertaken in accordance with the CoCP []. It is understood that the Applicant will require contractors to develop a CEMP which will be enforced by the Applicant reviewing that this meets the CoCP requirements. ESC needs to be involved in the review and approval process of CEMPs. At this stage, it may not be possible to be prescriptive about the specific locations where baseline and construction phase monitoring should be carried out. This is because exact construction details may not be known e.g., confirmation of which haul routes will be hardsurfaced. ESC recommends that a requirement for a minimum number of monitoring locations, and a minimum time period for monitoring during construction activities should be specified. This should include a requirement for the Applicant and contractors to propose and agree specific locations with ESC as part of the CoCP/Dust Management Plan/CEMP. As per AQ.1.12, it is recommended that CoCP is updated to strengthen mechanisms for corrective</p>

<sup>6</sup> Institute of Air Quality Management (IAQM). Guidance on the Assessment of Dust from Demolition and Construction. 2014. (Online). Available from: <http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>.

ExQ1	Question to:	Question:
		<p>actions and agreement of CEMPs with ESC. ESC has made further requests in paragraphs 19.25 through to 19.29 of the LIR [REP1-045] to strengthen mitigation requirements.</p> <p>iv) Standards will be enforced through the Applicant and ESC monitoring work against the requirements of the CoCP/DMP/CEMP; and responding to complaints.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. As noted, in our response to <b>AQ.1.10</b>, SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed.</p> <p>The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> [<a href="#">REP2-056</a>]), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>
AQ.1.12	The Applicant, ESC	<p><b>Dust Monitoring</b></p> <p>(i) As no monitoring has been carried out to understand base levels of dust particles in the vicinity of construction site C – what confidence do you have that the effects of the construction activities on this site would remain at acceptable levels?</p> <p>(ii) How can this be demonstrated when the base line is an important part of the initial consideration?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) See response at <b>AQ.1.6</b>; the baseline dust monitoring for the Construction Dust Assessment included monitoring Site 3 and Site 5 which represent background sites for Construction Zone C, as shown in <b>Volume 2, Chapter 12, Figure 12.2</b> of the <b>ES</b> [<a href="#">APP-215</a>].</p> <p>(ii) See response at question <b>AQ.1.10</b>. Baseline dust monitoring would be undertaken prior to commencement of construction activities on the main development site and ongoing dust monitoring will be undertaken during the works. Dust monitoring locations, methods and frequencies would be agreed through the detailed Dust Management Plan. The proposed mitigation is based on best practice measures and informed by the risks identified through the dust impact assessment.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>i) Measurement of baseline and operational phase dust levels is not critical to the assessment and mitigation of construction phase dust impacts. Dust mitigation measures will be designed in accordance with the current industry standard guidance produced by the Institute of Air Quality Management, adapted to take account of the specific features of this development. These mitigation measures will be specified in the CoCP/Dust/CEMP Management Plan.</p> <p>ii) Construction phase dust monitoring will be carried out to ensure that any failures of dust control are identified and rectified.</p> <p>It is expected that the Applicant's monitoring and corrective actions procedure outlined within the CoCP/Dust Management Plan will be adopted by contractors in their CEMPs. This will identify locations for baseline and operational phase monitoring and should have a reporting procedure in place for any dust nuisance complaints made by the general public to ensure acceptable levels of dust deposition.</p> <p>Whilst it is useful to have a baseline to understand what existing levels of dust deposition are prior to construction activities, this is not a critical part of the dust management process. If high levels of dust are measured, or if a dust nuisance complaint is made, the Applicant's CoCP/Dust Management Plan/CEMP should specify that corrective actions will be taken.</p> <p>As per AQ.1.11, it is recommended that is updated to strengthen mechanisms for corrective actions and agreement of CEMPs with ESC</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2. As noted in our response to <b>AQ.1.10</b>, SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>
AQ.1.13	The Applicant, ESC, PHE	<p><b>Temporary Accommodation</b></p> <p>(i) In light of the close proximity of the accommodation campus to both the active working site but also the stockpiles of materials, what safeguards are in place to ensure appropriate levels are monitored and maintained for the future occupiers of the campus.</p> <p>(ii) Are the Council/PHE satisfied the relationship between the accommodation campus and the stockpiles/working areas can achieve an appropriate living environment to protect human health?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) See response at question <b>AQ.1.10</b>. Baseline dust monitoring would be undertaken prior to commencement of construction activities on the main development site and ongoing dust monitoring will be undertaken during the works. Dust monitoring locations, methods and frequencies would be agreed through the detailed Dust Management Plan. The accommodation campus was identified as a potential receptor, although the assessment reported impacts at the closest identified receptor, which was considered to present the worst case.</p> <p>(ii) No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC considers that control of dust at the accommodation campus will be achieved through specification of appropriate mitigation in accordance with the relevant IAQM guidance. It may be appropriate for operational phase monitoring to be carried out at this location: this can be specified through the CoCP/Dust Management Plan and contractor CEMPs and agreed with ESC.</p>

ExQ1	Question to:	Question:
	<b>Response by Public Health England at Deadline 2</b>	<p>(i) PHE note that this element of the question is for the applicant to answer.</p> <p>(ii) The applicant has presented a dust risk assessment which concludes that without mitigation there is a moderate risk to human health at the accommodation campus. The applicant further details how high-risk mitigation measures will be applied, and that baseline and activity specific monitoring of particulate matter will be undertaken. The applicant concludes that there will be no change in PM10 and PM2.5 concentrations. Based on the information provided and the understanding that appropriate mitigation measures and monitoring will be implemented, PHE are satisfied with the risk assessment from potential emissions to air impacting the proposed accommodation campus.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.14	The Applicant, ESC, EA, PHE	<p><b>Air Quality Assessment</b></p> <p>Please respond to each of the concerns expressed by Laurence Moss [RR 673] and in light of them whether there are any outstanding concerns in this regard.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><b>Response to point 2 of [RR-0673]:</b> Emissions from transport (road and rail), construction dust, combustion activities and the CHP at the temporary accommodation campus have been assessed for both construction and operational phases of the Project (where appropriate). No significant effects have been identified.</p> <p><b>Response to point 1, 4 and 6 of [RR-0673]:</b> Emissions from transport and dust during construction of the main development site and associated developments have been assessed at sensitive receptors in Leiston and Sizewell, including residential receptors and the temporary workers accommodation site. As reported in <b>Volume 2, Chapter 12</b> (Air Quality) of the <b>ES</b> [APP-212] and <b>Section 2.7</b> in <b>Volume 1, Chapter 2</b> (Main Development Site) of the <b>ES Addendum</b> [AS-181], no significant effects are predicted during construction or operation of the Sizewell C Project, and there is not anticipated to be any exceedances of air quality standards.</p> <p><b>Response to point 3 of [RR-0673]:</b> The extent of the study area in the air quality assessment is presented in Paragraph 12.3.12 of <b>Volume 2, Chapter 12</b> (Air Quality) of the <b>ES</b> [APP-212], and has been chosen in line with appropriate published guidance (e.g.</p>

ExQ1	Question to:	Question:
		<p>IAQM<sup>78</sup>, Highways England<sup>9</sup>. It is considered very unlikely that any significant effects would occur beyond this area, and therefore the study area is considered to be appropriate.</p> <p><b>Response to point 5 and 8</b> of [RR-0673]: The mitigation measures proposed to control construction dust impacts have a strong track record of providing effective protection to off-site receptors and are considered sufficient to mitigate the effects from small particulate matter, and are based on IAQM recommended measures that are appropriate to the activity and scale at each site. The <b>CoCP</b> (Doc Ref. 8.11(B)) outlines the proposed control measures to mitigate air quality impacts.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>[RR-0673] outlines areas of the air quality assessment to be critiqued but does not provide further detail. The outlined areas have been quoted below:</p> <p><i>The focus of my submission will be about Air Pollution – Particulate matter PM 2.5, PM 10, Nox, CO, VOC's – which will result from the construction of the aforementioned development</i></p> <ol style="list-style-type: none"> <li><i>1. I will outline the significance of these emissions and their detrimental effects on the health of construction workers and residents in the vicinity of Leiston / Sizewell. There would also be detrimental effects on the flora and fauna surrounding Sizewell. Should CV19 still be an issue in the spring, I shall cite evidence linking such emissions with the transfer/spread of the virus. I shall specify vulnerable groups who will suffer from these emissions.</i></li> <li><i>2. I will describe the origins of these micro-particles, from vehicle and plant exhausts, and tyre wear, resulting from Lorries and Delivery vehicles and building workers cars.</i></li> <li><i>3. I will describe the geographical extent of these particles, and the timescale that they will be present in our area, along Trunk roads and A roads through our villages.</i></li> </ol>

<sup>7</sup> Institute of Air Quality Management (IAQM). Guidance on the Assessment of Dust from Demolition and Construction. 2014. (Online). Available from: <http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>.

<sup>8</sup> Institute of Air Quality Management (IAQM) and Environmental Protection UK. Land-Use Planning & Development Control: Planning for Air Quality. 2017. (Online). Available from: <https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.

<sup>9</sup> Highways England. Sustainability & Environment Appraisal LA 105 Air quality. 2019. (Online) Available at: <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/LA%20105%20Air%20quality-web.pdf>.

ExQ1	Question to:	Question:
		<p>4. <i>I will argue that EDF have failed to take the emissions seriously – if at all – in their 'modelling' exercises, and have only considered such emissions once the plant is being tested or operated – i.e. after construction.</i></p> <p>5. <i>I will argue that the suggested mitigation of small particles is inadequate as they only consider larger particles that can be dealt with by washing/dust suppression. This is even seen in previous EDF practice; the Hinkley project only describes mitigation for particles larger than PM10.</i></p> <p>6. <i>I will outline existing legislation that sets standards for the maximum recommended, and therefore legal, exposure to the emissions of these micro-particles – from WHO, EU and UK.</i></p> <p>7. <i>I will refer to research on the increasing knowledge of the dangerous health effects of this pollution</i></p> <p>8. <i>There is little mitigation for such small particles, but I will outline some strategies which I believe EDF should make. I will point to the woeful lack of air quality monitoring points in the vicinity of the construction, and routes for vehicles to and from the site.'</i></p> <p>These bullet points are addressed by ESC in corresponding number points below:</p> <p>1. ESC expects the Applicant to assess air quality impacts against existing air quality legislation and planning policies. ESC can confirm that the Applicant has done this. Subject to resolution of the points outlined in the LIR [REP1-045], ESC considers that emissions to air from the proposed development would not have significant adverse effects on the health of ESC residents, the health of the construction or operational phase workforce in relation to the potential effects of ambient air quality (ESC does not make any comments in relation to occupational health and safety), or on the natural environment (please note that we defer to Natural England on designated sites). Early research into the interactions between air quality and Covid-19 has been published, but links remain complex and incompletely understood. Such interactions as have been observed relate to exposure to high levels of air pollution which do not occur in the ESC area at present and are not forecast to occur in the future. In any case, contemporary academic research is not normally considered in air quality assessments – instead, it is considered, and appropriate measures adopted, in legislation, policy and/or relevant guidance. To the extent that interactions are understood, ESC does not consider that there is a strong case for requiring further steps to control potential synergistic effects relating to Covid-19.</p>



ExQ1	Question to:	Question:
		<p>2. ESC considers that sources of particulate matter are adequately described in the <b>ES</b>, except as outlined in the LIR.</p> <p>3. ESC considers that the geographical distribution of particulate matter is adequately described in the ES, except as outlined in the LIR.</p> <p>4. ESC considers that emissions to air during both construction and operation have been assessed and are adequately described in the ES, except as outlined in the LIR.</p> <p>5. The Applicant has adopted best practice guidance and gone beyond this to assess construction dust and particulate impacts to identify appropriate mitigation. Except as noted in the LIR, this is considered acceptable by ESC. The LIR recommends strengthening mitigation measures where appropriate. Dust mitigation measures proposed by the Applicant will also reduce PM2.5 emissions from the construction.</p> <p>6. ESC considers that the Applicant has considered an appropriate range of standards and other guidance when carrying out its assessment, particularly in view of the limited duration of potential construction phase impacts in contrast to operational phase impacts.</p> <p>7. ESC agrees that there is a growing body of evidence linking adverse effects on health to exposure to low levels of PM2.5. ESC does not consider that there is a strong case to require consideration of a wider range of air quality standards and guidelines other than those already addressed in the ES.</p> <p>Monitoring at construction sites will be determined as part of the ongoing development of the CoCP/CEMP. In relation to construction traffic, ESC has concentrated on working with the Applicant to reduce the air quality impact of construction traffic. Removing the source of pollution in this way means that a widespread monitoring campaign is not considered by ESC to be a priority, or an effective way of managing the air quality impacts of the proposed development.</p>
	<b>Response by Environment Agency for Deadline 2</b>	<p>Mr. Moss makes useful observations about this proposal particularly around the impacts on flora and fauna from oxides of nitrogen and particulate matter. Our role is to permit only activities that won't cause any significant impact to human health and the environment. The use of air quality monitoring external to the site boundary would only be considered if the applicant is unable to demonstrate that the impacts are being controlled by abatement technology, operational controls and other mitigation measures. Our permit determination will provide an indication of whether off-site monitoring is required, but this matter is ultimately for the Local Authority to decide.</p>

ExQ1	Question to:	Question:
	<b>Response by Public Health England for Deadline 2</b>	Poor air quality is the largest environmental risk to public health in the UK. Long-term exposure to air pollution can cause chronic conditions, leading to reduced life expectancy. Sources of air pollution include industrial processes, energy industries, construction, road transport, residential dwelling and agriculture. PHE have reviewed the applicant's environmental statement, which details impacts from air quality to human health during the construction and operational phases of the proposed development. Impacts have been assessed against relevant air quality standards and guidelines and any comments raised following our reviews have been detailed in our responses. We do not have any additional comments
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.16	The Applicant, ESC, SCC	<b>Air Quality</b> [RR 804 and RR 820] both express concern that the increased emissions from increased traffic along the A12 could have a disproportionate effect on the health of students at Farlingaye High School. Please respond to this concern.
	<b>Response by SZC Co. for Deadline 2</b>	Receptor WB8 has been assessed to represent effects at Farlingaye High School, as it is located at a closer distance adjacent to the same section of the A12. Results from the transport emissions assessment (presented in <b>Volume 3, Appendix 2.7.C</b> (Transport Emissions Assessment) of the <b>ES Addendum</b> <a href="#">[AS-127]</a> ) indicate that the effects from transport emissions at this receptor will be negligible ( <b>not significant</b> ) during construction (early year and typical and busiest day peak year) and operation. Predicted air pollutant concentrations will remain well below the relevant air quality standards protective of health at all receptors, and the maximum change in concentration and exposure is orders of magnitude lower than is required to quantify any measurable health outcome. On this basis, there is considered to be no measurable health risk or disproportionate impact to students travelling to or studying at Farlingaye High School from proposed changes in transport emissions.
	<b>Response by East Suffolk Council at Deadline 2</b>	[RR-0804] has a brief comment on air quality ' <i>Transport - roads would inevitably be even busier causing excess road pollution, how does this affect students at Farlingaye High School amongst others.</i> '

ExQ1	Question to:	Question:
		<p>[RR-0820] comment is as follows '3. <i>Impact on Communities It seems People always come last in the pecking order when planning developments of this size but it should be noted that large housing developments are abutting the length of the A12 from the access to the proposed site to the A12/A14 Seven Hills junction. Some of these properties are less than 50m from the A12 carriageway and the occupants are already suffering noise, air and light pollution which was not in existence when the properties built. The continual pollution caused by an additional 300+ heavy goods vehicles a day for many years will be intolerable for the occupants.'</i></p> <p>The Applicant has demonstrated within their air quality assessment that background, or existing air pollutant concentrations (NO2, PM10 and PM2.5) are low enough that impacts from additional traffic will not be significant across the majority of the ESC area, including Farlingaye High School. The only exception to this is in the Stratford St Andrew Air Quality Management Area (AQMA). The <b>LIR</b> [REP1-045], paragraph 19.30 sets out further controls requested on HGV emission standards to ensure acceptable impacts. The expected improvements in emissions controls from HGVs travelling to and from the proposed development will also have a small benefit at Farlingaye High School compared to the impacts that would result without such emission controls.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.17	ESC, EA	<p><b>Air Quality</b></p> <p>Do you agree that paragraph 5.2.9 of EN-1 does not apply as the Applicant suggests in the Planning Statement as "there would be no substantial changes in air quality levels"?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>No, this is not agreed. Paragraph 5.2.9 of EN-1 states '<i>However air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits.'</i></p> <p>Within the Stratford St Andrew Air Quality Management Area, increases in pollutant concentrations are of greater concern because of the high baseline levels of air pollution in this area, and the potential for in-combination impacts with the nearby East Anglia One North and East Anglia Two developments. As per the LIR [REP1-045], paragraph 19.30,</p>

ExQ1	Question to:	Question:
		<p>recommendations have been put forward to strengthen HGV emission controls to minimise these risks. As such, these substantial increases led to '<i>air quality considerations</i>'.</p> <p>Similar concerns lie behind the other concerns highlighted in the LIR paragraphs 19.2 to 19.4 (limits on emissions from NRMM; minimisation of use and emissions from diesel generator plant; dust controls). In these cases, substantial changes in air quality levels could be expected, and require appropriate assessment and control.</p>
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.
	<b>Response by SZC Co. for Deadline 3</b>	An initial Statement of Common Ground was submitted at Deadline 2 [ <a href="#">REP2-076</a> ]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed monitoring measures to be continued within the Stratford St Andrew AQMA have been agreed. An updated Statement of Common Ground is anticipated to be submitted at Deadline 5.
AQ.1.18	ESC, EA, PHE	<p><b>Air Quality Receptors</b></p> <p>Are you satisfied that all potential sensitive receptors have been taken into account in the Air Quality Assessment and with the Applicant's identification of worst case locations for Air Quality?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Please see response to AQ.1.1.
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time.

ExQ1	Question to:	Question:
		To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.
	<b>Response by Public Health England at Deadline 2</b>	PHE have reviewed the receptors detailed in the air quality assessments and are satisfied that those included are relevant and the worst case of those included have been appropriately assessed. PHE would expect East Suffolk Council, as local experts in air quality, their population and region to confirm and ensure that all appropriate sensitive receptors have been included in the assessment.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
AQ.1.19	ESC	<b>Approach</b> (i) Is the Council satisfied with the overall approach of the Applicant to dealing with Air Quality? (ii) Do the Council have any specific criticisms it would like to make?
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant and ESC have maintained regular dialogue regarding air quality assessment, predicted effects and proposed mitigation measures. These measures are being agreed through an air quality mitigation plan as detailed in the draft <b>Statement of Common Ground</b> between the Applicant and ESC (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	(i) ESC is satisfied with the overall approach. The Applicant has been in regular contact with ESC in pre-application and since submission. Many of ESC's concerns with regard to potential air quality impacts and how they should be assessed have been addressed. ESC and the Applicant have discussed and recorded approximately 86 separate comments after reviewing the air quality environmental statement, the majority of which have been addressed. (ii) ESC has a relatively small number of outstanding criticisms. The outstanding points are presented within the LIR Section 19 [REP1-045]
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
AQ.1.20	PHE	<b>Approach</b> Are you satisfied that the Air Quality Assessment has responded fully and addressed all matters raised by PHE at the scoping stage?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Public Health England at Deadline 2</b>	PHE responded to the scoping consultation in our letter dated 20th June 2019, noting our position is that pollutants, particularly particulate matter and oxides of nitrogen are nonthreshold and that reducing public exposures to these pollutants below air quality standards will have potential public health benefits. It is noted that the applicant has assessed emissions against air quality standards. PHE supports approaches which minimise or mitigate public exposure to non-threshold air pollutants.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
AQ.1.21	ESC, The Applicant	<b>Additional Information</b> Additional information was requested by ESC as referred to in ESC RR at paras 1.84 and 1.87: (i) Has this information been provided to the Examination? (ii) If so where can it be found?
	<b>Response by SZC Co. for Deadline 2</b>	A response to the query mentioned in the ESC Relevant Representation was provided to ESC during a series of engagement meetings. The following response was provided: 1. As described in the Transport Emissions Assessment ( <b>Volume 2, Appendix 12B</b> of the <b>ES</b> [APP-213]), the locomotive modelling comprises movement of locomotives and stationary engine idling. For assessment purposes, it is anticipated that the time spent at the passing loop and the Saxmundham to Leiston branch junction will be minimal, the three hour idling time is anticipated to represent the time spent at the rail head. 2. The locations of each of the stationary sources are presented in the <b>Figure 12B.1</b> of <b>Volume 2, Appendix 12B</b> of the <b>ES</b> [APP-213]

ExQ1	Question to:	Question:
		<p>3. Short term NO<sub>2</sub> and PM<sub>10</sub> impacts are discussed in <b>section 1.2, D, ii of Volume 2, Appendix 12B</b> (Transport Emissions Assessment), of the <b>ES</b> [<a href="#">APP-213</a>].</p> <p>4. The workers campus has been assessed as a sensitive receptor (LE42) in <b>Volume 2, Chapter 12</b> of the <b>ES</b> [<a href="#">APP-212</a>].</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>This information has been provided to ESC by the Applicant via exchange of spreadsheet records. These were technical clarifications between air quality specialists.</p> <p>(i) This information has not been provided to the Examination because of the technical nature of discussions. It was considered unlikely that this would assist the ExA. However, ESC would be able to provide a summary of these clarifications if helpful.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.22	ESC, SCC	<p><b>Air Quality</b></p> <p>Can the relevant public health authorities confirm that they consider the effects on air quality from the additional traffic along the A12 have been adequately assessed and confirm that they would not result in significant adverse effects along this transport corridor as suggested by RRs 804, 820 amongst others.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC does not have public health responsibilities. However, regarding Local Air Quality management, we have the following comments :</p> <p>Yes, as set out in response to AQ.1.16:</p> <p>The Applicant has demonstrated within their air quality assessment that background, or existing air pollutant concentrations (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) are low enough that impacts from additional traffic will not be significant across the majority of the ESC area. The only exception to this is in the Stratford St Andrew Air Quality Management Area (AQMA). The LIR [REP1-045], paragraph 19.30 sets out further controls requested on HGV emission standards to ensure acceptable impacts. The expected improvements in emissions controls from HGVs travelling to and from the proposed development will also have a small benefit in other areas close to the A12 and throughout the ESC area when compared to no emission control.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>The Applicant have demonstrated within their air quality assessment that background, or existing air pollutant concentrations (NO2, PM10 and PM2.5) are low enough that impacts from additional traffic will not be significant across the majority of the East Suffolk administrative area. The only exception to this is in the Stratford St Andrew Air Quality Management Area (AQMA), situated along the A12. The LIR [REP1-045], paragraph 19.30 sets out further controls requested on HGV emission standards to ensure acceptable impacts. The expected improvements in emissions controls from HGVs travelling to and from the proposed development will also have a similar benefit in other areas close to the A12 and throughout the ESC area.</p> <p>However, the assessment of the air quality impacts of road traffic is based on the transport modelling and the subsequent assumptions in changes in traffic flows. Those assumptions whilst generally not unreasonable mean that there is inherent risk to the assessment. It is reasonable to manage those risks by ensuring that there are relevant caps and controls, as set out at Table 12 and 21 of the LIR [REP1-049], on construction vehicle movements so that they do not exceed those assessed.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.23	ESC	<p><b>Air Quality</b></p> <p>(i) Are you concerned that the scheme may result in the failure to comply to any statutory air quality limit?</p> <p>(ii) If this is the case please provide details of the concerns, the limits that apply and the area(s) this would cover.</p> <p>(iii) If answering the above in the affirmative do you consider additional mitigation could be offered that might resolve these issues, what would this entail and how could it be delivered?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	i) Yes



ExQ1	Question to:	Question:
		<p>ii) ESC has had long-standing concerns regarding a breach of the statutory annual mean air quality objective for nitrogen dioxide of 40 µg/m<sup>3</sup> (The Air Quality Standards Regulations 2010 SI 2021 No. 1001 Schedule 2) within the Stratford St Andrew AQMA.</p> <p>iii) These concerns are being addressed through discussions between ESC and the Applicant regarding enhancement of HGV euro standard controls. The Applicant has shared draft plans with ESC on managing HGV emissions and the anticipated controls expected to achieve acceptable impacts are detailed within paragraph 19.30 of the LIR [REP1-045].</p> <p>There remain concerns regarding the potential impact of Emergency Diesel Generators upon habitats. This does not concern an exceedance of a statutory air quality limit but does relate to potential impacts on protected sites. ESC defers to Natural England on this matter</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>An initial Statement of Common Ground was submitted at Deadline 2 [<a href="#">REP2-076</a>].</p> <p>Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction traffic emissions control measures have been agreed.</p> <p>An updated Statement of Common Ground is anticipated to be submitted at Deadline 5.</p>
AQ.1.32	The Applicant	<p><b>Combined Heat and Power Plant</b></p> <p>It is important to understand how the concerns highlighted in Q 1.17-1.24 knock on, if at all, to the assessment within the other chapters of the ES in particular, Noise and Vibration, Heritage, Landscape, Ecology, Agriculture.</p> <p>In answering the above questions please address any knock on effects which may be relevant to these aspects of the scheme.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>There are no changes to the significance of the effects determined within the ES as a result of the responses presented above. With the moving of the Emergency Equipment Store to Zone 1A and the confirmation that the CHP Plant would not be retained during the operational phase, no emissions to air, noise or landscape and visual effects from these facilities would occur at Upper Abbey Farm during the operational phase. Furthermore, the moving of the Emergency Equipment Store to Zone 1A does not change the parameters of</p>

ExQ1	Question to:	Question:
	<p><b>Response by English Heritage Trust for Deadline 2</b></p>	<p>Zone 1A assessed within the ES or introduce any new emission sources within this location.</p> <p>A key concern of EHT is the impact of the accommodation campus, and its likely effects upon the Leiston Abbey (second site). The proposed CHP plant is potentially a significant part of the effect on the setting of the Abbey.</p> <p>EHT has read the air quality chapters of the Environmental Statement and can see that the stack for the proposed CHP plant is some 12.8m in height as referenced in table 12.11. This is described at 12.5.3, as being an “optimised stack size” to manage air quality impacts. EHT has not been able to identify any part of the ES where the visual impacts of the stack are assessed. It will introduce a new physical (manmade) and industrialising feature into an otherwise entirely natural landscape setting of the abbey. This will be part of the significant impacts of the campus, and it is accepted that the stack is proposed to be a relatively narrow diameter at 0.45 m, however, it is proposed to be a permanent feature including during the operation phase. At 12.3.14, it is stated that: <i>“...it is proposed that the campus CHP would be retained during the operational phase.”</i></p> <p>Therefore, to help mitigate the effects of the Sizewell C project on Leiston Abbey second site, EHT is proposing a comprehensive Sustainable Conservation and Management Strategy (SCMS).</p> <p>EHT proposes that the works and projects within the SCMS provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving understanding of the site, enhancing the visitor experience, and promoting local community participation. This will help to better reveal the significance of the Abbey site, and help protect the site for generations to come</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Detailed discussions with EHT regarding measures to be included within the <b>Draft Deed of Obligation</b> are ongoing, the latest version of which is submitted as part of this deadline (Doc Ref. 8.17(D)). SZC Co. agrees that the SCMS should be used as the basis for discussions.</p>

ExQ1	Question to:	Question:
AQ.1.34	ESC, SCC, PHE, EA	<p><b>Dust Soiling</b></p> <p>(i) Are you satisfied with the suggested mitigation to control the levels of dust arising from the development?</p> <p>(ii) If not what additional mitigation would you wish to see supplementing the Dust Management Plan, Outline Dust Management Plan or Code of Construction Practice?</p>
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant notes that the approach to dust mitigation has been discussed and is being agreed with the Councils through the air quality mitigation plan, as recorded within the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	(i) ESC is broadly in agreement with the approach to mitigation proposed by the Applicant but has made some further requests for controls in relation to dust mitigation. (ii) Additional controls requested by ESC are set out in paragraphs 19.25 to 19.29 of the LIR [REP1-045].
	<b>Response by Environment Agency at Deadline 2</b>	(i) The mitigation suggested is as expected and would normally be sufficient. However, as the proposed designs develop then more detail on the mitigation measures will be expected. Given the scale and opportunities available to the project the overarching Code of Construction Practice should provide more detail for Air Quality matters
	<b>Response by Public Health England for Deadline 2</b>	PHE have not identified any concerns with the proposed mitigation measures which appear in line with relevant guidance; however, note that a dust management plan is to be prepared. As the local authority regulators, PHE note that ESC and SCC would be best placed to provide a detailed assessment and response to this question.
	<b>Response by Suffolk County Council</b>	(i) SCC is broadly in agreement with the approach to mitigation proposed by the Applicant but has made some further requests for controls in relation to dust mitigation. (ii) Additional controls requested by the Councils are set out in paragraphs 19.25 to 19.29 of the LIR [REP1-045].
	<b>Response by SZC Co. for Deadline 3</b>	An initial Statement of Common Ground was submitted at Deadline 2 [ <a href="#">REP2-076</a> ]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. An updated Statement of Common Ground is anticipated to be submitted at Deadline 5.

ExQ1	Question to:	Question:
AQ.1.35	ESC, SCC, PHE, EA, Natural England	<b>Dust Soiling</b> (i) Are you satisfied with the suggested monitoring of dust emissions from the development? (ii) If not what additional mitigation would you wish to see and how do you consider this should be secured?
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant notes that the approach to dust monitoring has been discussed and is being agreed with the Councils through the air quality mitigation plan, as recorded within the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC interprets this comment as referring to <u>monitoring</u> , rather than <u>mitigation</u> of dust. Dust mitigation is addressed in AQ.1.34. (i) ESC is generally satisfied with the dust deposition monitoring proposed within the CoCP. A flexible approach will be needed as the construction programme develops. (ii) Changes to CoCP wording are recommended as per AQ.1.11 [AS-273]. This should strengthen mechanisms for corrective actions following monitored exceedances and approval of CEMPs by ESC.
	<b>Response by Environment Agency at Deadline 2</b>	(i) There are improvements that could be made to the suggested monitoring of dust emissions. (ii) Inspection of dust emissions would benefit from <ul style="list-style-type: none"> <li>• a regular timetable to allow reasonable comparison of data to ensure a consistent approach</li> <li>• expansion on the increased frequency of inspections during poor weather conditions should be provided.</li> </ul>
	<b>Response by Public Health England at Deadline 2</b>	PHE note that the applicant has reported in their Outline Dust Management Plan, that a Dust Management Plan will be prepared and include details of the monitoring. Whilst PHE have not had sight of the latter document, it is noted in the former reports that particulate monitoring will be undertaken. PHE recommend that any monitoring strategy should include sources of dust emissions; the location of sensitive health receptors; monitoring standards and guidelines; and a reporting schedule which allows for timely intervention if elevated concentrations are recorded.

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council</b>	<p>SCC interprets this comment as referring to monitoring, rather than mitigation of dust. Dust mitigation is addressed in AQ.1.34.</p> <p>(i) SCC is generally satisfied that dust deposition monitoring has been recommended within the enforceable CoCP. A flexible approach will be needed as the construction programme develops.</p> <p>(ii) Changes to CoCP. wording are recommended by ESC in their response to AQ.1.11. This should strengthen mechanisms for corrective actions following monitored exceedances and agreement of CEMPs.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>In the context of our remit, Natural England is satisfied that impacts from dust on internationally designated sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites) and nationally designated sites (Sites of Special Scientific Interest (SSSIs) can be adequately mitigated through the provisions of the Outline Dust Management Plan and Code of Construction Practice provided these are rigorously implemented, maintained and monitored as outlined.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>An initial Statement of Common Ground was submitted at Deadline 2 [<a href="#">REP2-076</a>]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed.</p> <p>The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> [<a href="#">REP2-056</a>]), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage.</p>

ExQ1	Question to:	Question:
		SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.
AQ.1.40	The Applicant, ESC, SCC	<p><b>Mitigation</b></p> <p>(i) The Applicant suggests in paragraph 14.7.79 [APP-224] that if exceeded of dust levels occurs additional mitigation would be adopted – please explain what this might entail – particularly in light of the commitment within the CoCP to best practice?</p> <p>(ii) How would this additional mitigation be secured?</p> <p>(iii) In the event the threshold of 0.5g/m<sup>2</sup>/day had been exceeded – what would the consequence be? E.g. would work need to cease until the threshold level had fallen below the agreed level? Please explain the practicalities of what would occur on the ground and how this would be monitored, and the agreed level reached.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The level of mitigation deployed for particular activities and locations has been based on a risk assessment of potential effects. The system is by its nature proactive in identifying the need to apply more mitigation to works tasks with greater potential to generate dust emissions, and reactive in immediately responding to, visual appraisal of dust generation risks and meteorological conditions. In line with best practice, the dust deposition rate monitoring generates data that initially confirms that management measures are as effective as is expected (i.e. rates below 0.5g/m<sup>2</sup>/day) and then provides a point of reference to check for any erosion in the margin of ongoing delivery of the same high level of protection. The approach is intended to deliver effective ongoing protection to sensitive receptors, rather than being a short term alert system.</p> <p>(ii) See response to question AQ.1.10, the additional mitigation is secured through compliance with the measures set out within the CoCP (Doc Ref. 8.11(B)). In addition, the mitigation measures will be documented in the Dust Management Plan which will include additional control measures to be employed in the event of for example unfavourable weather conditions.</p> <p>(iii) The dust monitoring results will be collated weekly so works will not immediately link to dust monitoring results. However, the contractor will use visual appraisal of dust levels during works and will increase control measures or mitigation, if required based on the conditions at the time of works. If monitoring results indicate exceedance of the threshold</p>

ExQ1	Question to:	Question:
		then additional controls will be proposed to and agreed with the Environment Review Group.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC considers that this is principally a comment for consideration by the Applicant. It is envisaged by ESC that any additional mitigation will be secured through the CoCP and be implemented into each contractor's CEMP. As per AQ.1.11, the CoCP does not currently have satisfactory wording regarding this matter for corrective actions such as mitigation to be included within a contractor's CEMP [AS-273]. As such ESC recommends that the CoCP is updated to explicitly state the monitoring exceedance thresholds and that corrective actions should be taken to ensure impacts are brought well below exceedance thresholds. ESC expects the details of corrective actions to be defined by the contractors in the CEMP, once construction details are better understood. As such, ESC requests that CEMPs are agreed with the Council in advance of construction works commencing to ensure that corrective actions are satisfactory.</p> <p>ESC anticipates that mitigation measures may include measures such as temporarily halting of dust-generating activities during periods of adverse meteorological conditions, increasing the intensity of interventions such as water spraying, or extending the zones within which specific measures such as road surfacing are implemented. Any such measures would generally be proposed by the Applicant or its agents for consideration and agreement by ESC.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC considers that this is principally a comment for consideration by the Applicant. It is envisaged that any additional mitigation will be secured through the CoCP and be implemented into each contractor's CEMP. The CoCP does not currently have satisfactory wording regarding this matter for corrective actions such as mitigation to be included within a contractor's CEMP. As such, SCC recommends that the CoCP is updated to explicitly state the monitoring exceedance thresholds and that corrective actions should be taken to ensure impacts are brought well below exceedance thresholds.</p> <p>SCC expects the details of corrective actions to be defined by the contractors in the CEMP, once construction details are better understood. As such, SCC requests that CEMPs are agreed with the Councils in advance of construction works commencing to ensure that corrective actions are satisfactory.</p>

ExQ1	Question to:	Question:
		<p>SCC anticipates that mitigation measures may include measures such as temporarily halting dust-generating activities during periods of adverse meteorological conditions, increasing the intensity of interventions such as water spraying, or extending the zones within which specific measures such as road surfacing are implemented. Any such measures would generally be proposed by the Applicant or its agents for consideration and agreement by the Councils.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed.</p> <p>As noted, in our response to <b>AQ.1.10</b>, SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed.</p> <p>The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> <a href="#">[REP2-056]</a>), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>
AQ.1.41	The Applicant, ESC	<p><b>Dust Emissions (Rail)</b></p> <p>(i) ESC in the [RR-0342] at paragraph 2.207 – please clarify if you are seeking screens/fences in relation to general earthworks across the main development site and associated development sites.</p>



ExQ1	Question to:	Question:
		(ii) Have further discussions progressed identifying the areas of concern? Please advise the ExA where these are and whether an agreed approach to protecting these receptors has now been reached?
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant notes that the approach to dust monitoring has been discussed and is being agreed with the Councils through the air quality mitigation plan, as recorded within the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>i) The request for screens/fences identified in paragraph 2.207 is targeted to the green rail route [RR-0342]. A similar request was also made for the northern park and ride (RR paragraph 2.168). This may still be pertinent when it comes to development of the CEMP.</p> <p>(ii) During a meeting with the Applicant, it was clarified that there are insufficient receptors for this to be a high-risk location. No further information is sought by ESC in relation to this point.</p> <p>As mentioned previously, a request for the CEMPs to be approved by the Council is proposed by ESC. This will enable the need for screens and fences in this location to be reviewed and agreed once construction details are finalised.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p> <p>The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> [<a href="#">REP2-056</a>]), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>

ExQ1	Question to:	Question:
AQ.1.42	The Applicant, ESC, PHE	<p><b>Human Health (particulate matter)</b></p> <p>Paragraph 12.6.11 of [APP-212] suggests that there could be a risk to human health if long term dust generating activities increase the baseline level within a receptor area. Do you consider the mitigation identified would be sufficient to avoid adverse effects to human health?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The mitigation identified is considered to be sufficient to avoid adverse impacts to human health, because the level of mitigation has been defined by the need to mitigate the higher risk of dust soiling impacts at receptors, rather than the lower risk of PM<sub>10</sub> impact; and such mitigation would also lessen the risk of potential PM<sub>10</sub> impact, as described at paragraph 12.6.12, and Table 12.16, <b>Volume 2, Chapter 12</b> (Air Quality) of the <b>ES</b> [APP-212].</p> <p>As detailed in <b>Volume 2, Chapter 12</b> of the <b>ES</b> (for main development site) [APP-212]; <b>Chapter 5</b> of <b>Volumes 3-9</b> of the <b>ES</b> (for associated developments) [APP-357, APP-387, APP-418, APP-454, APP-487, APP-517 and APP-548] and the <b>CoCP</b> (Doc Ref. 8.11(B)), localised changes in air quality during construction, are temporary; associated with specific activities; and not of a concentration or exposure sufficient to quantify any measurable adverse health outcome at any receptor.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>Construction mitigation is considered satisfactory to mitigate human health impacts associated with construction dust activities. However, as per paragraphs 19.25 through to 19.29 of the LIR [REP1-045] some recommendations have been made to strengthen mitigation. As mentioned within ESC's response to AQ.1.40, wording alterations to CoCP dust monitoring and agreement of CEMP with ESC should be included.</p> <p>Any increase in exposure to PM<sub>2.5</sub> would have an additional effect on human health, as there is no threshold for these effects. However, smaller increments in PM<sub>2.5</sub> have progressively smaller effects on health. Provided the controls on dust requested in the LIR are implemented, ESC considers that the controls on particulate matter due to dust generating activities would be sufficient to avoid significant adverse effects on human health.</p>
	<b>Response by Public Health England at Deadline 2</b>	<p>PHE's position is that pollutants, particularly particulate matter are non-threshold; i.e., an exposed population is likely to be subject to potential harm at any level and that reducing public exposures of non-threshold pollutants (such as particulate matter) below air quality standards will have potential public health benefits. We support approaches which</p>

ExQ1	Question to:	Question:
		<p>minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure), maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.</p> <p>PHE note that the applicant has reported in their Outline Dust Management Plan, that a Dust Management Plan will be prepared and include details of the monitoring. Whilst PHE have not had sight of the latter document, PHE consider that providing suitable particulate monitoring is in place at sensitive receptors and suitable mitigation measures are implemented based on review of monitoring data, then adverse effects would not be expected.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>An initial Statement of Common Ground was submitted at Deadline 2 [<a href="#">REP2-076</a>]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed. An updated Statement of Common Ground is anticipated to be submitted at Deadline 5.</p> <p>The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> [<a href="#">REP2-056</a>]), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>

ExQ1	Question to:	Question:
AQ.1.43	The Applicant, Natural England, ESC	<p><b>Ammonia Deposition</b></p> <p>It has been suggested that the ES fails to deal with ammonia deposition [RR-908] as would appear to be advocated by the Institute of Air Quality Management's 2020 Guidance and would also need to be carried out to comply with Natural England Guidance. Please respond to these specific concerns.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Ammonia emissions do not occur from the generating station stacks or emergency diesel generators. No assessment of ammonia concentrations from road vehicles has been included as ammonia emissions are not identified as pollutants requiring assessment by the guidance on assessing impacts from road traffic emissions (LA105) published by Highways England<sup>10</sup>. In addition, road traffic ammonia emissions are not included in the Defra toolkit<sup>11</sup> nor was it identified as being appropriate to consider in the <b>EIA Scoping Report</b> [APP-168] or <b>Scoping Opinion</b> [APP-169]. Ammonia emissions from road traffic are not expected to result in significant contributions at the habitat sites or any other receptor.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>[RR-0908] objects on three grounds a) '<i>only a limited number of receptor locations used for modelling</i>', b) '<i>no assessment of ammonia deposition</i>' c) '<i>proportions of the site immediately adjacent the road</i>'. This conflicts with Natural England guidance. Promoter should quantify or model the geographical extent of effects to enable consideration of potential ecological effects'.</p> <p>a) The receptor locations used for habitats are considered reasonable representations of worst-case impacts by ESC. Consequently, it is not considered necessary for additional receptor locations to be included.</p> <p>b) Accounting for ammonia emissions could potentially highlight increased impacts at designated habitat sites due to various emissions sources, but any increase in impacts would be very low and is not expected to indicate any new issues. Furthermore, in view of the uncertainties in placement of NRMM, a request for the highest emission standards for NRMM has been made by ESC in LIR [REP1-045] paragraph 19.31. This will tend to offset</p>

<sup>10</sup> Highways England. Sustainability & Environment Appraisal LA 105 Air quality. 2019. (Online) Available at: <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/LA%20105%20Air%20quality-web.pdf>.

<sup>11</sup> Department for Environment Food and Rural Affairs. Emissions Factors Toolkit (EFT) version 10.1. 2020. Available at: <https://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>.

ExQ1	Question to:	Question:
		<p>any impacts from ammonia emissions from NRMM. ESC will also carefully consider any further response from the Applicant on this question.</p> <p>Reviewing impacts at the section of habitat closest to the roadside is considered satisfactory to capture worst-case impacts from road traffic.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>There is growing evidence to support the significance of ammonia as a source of pollution from vehicle emissions. Ammonia is a source of nitrogen deposition and, in the context of our remit, can act in-combination with NOx to increase deposition experienced on a designated site. There is not currently an agreed government / peer reviewed approach on how to model ammonia from vehicle emissions.</p> <p>However, there is a recently developed ammonia emission calculator known as CREAM which has been developed by Air Quality Consultants (AQC). Given that ammonia from vehicle emissions is a source of nitrogen deposition not yet accounted for in road traffic assessment, it is recommended that it cannot be discounted from risk assessment, just because there is not an agreed national peer reviewed approach. CREAM is therefore currently the "Best Available Tool".</p> <p>To date Natural England has advised that the impacts of ammonia from vehicle emissions should be considered at the appropriate assessment stage, particularly where case specific circumstances would benefit from such an analysis. This is the recommended interim approach until the importance of this source is better understood and peer reviewed assessment tools are available. The long-term aim will be to require ammonia from vehicles to be assessed at the in-combination stage of Screening.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.45	The Applicant, ESC	<p><b>Stratford St Andrew AQMA</b></p> <p>Please advise on the latest position in respect of the assessment of air quality in the Stratford St Andrew AQMA and whether the assessment is now considered robust indicating whether there remain concerns on the assessment undertaken or whether the additional sensitivity testing has now resolved any concerns in this area.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant notes that the robustness of the assessment in the Stratford St Andrew AQMA has been discussed and is being agreed with the Councils through the air quality mitigation plan, as recorded within the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	Mitigation proposed by the Applicant sufficiently minimises the likelihood of significant impacts. Provided this is satisfactorily secured in the CoCP or other documents, this is considered robust and ESC would not have further concerns regarding this issue. Refer to paragraph 19.1 of the LIR [REP1-045] for further details.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.46	The Applicant, ESC, SCC	<b>Stratford St Andrew AQMA</b> In paragraph 2.153 of the Council RR concern was expressed in respect of the speed of traffic continuing to exceed the speed limit and accelerating such that there remained concerns about the level of NOx. Does this concern remain?
	<b>Response by SZC Co. for Deadline 2</b>	A series of engagement meetings have been held between SZC Co, ESC and SCC that focus on issues raised in the relevant representations. In response to the comments received and additional engagement, further work has been undertaken and consulted on with ESC and SCC including sensitivity testing of emissions at different vehicle speeds within the Stratford St Andrew AQMA. The methodology and sensitivity testing report are presented in <b>Volume 3, Appendix 2.7.A</b> (Stratford St Andrew AQMA Sensitivity Test) of the <b>ES Addendum</b> [ <a href="#">AS-127</a> ].
	<b>Response by East Suffolk Council at Deadline 2</b>	The impacts of speeding upon NOx emissions is still a concern for ESC. However, this does not apply specifically to traffic associated with the Applicant and ESC will continue to monitor and review air quality within Stratford St Andrew. ESC no longer seeks to pursue this during Examination due to the Applicant's commitment to Euro VI targets that has tipped the balance so that emissions are not likely to cause an exceedance of the objectives.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC defers to ESC in relation to this matter.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.47	The Applicant, ESC	<p><b>Stratford St Andrew and Woodbridge AQMA</b></p> <p>(i) In light of the proposed development do you agree that both AQMAs would remain within legal limits assuming the worst-case scenarios for traffic movements?</p> <p>(ii) Is there an agreed management and monitoring approach through the lifetime of the project?</p> <p>(iii) How will traffic from other projects be taken into account to ensure that air quality standards will be maintained?</p> <p>(iv) In the event there is congestion on the A12 what would be in place to monitor this, and ensure air quality remained within acceptable levels within Woodbridge and Stratford St Andrew AQMAs but also would not adversely affect other areas?</p> <p>(iv) What would be in place to secure appropriate mitigation?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>i) Sensitivity testing has been undertaken to support the assumptions of the transport emissions assessment. No exceedances of air quality standards are predicted in the AQMAs as a result of the development, as reported in the <b>Volume 3, Appendix 2.7.C</b> (Transport Emissions Assessment) of the <b>ES Addendum</b> [<a href="#">AS-127</a>].</p> <p>ii, iv) Ongoing discussions are being held with ESC regarding an agreed management and monitoring approach. It is agreed between the Applicant and ESC that NO<sub>2</sub> monitoring undertaken by the Council will continue to be supported financially by SZC Co.</p> <p>iii) A detailed assessment of the cumulative effects of transport emissions in combination with other schemes (including SPR EA1N and EA2) has been undertaken, the results of which are presented in <b>Volume 1, Chapter 10</b> (Project-wide, Cumulative and Transboundary Effects) of the <b>ES Addendum</b> [<a href="#">AS-189</a>]. No significant effects or exceedances of air quality standards are predicted. Once SZC is constructed and operational, it will become part of the baseline to be considered by future projects thereafter. Similarly, projects coming forward now should take into account the predicted effects of SZC traffic through use of a modified baseline and consideration of cumulative effects.</p> <p>iv) In response to the Relevant Representations and the engagement, SZC Co. has committed to construction HGV vehicles meeting Euro VI emissions performance</p>

ExQ1	Question to:	Question:
		standards, as confirmed in the <b>CoCP</b> (Doc Ref. 8.11(B)). SZC Co. has shared an Air Quality Mitigation Plan with the Councils which sets out how the improved commitments could be implemented, as recorded within the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) The management and mitigation of HGVs and associated emissions to air is still under discussion between ESC and the Applicant. It is difficult to accurately forecast air quality trends within the AQMAs in the light of wider issues such as the effect of Covid-19 epidemic and lockdowns on traffic movements and vehicle fleets. However, it seems likely on balance that both AQMAs will remain within legal limits, particularly with the Applicant's commitment to Euro VI targets. Provided appropriate mitigation of HGV emissions is satisfactorily secured in the CoCP or other documents, ESC considers that the impacts of the proposed development within both AQMAs would remain acceptable. The worst case has been assumed to be the early years traffic scenario before the Two Village bypass is completed. However, as a precautionary measure the number of HGVs passing through the AQMA should be capped until such time as the Two Village bypass is open for use.</p> <p>(ii) The pre-submission details shared by the Applicant with ESC suggest an acceptable mitigation strategy.</p> <p>(iii) ESC has taken into account the potential for in-combination impacts with other projects, specifically the East Anglia One North and East Anglia Two windfarm developments and secured similar mitigation of HGV emissions from this development.</p> <p>(iv) The relevant air quality standard is for annual mean concentrations, and short-term impacts such as congestion would not be expected to significantly affect this conclusion. In the longer term, ESC understands that the proposed development is not forecast to result in a significant increase in congestion on the A12 that could affect the AQMAs. Air quality monitoring in the AQMAs will continue and can be used to trigger the need for additional mitigation to be agreed with the Applicant, if this is required.</p> <p>(v) Mitigation will be secured through an appropriate management plan, under development between the Applicant and ESC.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.



ExQ1	Question to:	Question:
AQ.1.50	EA	<b>Concrete Batching Plants</b> Are the EA satisfied with the level of information on concrete batching plants and are you satisfied sufficient dust controls are/would be in place to meet appropriate safety standards to protect both human and ecological receptors?
	<b>Response by SZC Co. for Deadline 2</b>	No further response from SZC Co. is required
	<b>Response by Environment Agency at Deadline 2</b>	More detailed analysis and drawings of site layout would allow us to be certain that reasonable mitigation has been achieved.
	<b>Response by SZC Co. for Deadline 3</b>	The siting of any batching plant and proposed dust control measures for concrete batching would be determined at the construction phase and manage through the CEMP.
AQ.1.51	ESC, EA, Natural England	<b>Haul Routes</b> (i) The applicant has indicated that haul routes would be hard surfaced 'where practicable' – do you consider this approach to be adequate to safeguard sensitive receptors? (ii) Are there specific locations you consider that a more robust approach should be required, or should a more robust approach be provided across the main development site and associated development sites?
	<b>Response by SZC Co. for Deadline 2</b>	The wording relating to surfacing of haul routes has been discussed between the Applicant and the Councils and proposed wording is included in the Air Quality Mitigation Plan, as recorded within the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12).
	<b>Response by East Suffolk Council at Deadline 2</b>	i) Hard surfacing "where practicable" is not considered to be fully satisfactory. ESC considers that the approach should be to provide hard surfacing where appropriate, in consultation with ESC if necessary within the CoCP (LIR 19.26 [REP1-0045]). ii) In other locations, alternative forms of mitigation (e.g. limit on vehicle speeds) would be sufficient. Rather than identifying specific locations ESC has suggested a methodology for hard surfacing site selection (paragraph 19.26 of the LIR [REP1-045]).
	<b>Response by Environment Agency at Deadline 2</b>	This approach would be appropriate and allows for improvements to be made where required.

ExQ1	Question to:	Question:
	<b>Response by Natural England for Deadline 2</b>	We are currently satisfied with the locations of haul routes in respect to sensitive receptors and consider the mitigation proposed in the CoCP and Outline Dust Management plan sufficiently robust.
	<b>Response by SZC Co. for Deadline 3</b>	An initial Statement of Common Ground was submitted at Deadline 2 [ <a href="#">REP2-076</a> ]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. An updated Statement of Common Ground is anticipated to be submitted at Deadline 5.
AQ.1.60	Natural England, ESC, EA	<p><b>Back Up Generators</b></p> <p>[APP 212] Paragraph 12.6.65 indicates that the NO<sub>x</sub> level would be 428% of the critical level at Sizewell Marshes SSSI and that daily exceedances would also occur at other sensitive ecological receptors:</p> <p>(i) Do you agree that the short term exposure is less important?</p> <p>(ii) Is the level at 428%, albeit likely to be for a short period, tolerable such that any sensitive receptor exposed to these levels of NO<sub>x</sub> would be expected to recover?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The assessment of the impacts against the daily critical level was carried out based on the assumption that one Emergency Diesel Generator (EDG) operates continuously throughout the whole year, in order to ensure that the meteorological conditions that lead to the worst case impact were taken into account.</p> <p>Each diesel generator will only be tested on an individual basis, for a period of 60 hours per year. The only time any generator will be tested for a full 24 hour period is following a maintenance outage, and therefore it will be an infrequent event.</p> <p>The assessment was also based on the EDG that was positioned closest to the Sizewell Marshes SSSI, again leading to the worst-case results. The EDGs that are further away from the SSSI, result in impacts that are half those presented in the assessment. In addition, the impacts from the smaller Ultimate Diesel Generator (UDG) engines would not lead to any exceedances.</p> <p><b>Section 5 of Volume 2, Appendix 12C</b> of the <b>ES</b> [<a href="#">APP-214</a>] provides statistical analysis of an exceedance of the daily NO<sub>x</sub> impacts actually occurring. This concluded that there is a 1.6% chance of the operation of the diesel generators occurring at the same time when</p>

ExQ1	Question to:	Question:
		the meteorological conditions would lead to an exceedance of the daily NO <sub>x</sub> Critical Level, and it is considered very unlikely that this would actually occur. This analysis does not take into account the frequency of actual operation over a 24 hour period, the positioning of the diesel generators (i.e. is only based on the generator that leads to the worst case impacts), nor does it take account of the testing of the smaller UDGs). Therefore, the likelihood of an exceedance is would be even lower than 1.6%.
	<b>Response by East Suffolk Council at Deadline 2</b>	(i) ESC has not made any comment on the relevant significance of the short-term and long-term air quality critical levels for NO <sub>x</sub> . Nevertheless, ESC considers that this is not justification for screening out short-term (24hr NO <sub>x</sub> ) impacts. (ii) It is not clear whether these daily mean NO <sub>x</sub> contributions were subject to ecological assessment to determine if significant impacts could occur as a result of the forecast exposure levels. ESC has raised this as a concern with the Applicant, but would expect that authoritative advice would be provided by Natural England.
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.
	<b>Response by Natural England for Deadline 2</b>	It is the case that short-term exposure tends to be given less weighting in an assessment than the annual average.  The applicant provides an argument regarding the realistic operational hours of the diesel generator G and likelihood of worst-case MET data co-occurring. Whilst it is reasonable to make an argument as to why the daily NO <sub>x</sub> exceedance is not of concern in this specific case, this must be underpinned by clear evidence. The applicant has gone some way toward doing this, but it lacks clarity and detail. Reliance is placed upon the rate of recovery in the justification however no evidence as to the time taken for the specific habitat type to recover (which will vary) is provided. Given the extremely high process contribution and exceedance the applicant must provide reassurance that this will not

ExQ1	Question to:	Question:
		cause long term damage to the site and each of its notified features. This argument needs to be much clearer to justify such a large exceedance.
	<b>Response by SZC Co. for Deadline 3</b>	Further work is being undertaken in consultation with the Environment Agency as part of the Environmental Permit application determination process to refine the modelling scenarios to better represent the realistic worst case scenarios that may occur. This is being done to provide more realistic predicted effects.
AQ.1.61	Natural England, ESC, EA	<p><b>Back Up Generators</b></p> <p>[APP 212] Paragraph 12.8.3 indicates that there could be significant adverse effects from NO<sub>2</sub> concentrations, and this could exceed air quality strategy objectives:</p> <p>(i) Please comment on this assessment and whether you regard this as reasonable in light of the likelihood of these circumstances occurring as being 'once in the lifetime of a fleet of nuclear sites'.</p> <p>(ii) Even in accepting this is an unlikely scenario would it lead to an exceedance of any statutory limits?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The only exceedance assessed in the event of a loss of off-site power was for human health impacts, for the hourly NO<sub>2</sub> (as the 99.8th percentile) air quality strategy (AQS) objective.</p> <p>i. <b>Table 5-2 of Volume 2, Appendix 12C</b> of the <b>ES</b> <a href="#">[APP-214]</a> details that this exceedance is only predicted to occur at the point in Sizewell village closest to the Sizewell C site, with a predicted environmental concentration representing 105% of the hourly NO<sub>2</sub> AQS (therefore only slightly over the AQS) and at one other individual residential property.</p> <p>The use of the 99.8<sup>th</sup> percentile allows for the exceedance of the hourly NO<sub>2</sub> air quality strategy objective for 18 hours per year. An exceedance of the objective could only occur if the loss of off-site power event lasted for more than 18 hours, and even then, only if the meteorological conditions resulted in emissions being dispersed towards two specific receptor locations. Given how unlikely a</p>

ExQ1	Question to:	Question:
		<p>loss of off-site power event is to occur, an exceedance is considered highly unlikely to occur.</p> <p>ii. As stated above, an exceedance of the objective could only occur if the loss of off-site power event lasted for more than 18 hours, and if the meteorological conditions resulted in emissions being dispersed towards two specific receptor locations. It is considered highly unlikely that these two events would occur concurrently, and that an exceedance could occur.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) ESC agreed with the Applicant's analysis of exceedance probability within Appendix 12C, page 50 [APP-213]. This demonstrated that the probability of an exceedance is acceptably low.</p> <p>(ii) ESC notes that 18 exceedances per year of the 1 hour mean air quality strategy objective for nitrogen dioxide are permitted, and therefore this scenario is not considered to comprise an exceedance of a statutory limit.</p>
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.
	<b>Response by Natural England for Deadline 2</b>	Loss of off-site power is not assessed for ecological impacts. Given the significant emissions of NO <sub>2</sub> (a source of N) evident from the human health assessment, it should also be considered for ecological receptors. The applicant states "once in the lifetime of a fleet of nuclear sites" which lack clarity and is not quantified. This should be compared the daily NO <sub>x</sub> maxima.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.66	The Applicant, ONR, Environment Agency, Natural England, PHE	<p><b>Tritium Gas</b></p> <p>Please comment on the concerns raised in [RR-785] in respect of the potential release of tritium gas and any controls that would be in place to safeguard human health and ecology.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>In England and Wales, radioactive discharges are regulated under the Environmental Permitting Regulations 2016 (EPR16) to ensure that the radiological impact to members of the public and the environment remain well below internationally agreed limits and to protect both human health and the environment.</p> <p>In May 2020, Sizewell C applied for a 'Radioactive Substances Activity' Environmental Permit under EPR16. This proposed a set of limits for all routine discharges of radioactivity from the future Sizewell C power station that will not be exceeded under routine operations, along with an assessment of the impacts to Human Health and the Environment from these discharges (which is also included within <b>Volume 2, Appendix 25B</b> of the <b>ES</b> [<a href="#">APP-341</a>]). This includes the release of gaseous tritium to the atmosphere.</p> <p>The assessment showed that the radiation exposure associated with the routine discharges at these limits are well below all dose constraints and legal limits and 200 times lower than the average radiation exposure a member of the UK public receives from natural sources of radioactivity such as the food we eat, the water we drink, and the air we breathe.</p> <p>In addition annual monitoring of radioactivity in the Sizewell area is undertaken by the UK Environment Agencies and Food Standard Agencies as part of the 'Radioactivity in Food and Environment' Programme. This has been undertaken for over 25 years and includes monitoring of Tritium. The most recent publication, RIFE-25 (2019)<sup>12</sup> has shown that there are no detectable levels of Tritium in the Sizewell area, as a result of the operation of Sizewell A or B, and the addition of Sizewell C is not expected to alter this position.</p>
	<b>Response by ONR Deadline 2</b>	<p>Approximately 95% of tritium discharges are in liquid form, not gaseous, with systems included within the EPR design to preferentially partition tritium in aqueous waste. The principle of minimisation at source is applied for tritium in the EPR reactor design. Aqueous form is considered preferable as discharges to the marine environment have a lower dose per unit discharged than that of gaseous releases to atmosphere.</p>

<sup>12</sup> East Suffolk Council (ESC) (2020). Local Plan <https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-Local-Plan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf>

ExQ1	Question to:	Question:
		Discharges of tritium form part of the requirements for the environmental permit issued by the Environment Agency (EA) and therefore questions on safeguards to human health and the ecology as a result of the discharges would be best answered by the EA
	<b>Response by Environment Agency at Deadline 2</b>	Any discharges of tritium from the proposed nuclear power station will be subject to limits and conditions placed via a Radioactive Substances Activity permit under EPR 16. The applicant has applied for a Radioactive Substances Activity permit and we are in the process of determining that application. The applicant has provided a prospective radiological impact assessment which covers the impact of proposed tritium discharges in the environment. As part of our permit determination process we will verify the Applicant's radiological impact assessment as well as undertaking our own independent assessment of radiological impact. We also monitor levels of tritium in the environment as part of our ongoing monitoring of radioactivity in the environment and we undertake regional monitoring of tritium in drinking water sources to meet the UK's obligations under the Euratom treaty. The results of our monitoring are provided in our Radioactivity in Food and the Environment report ( <a href="https://www.gov.uk/government/publications/radioactivity-in-food-and-the-environmenttrife-reports">https://www.gov.uk/government/publications/radioactivity-in-food-and-the-environmenttrife-reports</a> ). We have reviewed the results of our tritium monitoring in natural water sources in the Sizewell area (1998-2019) and the majority of results show levels of tritium at or below the limit of detection (<4 Bq/l) and all results are well below the investigation level for drinking water of 100 Bq/l set in European Directive 2013/51. Our 2019 monitoring of drinking water sources in England and Wales showed levels of tritium at or below the limit of detection at all locations. Local water supply companies also perform monitoring of their drinking water sources to demonstrate compliance with water quality requirements, however we do not have access to that data
	<b>Response by Public Health England for Deadline 2</b>	Discharges of radioactivity from nuclear power plants during normal operations in England and Wales are regulated by the Environment Agency according to the principles of optimisation and use of Best Available Techniques. There is substantial scientific evidence which suggests that the controlled and regulated release of low level radioactivity from nuclear power plants does not cause serious illnesses and presents a very low health risk to people residing in the vicinity. Annex A of the 2012 Report of the UN Scientific Committee on the Effects of Atomic Radiation, entitled 'Attributing health effects to ionizing radiation exposure and inferring risks', provides a detailed review of the risks associated with ionising radiation at all levels and in particular at the level associated with controlled and regulated release of low level radioactivity from nuclear power plants.

ExQ1	Question to:	Question:
		<p>It should be noted that detection of tritium in drinking water is not an indication per se that there is a risk associated with this radionuclide; tritium has a low radiotoxicity and monitoring systems used to measure radioactivity in the environment are able to detect very low levels. Regular monitoring of radioactivity carried out around nuclear power plants as well as models used to predict the dispersion of radionuclides in the environment have not shown that tritium in drinking water (or any other environmental material) due to discharges from nuclear facilities poses a radiological risk to the UK population. The Radioactivity in Food and the Environment (RIFE) report series available on the gov.uk website (<a href="https://www.gov.uk/government/publications/radioactivity-in-food-and-the-environment-rife-reports">https://www.gov.uk/government/publications/radioactivity-in-food-and-the-environment-rife-reports</a>), include detailed information on the regular monitoring of radioactivity performed around nuclear facilities in the UK.</p> <p>Our assessment of potential additional numbers of cancer fatalities or possible increase in cancer incidence rates associated with discharges from new nuclear power plants built in the UK, shows that the collective dose associated with releases from all possible facilities planned to be built will be very low (0.6 personSv to the UK population and 90 personSv to the world population) indicating that the expected increase in cancer incidence rates and fatalities will be negligible compared to the natural cancer incidence rate and number of fatalities. Our assessment is described in the paper Jones, A. L., et al. (2013). Assessing the possible radiological impact of routine radiological discharges from proposed nuclear power stations in England and Wales. Journal of Radiological Protection 33: 163-174.</p>
	<b>Response by Natural England for Deadline 2</b>	On this issue we defer to Environment Agency who have Habitats Regulations Assessment (HRA) guidance for radioactive substances. Tritium gas is readily absorbed by the body and distributed so could be of concern for wildlife at the least.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.67	The Applicant, SCC	<p><b>Mitigation</b></p> <p>In the Air Quality Chapter [APP-212] you refer to primary mitigation as 'minimising' freight movements on roads in light of the other delivery methods envisaged via rail and sea.</p> <p>(i) Is it really fair to say these movements would be minimised when to date neither the rail nor sea alternatives are confirmed, or to what degree they could operate?</p>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>The work undertaken by the Applicant ensures that freight movements by road would be minimised.</p> <p>The Applicant's responses to questions <b>TT.1.1</b> and <b>TT.1.12</b> explain why approximately 40% of construction materials require HGV transport (see also paragraphs 2.1.12-13 of the <b>Freight Management Strategy</b> [<a href="#">AS-280</a>]). The remaining circa 60% of imported material would be transported by rail or sea.</p> <p>The 40% road modal transport allows reduction from the original 325 daily typical HGV deliveries (in the original <b>Transport Assessment</b> [<a href="#">AS-017</a>]) to 250 HGV deliveries. Control will be provided by maximum daily limits on HGV movements in the <b>Construction Traffic Management Plan</b> (Doc Ref. 8.7(A)). Accordingly, it is correct to say that freight movements on roads would be minimised.</p> <p>The Applicant has designed, applied for and is committed to providing the additional capacity by rail and sea which will be necessary to enable HGV movements to be reduced to their minimum mode share.</p> <p>If it transpires that the additional rail or marine capacity is not acceptable (to the Examining Authority and the Secretary of State), the application will have tested and determined the full capacity of non-HGV capacity. By definition, in those circumstances, the HGV mode share will have been minimised. It will be apparent that there are no feasible ways of reducing HGV movements.</p> <p>The statement is fair, and the application will conform with the requirement in NPS EN-1 at paragraph 5.13.10 to prefer water-borne or rail transport where cost-effective.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC considers that the ExA is referring to the 3rd bullet point of 12.5.3 [APP-212] (i). If this is the text referenced, then ESC agrees with the ExA's comments. Freight movements could be reduced, if not minimised, by committing to the January 2021 freight management strategy, which envisages greater transportation of material by sea and rail.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(iii) SCC agrees that this is a valid question. SCC has raised concerns, both at numerous (iv) occasions with the Applicant, and in the Local Impact Report (e.g. para 15.4 [REP1-045]),</p> <p>(v) that we had yet to see the evidence that the measures to achieve an increased proportion</p> <p>(vi) of rail transport and sea borne transport are deliverable at the time required by the</p> <p>(vii) project to mitigate its impact on the road transport network.</p>

ExQ1	Question to:	Question:
		<p>(viii) In addition, SCC has not seen evidence that, if the proposed increases in rail and sea</p> <p>(ix) deliveries are achievable and if they may have spare capacity, that they 'minimise' freight</p> <p>(x) movements by road as much as reasonably possible, i.e. that the proportion of materials</p> <p>(xi) being brought to site using rail and sea-borne transport modes cannot be increased</p> <p>(xii) further beyond the 60% proposed by the Applicant.</p> <p><b>See answer to Question AL.1.10 for further detail.</b></p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has responded to the issues raised by SCC in its Response to Written Representations (Doc Ref. 9.28). SZC Co. has confidence in the proposed Freight Management Strategy and has committed to limits on HGV movements as a result, which protect against the concerns expressed.</p>
AQ.1.69	ESC, SCC	<p><b>Mitigation</b></p> <p>The Outline Dust Management Plan [APP-213] would be an essential part of the mitigation required to control construction activities on site.</p> <p>Do you consider it sufficiently precise that it would be enforceable?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant notes that further discussions have been held with the Councils to agree the mitigation measures to be required, as set out in the Air Quality Mitigation Plan (refer to the <b>Statement of Common Ground</b> (Doc Ref. 9.10.12)).</p> <p>The measures set out in <b>Table 4.1</b> of the <b>CoCP Part B</b> (Doc Ref. 8.11(B)) have been informed by a dust risk assessment and development of an <b>Outline Dust Management Plan</b> provided in <b>Appendix 12A</b> of <b>Volume 2</b> of the <b>ES</b> <a href="#">[APP-213]</a>. The measures secured by <b>Table 4.1</b> of the <b>CoCP Part B</b> (Doc Ref. 8.11(B)) will be implemented by the contractors and the relevant measures set out in detail within the Construction Environmental Management Plan prepared by the contractor for the relevant stage of works. These measures are then secured by Requirement 2 of the <b>Draft DCO</b> (Doc Ref. 3.1(C)). Together these controls are considered to set out precise and enforceable mitigation measures.</p>

ExQ1	Question to:	Question:
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>The Outline Dust Management Plan is in the ES Annex 12A.1 [APP213]. ESC expects that as an outline plan, further details would be provided as the construction programme is developed and refined, and contractors are appointed.</p> <p>The Outline DMP refers to actions being taken “where possible” or “where practicable.” ESC expects that such comments should always be interpreted in the light of the relevant dust management guidance produced by the Institute for Air Quality Management, with a presumption that the measures identified from this guidance should always be adopted and, where appropriate, enhanced in the light of the specific features of this proposed development (e.g. scale and coastal setting of construction activities; see response to AQ.1.12).</p> <p>ESC considers that the Outline DMP is not fully enforceable at present, as would be expected at this stage. ESC will continue to discuss the Outline DMP with the Applicant and will seek to obtain firmer commitments to certain measures to render them fully enforceable. It is expected that with a requirement for the CEMP to be approved by ESC, the necessary specifics for enforceability can be introduced at this stage. Examples of DMP items for further clarification are provided below:</p> <ul style="list-style-type: none"> <li>• G1.4, seeking confirmation of which activities would be halted during adverse weather conditions</li> <li>• G2.2, two construction activities are listed as “significant dust generating activities.” Confirmation is sought regarding the significance status for all construction activities.</li> <li>• G2.4, seeking confirmation of which plant is considered to have “significant dust raising potential”</li> <li>• G4.1, seeking further details of how surface stripping would be managed in the light of likely variations in wind direction</li> <li>• G5.2, seeking confirmation of when scabbling would be required, the extent of this activity, and any further controls to be applied</li> <li>• G7.1, to update in the light of more recent commitments made in relation to HGVs conforming to Euro VI emission standard</li> <li>• G7.4, seeking clarification of when vehicle idling could be considered necessary and unnecessary</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• G7.5, seeking confirmation of the permitting status of stationary generators, and the arrangements that would apply if the stationary generators were not found to require a permit</li> <li>• M5.3, seeking clarification of how operations would be managed in the light of daily weather conditions. Would this be based on measured or forecast conditions, and what steps would be taken if adverse conditions were identified?</li> <li>• M5.4, seeking clarification of how the results of monitoring would be used to inform dust controls. What action would be taken in the event of an exceedance of a threshold, and what ongoing monitoring would be carried out to confirm that the problem had been addressed? Would site activities be halted pending agreement of steps to be taken? How would the appropriate authorities be involved in the process?</li> </ul>
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC defers to ESC, which will be responsible for enforcement of this measure, on technical matters related to enforceability.
	<b>Response by SZC Co. for Deadline 3</b>	<p>An initial Statement of Common Ground was submitted at Deadline 2 [<a href="#">REP2-076</a>]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed.</p> <p>An updated Statement of Common Ground is anticipated to be submitted at Deadline 5. The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management measures therefore demonstrating compliance with the requirements of the DCO (including this CoCP), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure</p>

ExQ1	Question to:	Question:
		that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.
AQ.1.72	The Applicant, ESC, SCC	<p><b>Code of Construction Practice</b></p> <p>The CoCP contains general phrases such as 'where possible' and 'will seek to ensure'. In such circumstances how would the local authorities be able to enforce compliance?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The <b>CoCP</b> (Doc Ref. 8.11(B)) includes a range of targets and measures that would be defined and measured by contractors during the course of construction works. Detailed construction methodologies will be set out within the Construction and Environmental Management Plans that each contractor would prepare for a relevant stage of the construction stage. These would be reviewed and agreed with SZC Co.</p> <p>The absolute dust emission rate for any given task can not be known with complete certainty prior to the task starting and this is why best practice is based on a risk based approach that is able to respond to changing conditions, to maintain control of emissions of dust on each task and across the site as a whole. Monitoring and reporting measures will be used to demonstrate that contractors applying measures '<i>where possible</i>' and '<i>seeking to ensure</i>' they control emissions as required, are effective in doing so.</p> <p>Monitoring and enforcement from East Suffolk Council would be secured through the monitoring and reporting measures agreed in the <b>CoCP</b> (Doc Ref. 8.11(B)) and through the Environment Review Group secured by the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)). This approach represents best practice in securing the type of measures set out within the CoCP.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC considers it acceptable to have some conditional wording for controls on construction operations at this point, in view of uncertainties in the construction programme – these should become more developed as the Implementation Plan evolves. ESC considers that it is most important to establish principles for dust control at this stage, with the details to be completed in the light of these principles. ESC will continue to work with the Applicant to refine and improve the CoCP and associated documents.</p>

ExQ1	Question to:	Question:
		For some key sources of pollution such as HGV traffic, ESC is in discussion with the Applicant to eliminate caveats such as "where possible." The use of ambiguous phrasing is not helpful and can lead to problems with enforceability.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC would prefer that ambiguous phrases like this are replaced (noting that PINs guidance "Drafting Development Consent Orders" (July 2018, section 3) requests that ambiguous wording should be avoided), but we defer to East Suffolk Council to comment further on enforceability.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AQ.1.76	The Applicant, ESC (part ii), SCC (part ii)	<p><b>Mitigation</b></p> <p>The revised Mitigation Route Map [AS 276] has added for the Main Development Site</p> <p><i>" Use of contractor vehicles as far as practicable that meet the Euro VI emissions standards and Euro V standards (98/69/EC) as a minimum, unless otherwise agreed with the local authority.</i></p> <ul style="list-style-type: none"> <li>• <i>Use of non-road mobile machines as far as practicable and available that meet the Stage IV engine standards of the NRMM Emission Standards Directive to minimise NOx and particulate emissions on site."</i></li> </ul> <p>(i) This wording is not consistent across the main development site and other associated sites – is there a reason for this?</p> <p>(ii) Do the Councils consider that as reworded this is sufficiently robust?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The intent is the same for the Main Development Site and Associated Developments. The <b>Mitigation Route Map</b> (Doc Ref. 8.12(B)) submitted for Deadline 2 has been updated accordingly.</p> <p>A draft air quality mitigation plan is currently under discussion with the Councils. The draft mitigation plan has been updated in response to comments received from the Councils and to specify the commitments made to the use of Euro VI and Stage IV emissions performance, with only a percentage of vehicles/ plant to be exempt from meeting those standards (refer to <b>Statement of Common Ground</b> (Doc Ref. 9.10.12)).</p>

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	(ii) No, ESC do not consider this to be robust and have suggested amendments to the wording of HGV and NRMM engine standards within paragraphs 19.30 and 19.31 of the LIR [REP1-045], respectively.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC does not consider the rewording is sufficient. We would like to refer the ExA to the requirements proposed for East Anglia One North and East Anglia Two: Recognising the risk to the Stratford St Andrew AQMA, the SPR Outline Construction Traffic Management Plan (Rev 5) section 5.1.5 (see <a href="https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010078/EN010078-004789-8.9%20EA2%20Outline%20Construction%20Traffic%20Management%20Plan%20(Tracke d).pdf">https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010078/EN010078-004789-8.9%20EA2%20Outline%20Construction%20Traffic%20Management%20Plan%20(Tracke d).pdf</a> ) sets out the requirements and controls agreed with the Councils for that project. This includes a requirement that if either SPR project overlaps with SZC there would be a requirement that ensures 70% of SPR's HGVs are of a Euro VI standard. SCC would expect similar proposals and monitoring for Sizewell C. This is also set out in our LIR (particularly para 19.30 [REP1-049]).
	<b>Response by SZC Co. for Deadline 3</b>	An initial Statement of Common Ground was submitted at Deadline 2 [ <a href="#">REP2-076</a> ]. Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. An updated Statement of Common Ground is anticipated to be submitted at Deadline 5. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.
AQ.1.78	The Applicant, ESC, SCC	<b>CoCP</b> Table 4.2 refers to regular inspection and monitoring and this terminology is used in several places. Regular could ostensibly be once a year, While, it is assumed this is not the intention is there a more precise term that could be used to ensure maintenance and monitoring is undertaken expeditiously?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>The approach to inspection monitoring will be secured through compliance with the <b>CoCP</b> (Doc Ref. 8.11(B)), as required by Requirement 2 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>The detailed Dust Management Plan will specify the frequency of inspections – for some parameters this may be daily when works are being undertaken. Monitoring during construction will also be included in the Dust Management Plan. Dust monitoring results will be reported to the Councils monthly throughout the monitoring period and reviewed through the Environment Review Group (ERG), to which the Councils will be a participant.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC understands that Table 4.2 acts as a framework for contractors to base their CEMPs upon [AS-273]. It will be the CEMPs that should contain more detail on the monitoring frequency. Currently there is no commitment within the CoCP for CEMPs to be approved by the local authority. As per previous responses such as AQ.1.40, CoCP wording should be amended to require approval of the CEMP by ESC. This will provide a check on more detailed dust monitoring plans in the CEMP. ESC note the ExA's concerns and will work with the Applicant to develop an improved level of detail within the CoCP, DMP and CEMPs. For example, see response to AQ.1.72.</p>
	<b>Response by Suffolk County Council by Deadline 2</b>	<p>SCC would prefer that ambiguous phrases like this are replaced (noting that PINS guidance "Drafting Development Consent Orders" (July 2018, section 3) requests that ambiguous wording should be avoided), but we defer to East Suffolk Council to comment further.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>An initial Statement of Common Ground was submitted at Deadline 2 [<a href="#">REP2-076</a>].</p> <p>Further constructive dialogue has been held between SZC Co. and ESC as part of the drafting of the Statement of Common Ground between the parties. This has addressed the points raised by ESC at Deadline 2 and proposed construction dust monitoring and control measures have been agreed. SZC Co. will share relevant dust and air quality monitoring data with the local authorities on a frequency to be agreed.</p> <p>The Construction Environmental Management Plans are SZC Co.'s tool in ensuring that the work undertaken by contractors is in accordance with the controls set out by the DCO. Contractors will use the SSMP's and other project requirements provided to them to produce their CEMP. The CEMP will contain a description of their work activities and the appropriate risk assessment and mitigation associated with the activities. The CEMP will show how the contractor intends to implement the associated environmental management</p>



ExQ1	Question to:	Question:
		<p>measures therefore demonstrating compliance with the requirements of the DCO (including this <b>CoCP</b> [<a href="#">REP2-056</a>]), and related permits, consents and licences.</p> <p>Due to the scale and complexity of construction works it would not be appropriate for each CEMP to be submitted to and approved by ESC. SZC Co. would however provide regular monitoring reports and information to ESC via the Environment Review Group to ensure that they have appropriate oversight of the project throughout the construction stage. SZC Co. will include additional details in the CoCP as part of Deadline 5 setting out the way in which monitoring would be agreed with the Local Authorities, including monitoring locations.</p>
<b>Chapter 5 - AI.1 Alternatives</b>		
AI.1.7	ONR	<p><b>Reactor design</b></p> <p>The Office for Nuclear Regulation (ONR) [RR-0911] explains that in June 2020, NNB Generation Company (SZC) Ltd applied for a nuclear site licence to allow it to install and operate two EPR™ reactors at the Sizewell C site. The design of the proposed twin reactor development at Sizewell C is closely based on that for the power station that is currently under construction at Hinkley Point C. ONR carried out an assessment of the generic EPR design in 2012 and concluded that it could be safely constructed and operated in the United Kingdom. Whilst the ExA appreciates that the ONR is currently assessing the nuclear site licence application, does it have any concerns at this stage in the light of experience and development of the EPR reactor since 2012 at Hinkley Point C?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No further response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	ONR has been regulating the activities of NNB GenCo (HPC) Ltd in relation to the construction of Hinkley Point C since we granted the company a nuclear site licence in December 2012. We are drawing on that experience to ensure that our approach to the licensing and subsequent regulation of Sizewell C construction is as efficient and effective as possible. Although this experience has provided ONR with useful learning, no matters of concern have arisen in our dealings with Hinkley Point C that undermine our view that we should be able to grant a licence for Sizewell C by mid-2022, provided NNB GenCo (SZC)

ExQ1	Question to:	Question:
		Ltd can provide the necessary reassurances in relation to its corporate competences and the acceptability of the SZC site.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Al.1.10	The Applicant, SCC	<p><b>Strategic alternatives for the movement of freight</b></p> <p>The Suffolk County Council [RR-1174] states that the Council does not support the Applicant's proposed freight transport strategy as it stands, and considers that it is still reasonably achievable to increase the proportion of rail and potentially sea-borne deliveries. In the light of the Applicant's strategic assessment of alternatives, and the Applicant's subsequent Changes to the original application, please indicate:</p> <p>(i) Why it is considered that an increased proportion of rail transport and sea-borne transport can be achieved without causing undue delay to the construction programme?</p> <p>(ii) Whether the changes to the application have overcome the SCCs concerns in this respect?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>There are potentially two parts to the question: why an increased proportion of rail and sea borne transport can be achieved and why that is possible without impacting adversely on the construction programme.</p> <p>The Applicant's position in relation to the potential for increased rail and sea-borne capacity is set out in <b>Part 1 of the Proposed Changes to the Application</b> [<a href="#">AS-281</a>], particularly from paragraphs 2.2.1 – 2.2.65. In addition, the Applicant's responses to <b>Questions Al.1.11-13</b> of this chapter explain why a temporary Beach Landing Facility is considered appropriate where an earlier proposal for a jetty was not.</p> <p>The Applicant's responses to <b>Questions TT.1.3</b> and <b>TT.1.5</b> in <b>Chapter 24 (Part 6)</b> of this report explain the deliverability of the rail capacity proposals.</p> <p>Close scrutiny of the potential for both marine and rail capacity took place in response to engagement with stakeholders and continuing design development. As a result, the freight management option which involves the use of 4 trains per day for up to 6 days per week, in combination with a second, temporary BLF for bulk materials assumed to be</p>

ExQ1	Question to:	Question:
		<p>operating at 70% of its campaign capacity and with HGV traffic taking c.40% of materials volume is SZC Co.'s preferred freight management option (see the <b>Freight Management Strategy</b> [AS-280], section 4).</p> <p>The revisions to the freight management strategy (through the enhancement of rail and marine capacity) do not adversely affect the construction timetable. The <b>Implementation Plan</b> is unaffected in principle and the Applicant's response to <b>Question AI.1.4</b> of this chapter explains the credibility of deployment by 2035.</p> <p>In this context, it may be helpful to briefly explain that:</p> <ul style="list-style-type: none"> <li>• the proposed construction sequence involves an 'early years' stage which does not defer the project in advance of the completion of transport or accommodation related associated development; in view of the urgency of the project;</li> <li>• the increase in train capacity (from 3 trains per day to 4) does not require any different or additional infrastructure;</li> <li>• the sequence of train capacity is unaltered – with the branch line works first opening up the capacity for 2 trains per day to Land East of Eastlands Industrial Estate;</li> <li>• the step up from 2 to 4 trains per day on the opening of the green rail route is unaffected in terms of timing compared with the original 3 trains per day assumption but would allow greater capacity (than a step up to 3 trains per day) and greater resilience in the overall programme;</li> <li>• the temporary BLF will be constructed whilst the early works stage is being undertaken; it does not affect that stage;</li> <li>• again, the commissioning of the temporary BLF will support rather than slow the programme.</li> </ul>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>(i) It is not clear to us whether the question refers to (a) an increased proportion of rail and sea-borne transport in relation to the proportion (around 40%) set in the original DCO submission; or (b) an increase beyond the proportion (60%) set in the DCO change application. Our response deals with each of these aspects separately:</p> <p>(a) With its change application, the Applicant has conceded that in its view, an increased proportion of rail and sea-borne, from 40% in the original submission to 60% in the change application can be achieved. The Applicant states that this can be achieved as</p>

ExQ1	Question to:	Question:
		<p>required for the construction programme timetable, although SCC has raised concerns about needing to evidence the deliverability.</p> <p>These concerns, that we had yet to see the evidence that these are deliverable at the time required by the project to mitigate its impact on the road transport network, were raised at numerous occasions with the Applicant, and in the Local Impact Report (e.g. para 15.4 [REP1-045])). Some of the outstanding issues to deliver the proposed rail strategy are summarised in the LIR Para 15.39 onwards. We have also not seen clear evidence that HGVs can be reduced to the levels indicated in the change documents.</p> <p>The Implementation Plan [APP-599] shows that delivery of the rail and marine infrastructure is at a similar stage in the programme to the highway mitigation, at the end of the Early Years Scenario. This implies no greater delays are forecast for the delivery of rail and marine transport than for road. SCC is not party to the detailed programming of the construction phase nor the associated risks so does not feel informed to comment in more detail.</p> <p>(b) SCC is not satisfied at the moment that the increased proportion set in the change application (60% by rail and sea) is the upper limit that can be achieved. We think a higher proportion can be achieved if the capacity of rail and marine modes allows for this, and we do not see why this should delay the programme.</p> <p>Both the marine and rail options have been shown by the Applicant to in theory deliver significant tonnages of materials, likely to be above the 60%, and the Applicant has not evidenced why 40% of materials have to be transport by HGV and thus the proportion of materials being brought to site using rail and sea-borne transport modes cannot be increased further beyond 60%. The Applicant states, but has not evidenced, that some specialist materials such as concrete powders have to be delivered by road. SCC considers that the Applicant has not fully explored the maximisation of delivery of materials by modes other than road and is not matching the aspirations of recently examined projects such as Wylfa New Nuclear Plant (while the Transport Assessment there was based on a minimum 60% of materials being delivered by sea, Wylfa's target was 80% - see ExA's recommendation report EN010007-003948-Recommendation Report - English.pdf (planninginspectorate.gov.uk) paragraphs 17.4.1 and 17.4.5) nor evidencing that it is matching the aspiration of the NPS. (see LIR [REP1-045] para 15.50)</p> <p>(ii) The changes to the freight management strategy, aiming to increase rail and seaborne transport, are broadly welcome by SCC; however, at this point, the changes in the</p>

ExQ1	Question to:	Question:
		<p>application have not yet overcome SCC's concerns, due to unknowns and outstanding matters in terms of:</p> <p>a) Uncertainty in the deliverability and timing of additional train movements, and lack of clarity in the timing of the construction of a second beach landing facility (as set out under (1) and in the LIR para 15.35)</p> <p>b) SCC is not satisfied at the moment that the increased proportion of deliveries by rail and sea set in the change application (60% by rail and sea) is the upper limit that can be achieved. Unless it is clearly evidenced why the proportion of materials being brought to site using rail and sea-borne transport modes cannot be increased further beyond 60%, a higher target should be set if the capacity of rail and marine modes allows for this (see part (1) (b) of the answer above).</p> <p>c) Concerns that adverse impacts of the transport strategy have not sufficiently been minimised and mitigated. This includes impacts from the additional night-time train movements as well as from road traffic. It should be noted that even when marine and rail deliveries are maximised, a substantial amount of additional traffic will be created as a result of the construction activity. The LIR sets out (in para 15.91 onwards) the negative impact on the highway network and (in Table 14-17) highway related mitigation that will, or may be, required, with a number of locations not being agreed by the Applicant.</p> <p>d) The residual carbon footprints, as even if sustainable transport modes of rail and sea are maximised, the carbon footprint of the construction traffic will be substantial. As set out in the LIR (para 21.3), SCC encourages the Applicant to consider ways to off-set the carbon footprint of the development.</p> <p>In summary, SCC considers the proposed changes in the freight management strategy, to increase rail and sea-borne transport modes, as important. If deliverable, and secured by suitable requirements and/or obligations, combined with a comprehensive mitigation package, the changes would make the application more acceptable to SCC. However, as set out in the LIR, many of the issues highlighted above remain unresolved and "work in progress"</p> <p>Due to the uncertainties around the deliverability, if the project is consented it is SCC's strong stated position that the DCO must include suitable controls and monitoring secured by requirements to ensure that mitigation is delivered in a timely manner and impacts on</p>

ExQ1	Question to:	Question:
		<p>communities do not exceed those assessed in the ES and Transport Assessment, as set out in the LIR.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co. and Horizon at Wylfa offered the same commitment for the movement of construction materials, i.e. 40% maximum by HGV. The Wylfa application gave no commitment to reduce HGV movements below that level. It is relevant, however, that the application at Wylfa involved a Material Off-loading facility (MOLF) of considerably greater potential and capacity than can be achieved at Sizewell. In particular, the MOLF would provide two purpose-built quays: a bulk quay (with two berths); and a Ro-Ro quay. The facility was described in the Wylfa application as follows:</p> <p><i>"The bulk quay would extend between the eastern breakwater and the Ro-Ro quay and comprise two berthing platforms, each with four mooring dolphins (i.e. eight on total). It would provide berthing facilities for bulk vessels and unloading facilities for bulk materials. The two berthing platforms would have approximate surface area dimensions of 65 m by 30 m. The area behind the platforms and dolphins would be filled to a platform level of between +5 m AOD or +6 m AOD, and would be protected by a rock armour revetment.</i></p> <p><i>The Ro-Ro quay would extend eastwards from the southern end of the bulk quay (i.e. towards the shoreline) and comprise a quayside used primarily for Ro-Ro vessels and Lift-on Lift-off (Lo-Lo) vessels, incorporating a ramp for ship to shore transfer of AILs, and Lo-Lo of equipment and materials by cranes. Its quay wall would be approximately 100 m in length and its quay surface would be set at a platform level of between +5 m AOD or +6 m AOD. The quay wall for the Ro-Ro ramp would be set at the same level as the bulk berth quay surface level with the toe of the sloping ramp used to receive AILs being at approximately +3.5 m AOD, thereby providing a shallow gradient up to the general quay level. The quay wall would continue towards the Cooling Water System intake and the base of the wall would match the level required for the Cooling Water System intake.</i></p> <p><i>In addition to the bulk and Ro-Ro quays, the MOLF would include a temporary layby berth that vessels could be moored against for short-term waiting until the destination bulk or</i></p>

ExQ1	Question to:	Question:
		<p><i>Ro-Ro berth is available. The berth would be located at the southern end of the western breakwater and consist of a series of berthing and mooring dolphin structures. The berth is remote from the land and would be accessed by small boats."</i></p> <p>The scale of the structure, the number of berths (3) and a significantly greater depth of water would allow access by a greater range, type, size and frequency of vessels. A MOLF has vehicular access allowing it to handle containerised and other goods of a type that cannot be brought via a BLF (or MBIF) which only supports a conveyer for bulk materials. The constraints at Sizewell do not make this scale of marine intervention practical.</p> <p>Please also see SZC Co.'s response to Chapter 15 of the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29), where SZC Co. discusses maximising delivery of materials by rail and marine in further detail in response to matters raised by SCC.</p>
Al.1.15	The Applicant	<p><b>Site selection for the Freight Management Facility</b></p> <p>The Planning Statement, Appendix A - Site Selection Report, section 8, sets out the site selection process for the Freight Management Facility (FMF). The representation of Highways England [RR-0468] points out that the facility would be located to the east of the A14 Orwell Bridge which is susceptible to periods of disruption and closures to traffic during inclement weather. It seeks clarity around the proposed FMF location including whether viable alternative locations west of the A14 Orwell Bridge have been identified, and the criteria used to select the proposed location. Please summarise the selection criteria and explain:</p> <p>(i) The consideration given to the likelihood of closures of the Orwell Bridge in the site selection process;</p> <p>(ii) the consideration of viable alternatives west of the Orwell Bridge.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Refer to responses to <b>Questions TT.1.17</b> and <b>TT.1.109</b> in <b>Chapter 24</b> in response to (i) and (ii) ( <b>Part 6</b> ).
	<b>Response by Highways Agency for Deadline 2</b>	Highways England awaits the applicant's response to ExA and will comment/respond if necessary by the 24th June deadline.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Al.1.28	The Applicant	<p><b>Site selection for the Sizewell Link Road</b></p> <p>The Planning Statement, Appendix A - Site Selection Report, paragraph 7.4.14, Route W is described as “<i>requiring engineering works to traverse the landform which would have had a significant adverse effect on the existing landscape character and there was the potential for the significant (sic) of several heritage assets to be affected adversely as a result of the route’s alignment.</i>” Yet in Table 7.1 in comparison with Route Z, the preferred option, there is very little difference in the summary presented in that table between the two options in terms of Landscape and Heritage. Given the level of engineering operations required to traverse the landform in the design progressed the Applicant is asked to explain in more detail why the Route W options have been discounted for the reasons set out in Table 7.1?</p>
	<b>Response by SZC Co. for Deadline 2</b>	This information is set out at <b>Chapter 4</b> of the <b>Sizewell Link Road Paper (Appendix 5D)</b> to this chapter). Section (iii) of that chapter explains why, including the landscape and heritage reasons, the Route W options (north and south) have been discounted. Please also see the response to <b>Question Al.1.31</b> of this chapter.
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT is concerned about the transport and traffic impacts of the Sizewell C Project. This includes harm from noise, air quality decline, and visual intrusions to the setting of the Leiston Abbey (second site) and to the visitor experience.</p> <p>EHT accepts that there is some potential mitigation embedded in the building of the SLR. The SLR route will, in part, direct traffic – and its associated impacts – away from Leiston Abbey (second site), but the overall level of traffic increase will have some effect, and also make accessing the Abbey site more difficult turning off the B1122 road, made busier by the Sizewell C Project.</p>
	<b>Response by SZC Co. for Deadline 3</b>	Further to the response by EHT at Deadline 2, the potential effect of increased traffic on the B1122 Abbey Road close to Leiston Abbey on the significance of the Leiston Abbey Group was considered in <b>Volume 2, Chapter 16</b> of the Environmental Statement [ <a href="#">APP-272</a> ]. Detailed discussions with EHT regarding measures to be included within the <b>Draft</b>



ExQ1	Question to:	Question:
		<b>Deed of Obligation</b> are ongoing, the latest version of which will be submitted in this deadline (Doc Ref. 8.17(D)).
Al.1.31	The Applicant	<p><b>Site selection for the Sizewell Link Road</b></p> <p>The ES 6.7 Volume 6 Sizewell Link Road Chapter 3 Alternatives and Design Evolution, paragraph 3.2.46, states that the W route could have had an adverse effect on the setting of the existing heritage assets including Hurts Hall and Leiston Abbey as they are situated approximately 450m north and 300m north of Route W respectively. Please provide further details of those heritage impacts and the landscape impacts and explain why they could not have been satisfactorily mitigated?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Route W would pass near to a number of existing designated heritage assets including the Grade II listed Hurts Hall (1268178), Wood Farmhouse (1231179) at Saxmundham, Hill Farmhouse (1231296), High House Farm (1216049), Pattle's Farmhouse (1287772) between Saxmundham and Knodishall Green. Route W North between Knodishall Green and Theberton would pass close to Westhouse Farmhouse (1227893), Crossing Farmhouse (1287532), Hill Farmhouse (1287643), Moat Farmhouse (1228246), the Grade II* Theberton House (1228378) and the Leiston Abbey Second Site asset group. Route W South would pass close to the Grade II* Leiston House Farmhouse (1287646), the Grade II listed Wood Farmhouse (1227752), Fishers Farmhouse (1216275) and the Leiston Abbey Second Site asset group.</p> <p>There is potential for the significance of several heritage assets to be affected adversely due to changes in their setting resulting from the Route W's alignment. Specific concerns relate to the passage of Route W on a substantial elevated embankment south of Hurts Hall. In this area, the topography of the land is such that the road would climb for approximate 500m on an embankment to a maximum height of 7.5m above existing ground level and cross the East Suffolk line, and then create a significant road on embankment as the new road heads east and crosses the Fromus Valley via a bridge, south of Hurts Hall. This bridge would be a prominent structure and would be visible in the surrounding landscape. This is not considered suitable as these embankments would introduce prominent infrastructure into the landscape.</p> <p>Due to the location of where Route W north connects to Abbey Road, close to the main development site, impacts from the construction and operation of a road on the setting of Leiston Abbey have the potential to combine and result in a greater effect on this asset.</p>

ExQ1	Question to:	Question:
		<p>Comparatively, Route Z (the Sizewell link road) connects to Abbey Road further north, and is the furthest of the route options from Leiston Abbey, and is less likely to result in combined effects on this asset.</p> <p>In terms of buried archaeological remains, the landscape through which the W route passes is similar to the Z Route south in that there has been very little previous archaeological work prior to the present application, and conclusions drawn solely from desk-based analysis suggest it could reasonably be expected that the direct effects of either iteration of the W route would be broadly equivalent to those of the adopted Z Route south, with effects being significant in the absence of mitigation, but generally possible to mitigate through investigation. Route W, however, is a significantly longer route, which brings some potential for greater impacts.</p> <p>Importantly, the route selection is not just related to heritage matters, but takes into account a number of environmental considerations. The advantages of Route Z compared to the other routes is set out within <b>Chapter 4, Section V</b> of the <b>Sizewell Link Road Paper (Appendix 5D</b> to this chapter). This includes landscape effects and comparisons of the different options – see in particular Appendix 8 of the paper.</p>
	<p><b>Response by English Heritage Trust for Deadline 2</b></p>	<p>EHT is concerned about the transport and traffic impacts of the Sizewell C Project. EHT is concerned about the transport and traffic impacts of the Sizewell C Project. This includes harm from noise, air quality decline, and visual intrusions to the setting of the Leiston Abbey (second site) and to the visitor experience.</p> <p>EHT accepts that there is some potential mitigation embedded in the building of the SLR. The SLR route will, in part, direct traffic – and its associated impacts – away from Leiston Abbey (second site), but the overall level of traffic increase will have some effect, and also make accessing the Abbey site more difficult turning off the B1122 road, made busier by the Sizewell C Project.</p> <p>Appropriate financial contributions, through the S106 agreement, for EHT can help to offset the harms caused by traffic impacts to the the abbey site, and challenges presented by making accesss for vistors more difficult, by improving the visitor experience in many ways. This will, in turn, help visitors to better understand the site, and better reveal the site’s significance.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Further to the response by EHT at Deadline 2, detailed discussions with EHT regarding measures to be included within the <b>Draft Deed of Obligation</b> are ongoing. The latest draft is submitted as part of this deadline (Doc Ref. 8.17(D)). The potential effect of increased traffic on the B1122 Abbey Road close to Leiston Abbey on the significance of the Leiston Abbey Group was considered in <b>Volume 2, Chapter 16</b> of the <b>Environmental Statement</b> [ <a href="#">APP-272</a> ].
Al.1.35	The Applicant, SCC	<p><b>Electrical connection to the National Grid substation</b></p> <p>The Suffolk County Council [RR-1174], submits that the provision of four additional tall pylons with overhead lines on the development site would have considerable additional detrimental impact on the Suffolk Coast and Heaths AONB. The review on behalf of the Council by Pöyry Energy Limited (AFRY) indicates that the use of Gas Insulated Lines (GIL) to connect to the National Grid (NGET) substation is a feasible alternative to overhead lines and pylons. This technical report has been supplied to the applicant for consideration:</p> <p>(i) Please explain further on whether GIL would provide a viable and less impactful alternative in this location?</p> <p>(ii) If not already submitted, please provide a copy of the AFRY technical report.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The use of gas insulated lines was considered but would not be feasible at Sizewell C due to unacceptable impacts on the operability and security of the site. The proposed operational site is extremely compact, thereby minimising overall land take, so all areas above ground would be occupied by buildings, roads or working areas. A number of potential routes were considered for gas insulated lines at high and low level, but in all cases the supporting structures or the lines themselves would impair either the normal operation of the power station or physical security of the site.</p> <p>A <b>Power Export Connection Technical Recommendation Report</b> has been prepared, which looks at the feasibility of the 3 main design solutions:</p> <ul style="list-style-type: none"> <li>• Underground Cable</li> <li>• Gas Insulated Line</li> <li>• Overhead Line</li> </ul> <p>Please refer to this report (at <b>Appendix 5E</b> of this chapter) for more detailed assessment of the GIL solution.</p>

ExQ1	Question to:	Question:
		(ii)The AFRY report was commissioned and is held by Suffolk County Council.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) SCC and its consultants AFRY consider that the use of GIL appears to be a viable, and significantly less impactful, alternative to pylons and overhead lines. This is explored in detail in SCC's Written Representation submitted at Deadline 2, and we refer the ExA to this document for further detail.</p> <p>(ii) The Written Representation has appended the AFRY report from September 2020 on the DCO submission information (Appendix WR4a). Further appendices provide commentary from SCC and AFRY to updated technical reports from the Applicant, in Appendix 4b and 4d.</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has set out its response to the SCC position in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).
<b>Chapter 6 - AR.1 Amenity and recreation</b>		
AR.1.0	The Applicant, ESC, SCC	<p><b>Alde Valley Academy Leiston</b></p> <p>The off-site sports facilities are regarded as an important mitigation in assisting the assimilation of the workforce into the area. As currently set out the facility would not appear to have a time frame for delivery, or in light of the ESC [RR-0342] resolved potential drainage concerns:</p> <p>(i) Please advise on the latest position in respect of the progress of the S106, surface water management issue identified, and what the timeframe for delivery of this facility would be.</p> <p>(ii) In order to achieve the necessary mitigation what timeframe for delivery would be required?</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) The latest position on the off-site sports facilities is set out in <b>Schedule 10</b> of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)). It is intended that these would open around the same time as the accommodation campus but the wording is intended to provide some flexibility in order to balance the benefits of opening the facilities with the need to plan construction works at a time that minimises disturbance for Alde Valley School. For example, we would not want the off-site sports facilities construction to

ExQ1	Question to:	Question:
		<p>disturb pupils during public exams, so it may be more appropriate for these to open slightly later than the campus rooms.</p> <p>The <b>Main Development Site Flood Risk Assessment</b> (Doc. Ref 5.2A) [<a href="#">AS-018</a>] concludes that this site is at low risk from all sources of flooding. SZC Co. notes ESC's comments on surface water flooding and will design this facility to manage surface water in accordance with the Outline Drainage Strategy (Doc Ref. 6.3 2A (A)) and in particular such that off-site flood risk is not increased. The detailed design and drainage proposals will be subject to approval by East Suffolk Council in accordance with Requirement 5 (Project wide: Surface and foul water drainage) of the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>(ii) While delivery is necessary mitigation secured by the Deed of Obligation and meaningful in addressing community concerns, it is not necessarily linked to specific milestones of the Project, though would (as set out in <b>Question AR.1.0</b>), SZC Co. intends to link the opening of the off-site sports facilities to the delivery of the accommodation campus, subject to the caveats about disturbance to the school in (i) above.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>(i) Discussion on the S106 are ongoing; S106 discussions on this matter need to involve also SCC as the landowner and Alde Valley Academy as the lease holder, as well as with regard ESC's role in design, build and the ongoing management/maintenance of the off-site facilities. It is anticipated that a shared-use arrangement will be agreed between ESC and SCC/Alde Valley Academy - priority for pupils during school hours. The detailed specification of the sports pitches including flood lights, access, car parking etc. still needs to be agreed.</p> <p>Surface water drainage concerns will need to be addressed in the detailed design of the facilities; the Applicant has not yet provided appropriate evidence to demonstrate that the proposed surface water drainage approach would not increase existing surface water flood risk at the sports facilities. It is anticipated that the SCC Lead Local Flood Authority concerns can be addressed via an appropriate design solution but until the Applicant shares this information the issue currently remains unresolved.</p> <p>SCC's expectation is that the off-site sports facilities will need to be open in advance of or at the same time as the accommodation campus. However, construction of the off-site sports facilities will need to be timed so as to not adversely impact on sensitive time periods at Alde Valley Academy e.g. examination time.</p> <p>(ii) The delivery of the off-site sports facilities will complement offerings to the workers at the campus, as such SCC would be keen for there to be a cap on number of workers</p>

ExQ1	Question to:	Question:
		permitted on site prior to the campus being available and for the off-site sports facilities to be operational prior to or at the same time as the campus opens.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(I) ESC's expectation is that the off-site sports facilities will need to be open in advance of or at the same time as the accommodation campus. However, construction of the off-site sports facilities will need to be timed so as to not adversely impact on sensitive time periods at Alde Valley School e.g., examination time. Latest progress on the S106 is included in Schedule 10 [REP1-007] and we are progressing discussions further with the Applicant with regard to this element and ESC's role in design and build of the off-site facilities. Surface water drainage concerns will need to be addressed in the detailed design of the facilities; ESC is hopeful that this can be achieved but need to ensure it is secured through appropriate signing off of detailed design drawings incorporating an appropriate surface water drainage scheme. This could be secured via existing proposals for surface water drainage or through an alternative mechanism.</p> <p>(ii) the delivery of the off-site sports facilities will complement offerings to the workers at the campus, as such ESC would be keen for there to be a cap on number of workers permitted on site prior to the campus being available and for the off-site sports facilities to be operational prior to or at the same time as the campus opens.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>(i) It is intended that these facilities would open around the same time as the accommodation campus however the description currently given by SZC Co is intended to provide some flexibility in order to balance the benefits of opening the facilities with the need to plan construction works at a time that minimises disturbance for Alde Valley School. The delivery of the facilities is the responsibility of ESC rather than SZC Co.</p> <p>Facilities will be designed to manage surface water in accordance with the Outline Drainage Strategy and in particular such that off-site flood risk is not increased. The detailed design and drainage proposals will be subject to approval by East Suffolk Council in accordance with Requirement 5 (Project wide: Surface and foul water drainage) of the <b>draft DCO</b> <a href="#">[REP2-015]</a>.</p> <p>Shared use arrangements will be agreed through a management plan, with the intention that Alde Valley School users would be prioritised during the school day.</p>

ExQ1	Question to:	Question:
		<p>Detailed specification and design are subject to further discussion between SZC Co, ESC and SCC.</p> <p>(ii) As the facilities are not relied upon to mitigate adverse effects, it is not appropriate to link it to a threshold in terms of workforce numbers. Further information regarding SZC Co's position on limiting the workforce is set out in Chapter 31 of SZC Co's <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).</p>
AR.1.1	The Applicant, ESC, SCC, Leiston and Sizewell PC.	<p><b>Alde Valley Academy Leiston</b></p> <p>(i) In the event that the sports pitches and supporting facilities are not in place in a timely manner would the effect on the local community be regarded as significant in your view?</p> <p>(ii) What time frame of delivery needs to be stipulated to avoid such effects?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) and (ii) <b>Volume 2, Appendix 9E</b> (Sport and Leisure Audit and Estimated Demand) of the <b>ES</b> [APP-196] sets out that the proposed facilities are not needed to mitigate for the potential effect on formal sports and leisure provision, but <b>Volume 2, Chapter 9</b> [APP-195] notes that they would contribute towards community integration and cohesion in a qualitative manner.</p> <p>SZC Co. considers that it would (as set out in <b>Question AR.1.0</b>) provide benefit in being linked to the delivery of the accommodation campus. Therefore, Schedule 6 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) requires ESC in preparing a proposed timetable for the delivery of the sports facilities, to have regard to the planned occupation of the accommodation campus as set out in the <b>Implementation Plan</b> (Doc Ref. 8.4I(A)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) The effect on the local community is likely to be significant as there are limited facilities in Leiston currently.</p> <p>(ii) ESC considers that the off-site sports facilities should be available prior to or at the same time as the campus opening. ESC would be reluctant for the campus to be made available prior to off-site sports provision.</p>
	<b>Response by Leiston Town Council for Deadline 2</b>	<p>AR.1.1 Alde Valley Academy - Sports Facilities</p> <p>(i) Although it is not possible to predict demand for sports facilities in Leiston with any precision, the Town Council is aware of requests from existing clubs and organizations for improved facilities for use of existing residents of the town and surrounding villages. Leiston is a small town with limited sports provision and existing facilities are used not only by Leiston residents but also by those of Aldeburgh, Saxmundham and surrounding</p>

ExQ1	Question to:	Question:
		<p>villages. With the predicted number of workers on Sizewell C increasing demand, there could be a significant adverse impact on both existing users and Sizewell C workers. This is likely to be felt more after the first two years when numbers of workers in the town are likely to rise dramatically. However, the early workers will have no amenities at all on site.</p> <p>(ii) We, therefore, believe that the sports facility must be built as soon as is feasible within the first two years. Furthermore any further recreational facilities identified as being necessary should also be provided within this timescale.</p>
	<b>Response by Sufflok County Council for Deadline 2</b>	<p>(i) The effect on the local community is likely to be noticeable as there are limited facilities in Leiston currently. A shortfall of sports facilities in the local area would have an adverse impact on the health &amp; wellbeing of the existing and new residents.</p> <p>(ii) SCC considers that the off-site sports facilities should be available prior to or at the same time as the campus opening. An early trigger point within the planning obligation for the payment of financial contributions should minimise the risk of non-delivery. It is suggested that a project plan for the delivery of the new facilities should be agreed between ESC and SCC/Alde Valley Academy.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>See SZC Co comments on ESC and SCC response to AR.1.0 (above) – SZC Co agrees that delivery to co-incide with the delivery of the Accommodation Campus is appropriate, subject to minimising disruption to Alde Valley Academy.</p> <p>SZC Co does not agree that not delivering the proposed facilities would lead to a shortfall in sports facilities in the local or wider area, as has been assessed by SZC Co at <b>Appendix 9E to Volume 2, Chapter 9</b> of the <b>ES</b> <a href="#">[APP-196]</a>. There is no evidence that this would lead to adverse impacts on the health and wellbeing of existing or new residents. The delivery of the facilities is likely to result in a significant beneficial effect.</p>
AR.1.5	The Applicant, ESC, SCC	<p><b>Consultation Group</b></p> <p>[APP-267] paragraph 15.3.12 appears to indicate that the consultation group included a single commercial fisherman:</p> <p>(i) Is this correct?</p> <p>(ii) Were they representing the wider industry or a representative organisation?</p> <p>(iii) Are the Councils satisfied that the makeup of the group was representative of all interests?</p>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	(i) Yes, that is correct. The meeting was attended by a single commercial fisherman. (ii) The commercial fisherman was representing himself. (iii) The meeting in 2019 focused specifically on recreation and was attended by organisations including RYA, residents association, cruising association, EIFCA officer and the RNLI. The attendance from commercail organisations was limited as SZC Co. specifically sought feedback on coastal and offshore recreational receptors, study area and methodology for assessing Amenity and Recreation impacts. Effects on commercial fishermen are not relevant to the main development site assessment in <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [ <a href="#">APP-267</a> ].
	<b>Response by East Suffolk Council for Deadline 2</b>	(iii) ESC understands that there was limited attendance at consultation events run by the Applicant from commercial fishermen. It is ESC's understanding that there is only one commercial fisherman operating from Sizewell beach. This specific consultation group was aimed at coastal and offshore recreational receptors. ESC is therefore satisfied that the makeup of the group was representative of those specific interests.
	<b>Response by Suffolk County Council for Deadline 2</b>	The meeting in 2019 focused specifically on recreation and was attended by organisations including RYA, residents association, cruising association, EIFCA officer and the RNLI. The attendance from commercial organisations was limited as SZC Co. specifically sought feedback on coastal and offshore recreational receptors, study area and methodology for assessing amenity and recreation impacts. Effects on commercial fishermen are not relevant to the main development site assessment in Volume 2, Chapter 15 (Amenity and Recreation) of the ES (Doc Ref. 6.3) [APP-267]
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AR.1.7	SCC	<b>Public Rights of Way</b> (i) Are the Council satisfied with the Rights of Way and Access Strategy (Appendix 15I) of [APP-270] and the future intention to submit a Footpath Implementation Plan for approval? (ii) Does the Council consider all parties with protective characteristics have been fully considered in this strategy? (iii) And the approach justified?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) SCC are not fully satisfied with the Strategy and are discussing several matters with SZC Co which will be developed through the SoCG. These include:</p> <ol style="list-style-type: none"> <li>1. The Strategy is limited to the Main development Site and does not address affected ROW and access on the associated development sites. SCC has asked that the principles outlined in para 1.1.4 in the Rights of Way and Access Strategy (Appendix 15I) of [APP-270] should apply to all aspects of the development and not just the main development site and the Applicant has indicated their willingness to do so in the latest SoCG.</li> <li>2. SCC requires the principles in para 1.1.4 to also include that all new access should be resilient to flooding, protected from unguarded drops, well drained, and with surfaces suitable for, and resilient to the intended users.</li> <li>3. The Strategy needs to be updated to reflect the changes proposed for the management of access on the coast by SCC.</li> <li>4. The mitigation offered in the Strategy is not adequate, namely: <ul style="list-style-type: none"> <li>• During construction, the inland route offered as the alternative for walkers unable to use the footpath along the coast due to temporary closures or avoidance of the construction impacts is a poor substitute; it is much longer, indirect, a lower quality of scenery and tranquility, running adjacent to and crossing Lovers Lane, Abbey Road, the site entrance roundabout, Abbey lane and the green rail route level crossing and is not wholly off road. SCC does accept that there are physical constraints to the location of this alternative due to the footprint of the development. As part of this alternative route, SCC has consistently asked for an off-road route along the Eastbridge Road as a safe alternative for walkers displaced from the coast, and for bridleway users impacted by the closure of BR19 and the likely increased use of the Eastbridge Road due to campus workers.</li> <li>• There is no direct off-road walking or cycling route into Leiston town centre for workers on the campus site – workers will be expected to follow the inland alternative route alongside Abbey Rd (B1122) before turning east around the perimeter of Aldhurst Farm until reaching Valley Road. The desire line is for a direct route alongside Abbey Road or along the west side of Aldhurst Farm.</li> </ul> </li> </ol>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• During operation, the lack of clarity regarding the proposed permanent alignment of the public footpath on the coast E-363/021/0 which is also the route of the Suffolk Coast Path and the proposed route of the England Coast Path in relation to the position, design and future sustainability of the sea defences. The Applicant has proposed to provide further information through the SoCG discussions.</li> <li>• During operation, the lack of creation of new permanent public access around the MDS. SCC would like the Sandlings walk to be provided as a public right of way and not as a permissive route only. SCC are seeking a better connected bridleway network and although welcome the retention of the inland alternative route and the extension south towards King Georges Avenue, a link wholly to the east of Lovers Lane would be a more direct route avoiding the need to cross back and forth over Lovers Lane.</li> </ul> <p>5. SCC currently await an updated version of the Strategy that will reflect the changes submission particularly with respect to the access along the coast and confirm the wider application of the principles.</p> <p>6. Footpath Implementation Plan: The Council are concerned that the Footpath Implementation Plan will be produced post consent and will not be a robust enough document to ensure that the routes being provided as embedded mitigation will be acceptable. SCC is concerned that the mechanism for securing agreement to the FIP is not robust. The FIP is not secured by a requirement and therefore not bound by Schedule 23 leaving any disagreement to be determined by arbitration. SCC would prefer the FIP to be secured by Schedule 23.</p> <p>(ii) SCC considers that the 'principles' described in para 1.1.4 in the Rights of Way and Access Strategy (Appendix 15I) of [APP-270] does cover parties with protected characteristics but these principles should be extended to cover all sites, including the Sizewell Link Road and the 2 village bypass where many PRoW are affected. The bullet point referring to the application of the Equality Act during the construction phase should remove the word 'temporary'. This is because there will be new access provided early in the construction phase that will be permanent.</p> <p>(ii) SCC agree that producing a RoW &amp; Access Strategy is a good approach and is continuing to work with the Applicant to improve the content</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>An updated <b>Rights of Way and Access Strategy</b> was submitted at Deadline 2 [<a href="#">REP2-035</a>], and further changes to address SCC's comments will be included in a second update of the Rights of Way and Access Strategy which will be submitted at a future deadline, where noted below.</p> <p>SZC Co's response to each of SCC's comments is as follows.</p> <p>(i)</p> <ol style="list-style-type: none"> <li>1. SZC Co. notes that the principles outlined in para 1.1.4 in the <b>Rights of Way and Access Strategy (Appendix 15I)</b> of [<a href="#">APP-270</a>] apply to the associated development sites as well as the main development site. This will be included in the updated the Rights of Way and Access Strategy which will be submitted at a future deadline.</li> <li>2. SZC Co. agrees that the principles in para 1.1.4 should also include that all new access should be resilient to flooding, protected from unguarded drops, well drained, and with surfaces suitable for, and resilient to the intended users. This will be included in the updated the Rights of Way and Access Strategy which will be submitted at a future deadline.</li> <li>3. SZC Co. is unclear what SCC is referring to when they state '<i>...the changes proposed for the management of access on the coast by SCC.</i>' Please would SCC clarify.</li> <li>4. (first bullet) If the Coast Path needs to be temporarily closed and the inland diversion is required during the construction phase it would follow the route shown on Figure 15I.4 of <b>Volume 2 Chapter 15 Appendix 15.I</b> [<a href="#">APP-270</a>]. This route is off-road except at road crossings and approximately 470m in length on Eastbridge Road between the northern end of the proposed off-road bridleway (Bridleway 19 diversion) north of the accommodation campus and Eastbridge.</li> </ol> <p>SZC Co. acknowledges that the inland diversion of the coast path, which may be necessary for short periods in rare circumstances, is longer and of a different character to the existing coastal route, and this is described in paragraphs 15.6.187 to 15.6.191 of <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>]). SZC Co. notes SSC's acknowledgement that there are physical constraints to the location of this alternative due to the footprint of the development. SZC Co. has undertaken extensive</p>

ExQ1	Question to:	Question:
		<p>consultation on this inland diversion route with SCC and other consultees to agree the best possible route and experience for users.</p> <p><u>Eastbridge Road</u></p> <p>SZC Co. has sought to minimise temporary closures of the Coast Path and the need for temporary inland diversions (which would pass along the section of Eastbridge Road referred to by SCC), and will continue to do so throughout the pre-construction and construction phases. Further detailed design work included in the change request application in January 2021 has identified that the Coast Path would now be kept open at all times except in rare circumstances where it is considered unsafe to do so. As noted in <b>Volume 1 Chapter 2</b> of the <b>ES Addendum</b> <a href="#">[AS-181]</a>:</p> <ul style="list-style-type: none"> <li>• Further detailed design work, which has been carried out since the submission of the Application, has identified measures which would enable the Coast Path to remain open during construction of the permanent BLF, except in rare circumstances where it is considered unsafe to do so. It would therefore now be assumed to remain open for substantially more of the construction period than in the submitted Application. However, shorter term temporary closures remain possible. (Paragraph 2.10.38.)</li> <li>• Further detailed design work since the submission of the Application has also identified measures which would enable the Coast Path to remain open at all times during use of the permanent BLF. This is an improvement to the proposals presented in the Application which stated that closure of the Coast Path would be unavoidable at times due to the sea-borne delivery of exceptionally large and heavy materials. (Paragraph 2.10.40.)</li> <li>• The Coast Path would be kept open during construction of the temporary BLF, except in rare circumstances where it is considered unsafe to do so, and would be kept open during operation of the temporary BLF. (Paragraph 2.10.54.)</li> </ul> <p>The Coast Path would be kept open during the construction of the sea defences except in rare circumstances where it is considered unsafe to do so.</p> <p>Use of this section of Eastbridge Road by construction workers in cars is likely to be low. Any construction workers residing north or west of Blythburgh would be required to use the Park and Ride and not drive directly to the main development site. An extremely small number of construction workers may live in Eastbridge. Any workers living in other nearby villages such as Westleton and Theberton would be expected to use the B1122 and not</p>

ExQ1	Question to:	Question:
		<p>travel via Eastbridge. Eastbridge Road is also not a permitted route for HGV deliveries and so there would be no increase in HGV numbers.</p> <p>The diversion of Bridleway 19 will not add any additional pedestrians, cyclists or equestrians onto this section of Eastbridge Road as users of the bridleway who then continue their journey to Eastbridge currently have to use Eastbridge Road.</p> <p>Visitor surveys undertaken in 2014 (<b>Volume 2 Appendix 15A</b> of the <b>ES</b> [<a href="#">APP-268</a>]) indicate that 29% of respondents said that they are likely to stop using the area during construction, which includes the area around this section of Eastbridge Road. A proportion of existing walkers on Eastbridge Road may stop using it and walk elsewhere during construction.</p> <p>Sandlings Walk currently runs along this section of Eastbridge Road. For the duration of the construction phase (except when the Coast Path within the main development site is temporarily closed) Sandlings Walk would be diverted northwards along the coast north of the main development site and west along PRow E-363/020/0 to Eastbridge, avoiding this section of Eastbridge Road north of the campus, as shown on Figure 15I.1 in <b>Volume 2, Chapter 15 Appendix 15I</b> [<a href="#">APP-270</a>]. This is likely to lead to a reduction of walkers on this section of Eastbridge Road for the majority of the construction phase.</p> <p>In addition, SZC Co. is in discussion with SCC to identify if an off-road route for pedestrians can be provided through the S106. Further information will be provided in the next iteration of the Statement of Common Ground between SZC Co. and SCC and ESC.</p> <p>4. (second bullet) Campus-based workers walking from the campus into Leiston would be able to use the most direct route on the proposed off-road bridleway parallel to Abbey Road (B1122), and then continue on the existing footway alongside Abbey Road directly into the centre of the town. Campus-based workers cycling to Leiston could use the route described by SCC, which SZC Co. consider is a good route, and only a short cycle ride between the Campus and Leiston.</p> <p>4. (third bullet) The precise alignment of the permanent of footpath E-363/021/0 commencing at PCF1/4 and terminating at PCF1/5 will accord with the layout and scale details of the hard coastal defence feature to be submitted and approved pursuant to</p>

ExQ1	Question to:	Question:
		<p>requirement 12B. This has been set out within the latest <b>Rights of Way and Access plans</b> submitted at Deadline 2 [<a href="#">REP2-007</a>]</p> <p>4. (fourth bullet) The route of Sandlings Walk between Kenton Hills and Goose Hill will remain a permissive path. SZC Co needs to retain control of permissive footpaths so that access can be temporarily withdrawn with limited or no notice for security reasons. SZC Co. has explored the potential for a bridleway link between Sandy Lane and Bridleway 19 near Kenton Hills car park, so that a continuous off-road route could be provided wholly east of Lover's Lane, and concluded that it would not be possible without using land and removing habitat within the Sizewell Marshes Site of Special Scientific Interest (SSSI), and concluded that this potential harm to the SSSI would not be appropriate. SZC Co. has provided a continuous off-road bridleway with two road crossings.</p>
AR.1.8	The Applicant, AONB Partnership, ESC, SCC	<p><b>AONB</b></p> <p>The AONB Partnership set out detailed concern [RR-1170] with regard to the assessment of and significance of effects on the AONB and its statutory purposes:</p> <p>(i) Can the Applicant please respond in full to these concerns in respect of recreation and amenity?</p> <p>(ii) Can the Applicant also set out the effects on the AONB and its value as a recreational and amenity area through each of the construction, operational and decommissioning phases.</p> <p>(iii) Do the Councils and AONB Partnership consider the ES has fully recognised the benefits of the AONB as a recreational and amenity area and provided for appropriate mitigation?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) <b>Statutory purposes of the AONB</b></p> <p>The emphasis of the AONB Partnership's Relevant Representation relates to loss of access with a particular focus on The Suffolk Coast Path/proposed England Coast Path and that it is these aspects that this response focuses in on, but references to the full Amenity and Recreation assessment are provided.</p> <p>The Countryside and Rights of Way Act 2000 confirms that the purpose of designating AONBs is the conservation and enhancement of the natural beauty of the area.</p>

ExQ1	Question to:	Question:
		<p>As part of SZC Co's pre-application engagement, discussions between the Suffolk Coast and Heaths AONB Partnership, Suffolk County Council, Suffolk Coastal District Council (now East Suffolk Council) and SZC Co., were held which identified what constitutes the natural beauty and special qualities of the Suffolk Coast and Heaths AONB. The findings are presented in <b>Appendix 13 C of Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> <a href="#">[APP-217]</a>. The extensive rights of way network; the areas of designated open access land; and opportunities for a range of active and passive recreational pursuits are identified as Special Qualities Indicators, highlighting their importance to the Suffolk Coast and Heaths AONB and the ability for people to access key landscape types and other assets.</p> <p><b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> <a href="#">[APP-216]</a> presents an assessment of the proposed development during construction and operation on the natural beauty and special qualities of the Suffolk Coast and Heaths AONB which underpin the assessment of the impact on the statutory purpose of the AONB.</p> <p>A detailed assessment of the effects on public access (including effects on rights of way and open access land) within and outside the Suffolk Coast and Heaths AONB is presented in <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> <a href="#">[APP-267]</a>, with relevant details provided below:</p> <p><b>Loss of public access</b></p> <p>Paragraph numbers under this heading (loss of public access) refer to the updated <b>Rights of Way and Access Strategy</b> in <b>Volume 2, Appendix 15I</b> of the <b>ES</b> submitted at Deadline 2 (Doc Ref. 6.3 15I(A)) unless otherwise stated.</p> <p>Loss of public access within the AONB during the temporary construction phase will comprise:</p> <ul style="list-style-type: none"> <li>the temporary closure of the northern section of bridleway E-363/019/0 (Bridleway 19) which runs along the western edge of the AONB. An off-road diversion is provided for this temporary closure. (Paragraph 1.2.22.);</li> <li>the closure of permissive footpaths in Goose Hill (paragraph 1.2.27) and a short section between Bridleway 19 and the retained permissive footpath network in Kenton Hills (paragraph 1.2.25);</li> </ul>



ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Sandlings Walk would be diverted north along the coast and then west between Minsmere Sluice and Eastbridge (but kept open) due to the above closures (paragraph 1.2.27); and</li> <li>• loss of access to areas of the beach during construction of the sea defences and beach landing facilities (paragraph 1.2.7).</li> </ul> <p>Temporary closures of PRoW E-363/021/0 and the Coast Path (comprising the Suffolk Coast Path, Sandlings Walk, the future England Coast Path) which run along the coast through the main development site, and inland diversions of the Coast Path, may also be necessary for short periods during the construction phase. However, SZC Co. has sought to minimise temporary closures of the PRoW E-363/021/0 and Coast Path, and will continue to do so throughout the pre-construction and construction phases. Further detailed design work included in the Additional Submission in January 2021 has identified that PRoW E-363/021/0 and the Coast Path would be kept open at all times except in rare circumstances where it is considered unsafe to do so, as noted in paragraphs 2.10.38, 2.10.40 and 2.10.54 of <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> <a href="#">[AS-181]</a>.</p> <p>If the Coast Path needs to be temporarily closed for short periods and the inland diversion of the Suffolk Coast Path, Sandlings Walk and future England Coast Path is required during the construction phase it would follow the route shown on <b>Figure 15I.4 of Volume 2 Chapter 15 Appendix 15.I</b> (updated Rights of Way and Access Strategy) of the <b>ES</b> (Doc Ref. 6.3 15I(A)).</p> <p>The following additional permanent provision of linear and area access is provided within, on the edge of or immediately adjacent to the AONB during the construction phase:</p> <ul style="list-style-type: none"> <li>• A new approximately 4.5km long offroad bridleway from Sizewell Gap in the south to the accommodation campus in the north (paragraphs 1.2.15 and 1.2.36). Part of this would accommodate the Bridleway 19 diversion.</li> <li>• A new bridleway link between the above offroad bridleway in the south-east field of Aldhurst Farm and Valley Road (paragraphs 1.2.19 and 1.2.36).</li> <li>• A new footpath connection between the offroad bridleway within the northern field in Aldhurst Farm and Bridleway 19 and the permissive footpath network in Kenton Hills from approximately the second year of the construction phase (paragraphs 1.2.20 and 1.2.36). This would be dedicated as a PRoW (bridleway) on the commencement of the operational phase. This is Change 15 described at section b)</li> </ul>

ExQ1	Question to:	Question:
		<p>xii) of <b>Volume 1, Chapter 2</b> (Main Development Site) of the <b>ES Addendum</b> [<a href="#">AS-181</a>], and shown on <b>Figure 2.2.32</b> of <b>Volume 2, Chapter 2</b> (Main Development Site) of the <b>ES Addendum</b> [<a href="#">AS-190</a>].</p> <ul style="list-style-type: none"> <li>• A new informal car park, a surfaced footpath, and approximately 27 hectares of new Open Access land, including areas where dogs will be allowed to be exercised offlead (paragraphs 1.2.26 and 1.2.38). This car park would be increased to 20 spaces early in the construction phase to allow for additional users of the recreational access network, and funding provision for this is to be included in the Section 106 Agreement.</li> <li>• Improvements to Kenton Hills car park including additional spaces, management of vegetation and signage (paragraphs 1.2.24 and 1.2.39). This would provide up to 15 additional parking spaces allowing for greater use of the recreational access network including the permissive footpath network in Kenton Hills.</li> </ul> <p>During operation temporarily closed linear routes would be restored to their existing or new agreed alignments, and the 'coastal margin' would be defined along the coast including on the sea defences (exact area inland of the England Coast Path will be agreed with Natural England) (paragraph 1.2.34). A permanent loss would be short sections of east-west aligned permissive footpath within Goose Hill, with an alternative east-west aligned permissive footpath provided (paragraph 1.2.32).</p> <p>Loss of access during the construction phase has been minimised and alternative and additional routes and areas provided.</p> <p><b>Compromised experience for those using routes or areas</b></p> <p>Information is provided in response to <b>Question AR.1.8 (ii)</b> in this chapter.</p> <p><b>Proposed mitigation</b></p> <p>Proposed mitigation for effects on recreational receptors is described in section 15.5 of <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>]. During the construction phase this includes:</p> <ul style="list-style-type: none"> <li>• Measures set out in the updated <b>Rights of Way and Access Strategy in Volume 2, Appendix 15I</b> (Amenity and Recreation) of the <b>ES</b> (Doc Ref. 6.3 15I(A)) submitted at Deadline 2. Key measures include: <ul style="list-style-type: none"> <li>○ improved and new linear and area access described above;</li> </ul> </li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>○ minimising the need for temporary path closures and diversions, and where these are unavoidable providing alternative routes so as to reduce to a minimum any disruption or loss of amenity; and</li> <li>○ the Coast Path would be kept open at all times except in rare circumstances where it is considered unsafe to do so. This is a substantial improvement to the position in the original DCO application where temporary closures including closure for approximately six months during construction of the BLF and a temporary diversion inland was assumed (see paragraph 3.4.68 of the updated <b>Volume 2 Main Development Site Chapter 3 Description of Construction</b> (Doc Ref. 6.14(A)).</li> </ul> <ul style="list-style-type: none"> <li>• Minimising and managing additional traffic on roads that could affect recreational receptors through a suite of measures listed in paragraph 15.5.30 of <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [APP-267], including: providing contractor accommodation at the main development site; park and ride facilities for construction workers; bus services for construction workers; provision of two BLF's and a railway connection to the main development site to maximise deliveries by sea and rail and minimise deliveries by road; a freight management facility to manage the flow and route of HGVs on the highway network; and a package of highway improvements.</li> <li>• A number of the mitigation measures set out in Table 3.1 of <b>Part B of the Code of Construction Practice</b> (Doc Ref. 8.11(B)) will reduce noise at source.</li> <li>• Measures to mitigate adverse effects on visual amenity including: retention of existing vegetation where possible; screen planting; temporary earth bunds, fencing/construction hoarding to screen lower level construction activity; limiting the heights of construction elements; and controlling light pollution.</li> </ul> <p>During operation all temporarily diverted PRow would be reinstated to their original or new routes. The Coast Path would run through the naturalistic coastal grassland/dune setting east of the new hard coastal defence, within the accessible 'coastal margin' which will be designated by Natural England under the Marine and Coastal Access Act 2009. The improved and new routes are summarised in the updated <b>Rights of Way and Access Strategy in Volume 2, Appendix 15I</b> (Amenity and Recreation) of the <b>ES</b> (Doc Ref. 6.3 15I(A)) submitted at Deadline 2) as follows:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>enhanced north-south recreational routes through the creation of a 4.5km off-road multi-user bridleway for equestrians, cyclists and pedestrians. This includes off-road routes where existing rights of way and the Sustrans cycle route currently run along roads, and the creation of new routes where none exist at present;</li> <li>a new off-road bridleway from Valley Road, connecting to the new off-road bridleway described above;</li> <li>a new bridleway connection across Lovers Lane between the off-road bridleway within Aldhurst Farm and bridleway 19 adjacent to Kenton Hills;</li> <li>the new linear and area public access created at Aldhurst Farm forming part of the planning permission for the construction of the new wetlands (reference DC/14/4224/FUL), including the expanded car park, a definitive footpath and approximately 27ha of Open Access land;</li> <li>a new formalised permissive footpath from Kenton Hills car park, connecting to the extensive permissive footpath network in the woodland and to the Sandlings Walk and the Coast Path;</li> <li>the provision of additional spaces at Kenton Hills car park, surface improvements, selective vegetation removal to create a more open environment and improvements to signage; and</li> <li>a permanent new footpath north of Leiston connecting two existing PRow and Abbey Lane.</li> </ul> <p>SZC Co. has sought to minimise adverse effects and maximise enhancement for recreational receptors as far as reasonably possible through design and mitigation. During the operational phase the Sizewell C Project would provide permanent enhancement to recreational access within the AONB.</p> <p>(ii) The assessment of effects on recreational receptors within and outside the AONB during the construction and operational phases has been assessed in <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [APP-267]. This identifies that there would be adverse effects on some recreational receptors within the AONB.</p> <p>Consistent with the requirements of NPS EN-1, the assessment of effects on the AONB has been undertaken as part of the LVIA given its designation is routed in the value of the landscape. The assessment is recorded in <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> [APP-216] as described further below. <b>Volume 2, Chapter 15</b> (Amenity and</p>

ExQ1	Question to:	Question:
		<p>Recreation) of the <b>ES</b> [<a href="#">APP-267</a>] does not provide an assessment of effects on the AONB as a recreational area, as the AONB is not of itself a recreational receptor, albeit recreation activity occurs within its defined area.</p> <p>However, the status of the AONB as a nationally designated landscape has been accounted in the assessment of the value of resources (e.g. PRoW) used by receptors identified in the Amenity and Recreation assessment and within paragraphs 15.6.5 to 15.6.16 of <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>]. The value of these resources, combined with susceptibility of receptors, fed into the assessment of sensitivity in accordance with the methodology (see Table 1.4 of <b>Volume 1, Appendix 6K</b> (Amenity and Recreation Legislation and Methodology) of the <b>ES</b> [<a href="#">APP-171</a>]).</p> <p>For example, users of the Sandlings Walk, Suffolk Coast Path and future England Coast Path (paragraph 15.6.6), and Regional Cycle Route 41/42, National Cycle Route 1 and the Suffolk Coastal Cycle Route (paragraph 15.6.11 of <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>]) are all assessed to be of high value because they pass through the AONB. PRoW, Open Access Land, registered common land, permissive footpaths and the beach within the AONB are all of high value '<i>because recreation is of great importance to the AONB</i>' (paragraph 15.6.7).</p> <p>The assessment of effects on recreational receptors within the AONB within <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>] has informed the assessment of effects on the AONB natural beauty and special quality indicators and the overall effects on the AONB at paragraphs 13.6.131 to 13.6.150 (construction phase) and paragraphs 13.6.304 to 13.6.321 (operational phase) of <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> [<a href="#">APP-216</a>]. Effects on recreational receptors are assessed under the special quality 'health and wellbeing' in Table 13.14 (construction phase) and Table 13.17 (operational phase) of <b>Volume 2, Chapter 13</b> of the <b>ES</b> [<a href="#">APP-216</a>].</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(iii) ESC is a committed and active member of the AONB Partnership. ESC considers that the ES does not fully recognise the benefits of the AONB as a recreational and amenity area and therefore the mitigating measures proposed are not adequate. The LIR [REP1-045] identifies the impacts arising from the project from a tourism perspective and references studies undertaken that demonstrate the potential adverse impacts on the location with particular reference to its importance as a recreation and amenity area. ESC agrees with many of the findings in the Summary of Effects for construction phase (table</p>

ExQ1	Question to:	Question:
		<p>15.11) and operational phase (table 15.12) in 6.3 Volume 2 Main Development Site Chapter 15 Amenity and Recreation [APP-267] that identifies a series of significant residual effects. To address these residual effects, a mitigation and compensation package is required. This is being discussed with the Applicant and is expected to take the form of a Natural Environment Fund to be secured through the section 106 agreement. The magnitude and form of this fund is still under discussion and therefore ESC cannot say this time that appropriate mitigation is provided.</p>
	<p><b>Response by AONB Partnership for Deadline 2</b></p>	<p>The AONB Partnership note that the statutory primary purpose of the AONB designation is to conserve and enhance natural beauty. There are two secondary non-statutory purposes:</p> <ul style="list-style-type: none"> <li>• To take account of the needs of agriculture, forestry, fishing and other local rural industries and of the economic and social needs of local communities, paying particular regard to promoting sustainable forms of social and economic development that in themselves conserve and enhance the area's natural beauty; and</li> <li>• To seek to meet the demand for recreation so far as this is consistent with the statutory purpose of conserving and enhancing the area's natural beauty - and which preferably supports this purpose by increasing understanding, valuation and care for the area - and is also consistent with the needs of rural industries.</li> </ul> <p>The AONB Partnership consider that the ES does not fully recognise the benefits of the AONB as a recreational and amenity area. Therefore, the AONB Partnership considers that the applicant should identify the existing recreational and amenity benefits of the area. In part this is identified by the AONB commissioned Volume and Value Study in 2020 (with 2019 figures) that notes the tourism industry is worth £228M pa and supports 5,056 jobs. Evidence of the impacts energy coast projects is further identified in the in the Suffolk Coast Destination Management Organisation/AONB study in 2019. The study showed that 29% of those polled would be a lot less or a little less likely to visit the Suffolk coast having been made aware of energy project proposals. The applicant does not appear to concur with these findings.</p> <p>Furthermore, the AONB Partnership considers that the benefits go far beyond the volume and value of tourism and that other recreational and amenity benefits accrue, including health and well-being (physical and mental), reducing demand for travel to and pressures on other naturally beautiful areas and the value of ecosystem services of the amenity.</p>

ExQ1	Question to:	Question:
		<p>The AONB Partnership concur with many of the findings in the Summary of Effects for construction phase (table 15.11) and operational phase (table 15.12) in 6.3 Volume 2 Main Development Site Chapter 15 Amenity and Recreation document that identifies a series of significant residual effects. The AONB Partnership considers that the value of the recreational and amenity value of the AONB has been downplayed in the Environment Statement and that the value for wider public benefits of the AONB natural beauty and special qualities has not been fully assessed. The AONB Partnership has not been party to the discussions relating to the magnitude of any mitigation proposals that might be contained within a section 106 agreement with the local authorities relating to the AONB as a recreational and amenity area. However, it notes the section 106 agreement for the Sizewell B Dry Fuel Store in relation to that developments impacts on the AONB and findings of the Suffolk Coast Limited study (that was part funded by the AONB Partnership) into the impacts on the visitor economy of the energy projects on the Suffolk Coast.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>(iii) SCC does not consider that the ES fully recognises the recreational and amenity benefits of the AONB and does not currently provide for appropriate mitigation of the impact of the development on those. SCC notes that amenity and recreational use are intrinsically linked with many of the factors that define the special qualities of the AONB (see [REP1-045] section 7), and that the ES identifies a number of significant adverse residual effects resulting from both the construction and operational phase of the proposed development. SCC has identified these impacts and the mitigation that we would expect to see in our Local Impact Report [REP1-045] at section 17, table 19.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Issues raised by ESC, the AONB Partnership and SCC are responded to below.</p> <p><i>1. The ES does not fully recognise the benefits of the AONB as a recreational and amenity area. The AONB Partnership considers that the applicant should identify the existing recreational and amenity benefits of the area</i></p> <p>The benefits of the AONB as a recreational and amenity area are recognised and identified in <b>Volume 2 Chapter 15</b> (Amenity and Recreation) [<a href="#">APP-267</a>], <b>Volume 2 Appendix 15G</b> (Description of Non-Significant Effects) [<a href="#">APP-270</a>] and <b>Volume 2 Appendix 15F</b> (Amenity and Recreation Baseline Report) [<a href="#">APP-270</a>] of the <b>ES</b>. As noted in paragraphs 1.1.4 to 1.1.6 of the Amenity and Recreation Baseline Report, consultees including ESC (formerly SCDC), SCC and the AONB Partnership were consulted on the amenity and recreation baseline and their comments fed into the baseline used in the Amenity and</p>



ExQ1	Question to:	Question:
		<p>Recreation impact assessment. Existing visitor and recreational user survey information was reviewed and is listed in paragraph 1.2.2 of the Amenity and Recreation Baseline Report, including reports and research on the AONB. Where each receptor is discussed or assessed in <b>Volume 2 Chapter 15</b> (Amenity and Recreation) [<a href="#">APP-267</a>] and <b>Volume 2 Appendix 15G</b> (Description of Non-Significant Effects) [<a href="#">APP-270</a>] it is, where relevant, described whether it lies within the AONB.</p> <p>2. <i>The ES does not currently provide for appropriate mitigation of the impact of the development on the recreational and amenity benefits of the AONB</i>  SZC Co. has provided a detailed response to the mitigation measures set out within the Table 19 of the LIR. SZC Co. is in discussion with ESC and SCC to agree provision of funding by SZC Co. through the Deed of Obligation, PROW Fund for a package of mitigation and enhancement measures to recreational resources within and outside the AONB. These will be in addition to mitigation and enhancement measures already identified within the DCO. The PROW fund will look to provide new public rights of way or open access areas or to enhance the existing public rights of way network and open access areas. The Applicant's response within the <b>Comments on Council's Local Impact Report</b> (Doc Ref 9.29) addresses this issue.</p> <p>3. <i>The AONB Partnership considers that the value of the recreational and amenity value of the AONB has been downplayed in the Environment Statement and that the value for wider public benefits of the AONB natural beauty and special qualities has not been fully assessed</i>  The recreational and amenity value of the AONB has not been been downplayed in the ES. The value of recreational resources within the AONB has been fully accounted for in <b>Volume 2 Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>] as described in SZC Co.'s response to ExQ AR.1.8 at Deadline 2 above. The value of these resources within the AONB fed into the assessment of the sensitivity of receptors to the proposed development and the assessment of impacts in <b>Volume 2 Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [<a href="#">APP-267</a>] and <b>Volume 2 Appendix 15G</b> (Description of Non-Significant Effects) [<a href="#">APP-270</a>]. As described in SZC Co.'s response to ExQ 1.8 at Deadline 2 above, this informed the assessment of effects on the AONB natural beauty and special quality indicators and the overall effects on the AONB in <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> [<a href="#">APP-216</a>].</p>



ExQ1	Question to:	Question:
		<p>SZC Co.'s <b>Comments on Councils' Local Impact Report</b> are provided at Deadline 3 separately (Doc Ref 9.29).</p> <p>Please also see the Response by SZC Co. for Deadline 3 in respect of SE.1.16 and the issue of Tourism, including the reasons why SZC Co. does not agree with the results of the 2019 study, as well as Chapter 2 of <b>Comments on Written Representations</b> which provides SZC Co.'s comments on the Suffolk Coast and Heaths AONB Partnership Written Representation (Doc Ref. 9.28).</p>
AR.1.9	SCC, ESC	<p><b>AONB PROW</b></p> <p>Do the Councils agree with the views as expressed by the AONB Partnership [RR-1170] that the loss of the open access adversely affects the purpose of the AONB and that the limitation of the PROW in the area particularly the coastal path have not been sufficiently mitigated?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by East Suffolk Council for Deadline 2</b>	Please refer to section 17.40 of the LIR [REP1-045 ] that references the Applicant's change submission which seeks to keep the England Coast Path open and available on the coast during construction and use of the enhanced permanent BLF and temporary BLF and construction of the sea defences. In particular 17.50 addresses impacts on the Coast Path during closures (if required for safety reasons) and 17.51 the impact on users following the diversion. The proposal does include diversions to existing PROWs in the vicinity and users of diversions and paths remaining will be adversely impacted visually and by construction sound. A package of suggested PROW mitigation, requirements and obligations is included in the LIR 17.119 - 17.133.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC notes that amenity and recreation are intrinsically linked with many of the special qualities (and therefore purposes) of the AONB. It follows that any loss of open access would adversely affect the purposes of the AONB.</p> <p>The impacts on the coastal path are noted in our LIR at [REP1-045] table 19 and in detail at paras. 17.39, 17.41, 17.49-17.52 and 17.69-17.74 of the same document.</p>

ExQ1	Question to:	Question:
		SCC agree that the mitigation proposals, as submitted, do not sufficiently mitigate these impacts and further work between SCC and in our view the Applicant would be required to agree suitable mitigation. Details of the mitigation which we would require can be found at [REP1-045] table 19 and in detail at paras. 17.120-17.128.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co.'s response within <b>Comments on Councils' Local Impact Report</b> (Doc Ref 9.29) addresses these concerns directly.
AR.1.10	SCC, ESC	<b>Accommodation Campus</b> Are the Councils concerned in respect of the location of the proposed accommodation campus and the potential effect it could have on the tranquillity of the AONB or residents of Eastbridge?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by East Suffolk Council for Deadline 2</b>	The accommodation campus as proposed will be sited adjacent to but not in the AONB. However, it is sited in the setting of the AONB. The campus is proposed to be self-contained, it will have secure boundaries. The campus will sit adjacent to the main construction site and will have elements including stockpiles and borrow pits inbetween the campus and Eastbridge. The layout plan for the campus demonstrates a significant landscaped margin and security fencing around the campus location which will reduce its impact further, and maintain a physical separation from the Eastbridge Road. ESC considers the accommodation campus is unlikely to cause disturbance to the tranquillity of the AONB or disturbance to the residents of Eastbridge. The campus is adjacent the AONB and the main development site and construction area which is within the AONB. Noise and disturbance from the main development site and construction area is likely to exceed any noise or disturbance arising from the campus.
	<b>Response by Suffolk County Council for Deadline 2</b>	Effect on tranquillity: As the proposed accommodation campus would both be adjacent to the AONB and serve as the locus of significant activity by non-home-based workers, SCC is concerned about the potential effect on the tranquillity of the AONB. SCC's concerns focus on non-work related activities by workers staying at the campus within the AONB, such as including activities such as walking, jogging, cycling or birdwatching in the nearby parts of the AONB, or visiting the pub in Eastbridge located at the edge of the AONB in an area often frequented by AONB visitors.

ExQ1	Question to:	Question:
		<p>SCC is working with the Applicant to maximise the use of home-based workers, which would reduce the effects caused by the use of non-home-based workers in general. SCC also acknowledges that any effects of the accommodation campus on tranquillity must be balanced against any transport benefits from the reduction of commuting distance for non-home-based workers.</p> <p>Effect on residents of Eastbridge: The Accommodation Campus means that a very high number of transient residents in the campus would be located within a mile of the hamlet of Eastbridge, with its popular pub. As noted above, the Council considers it likely that a proportion (albeit potentially relatively small) of Accommodation Campus residents may sometimes spend leisure time in and passing through Eastbridge, which may have an impact on Eastbridge residents in terms of the perception of their quality of life, and may also change the dynamics of the local village pub.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. recognises the balance to be struck between the substantial benefits (for workers, for transport impacts, for sustainability and for the efficient construction of the power station) of the campus location and the sensitivity of the environment, albeit outside the AONB. SZC Co. has explained the careful approach taken to the location of the campus in response to LI 1.42 at Deadline 2. In addition, <b>Sections A.21</b> and <b>A.24</b> of the <b>Accommodation Campus Appendix</b> [<a href="#">APP-587</a>] demonstrate how SZC Co. has given careful consideration to the planning and design of the proposals, and specifically in response to the location of the accommodation campus adjacent to the western boundary of the AONB and within land that forms its setting. It is also significant that no alternative locations are proposed by ESC or SCC. SZC Co.'s response to LI 1.41 demonstrate the care that has been taken in campus design, whilst the question of recreational impacts has been addressed through the response to EXQ AR.1.12.</p>
AR.1.11	SCC, ESC	<p><b>Coastal Path</b></p> <p>Do the Councils consider that the assessment of effect on the National Coastal Path and the mitigation during: Construction; Operation; and Decommissioning are adequate to safeguard the amenity and recreational value they provide? For assistance, paragraph 15.5.11 to 15.5.20 [<a href="#">APP-267</a>] sets out the potential implications for the Suffolk Coast Path, Sandlings Walk and the future route of the England Coast Path. Diversions are explained and shown in The Access and Rights of Way Strategy, Appendix 15I [<a href="#">APP-270</a>].</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC considers the Coastal Path to be an important feature of the coastline which should be protected by the development. However, we acknowledge, and agree, that where essential for safety reasons the Path will need to close for short periods. The proposed diversion is long, and ESC would prefer use of this to be kept to a minimum.</p> <p>From a tourist perspective the Coastal Path is important alongside the Suffolk Coastal Path and Sandlings Walks that are promoted in the area. The Applicant has made adjustments in their Change submission and is committing to keeping the beach and Coastal Path open for the majority of the construction and operation. ESC supports this aspiration and requests that closures are kept to a minimum and where essential, advance warning is given and appropriate signage used to advise visitors of the closure and need to use diversions - which are to be well signed in a manner to be agreed with ESC.</p> <p>SCC as responsible authority for Public Rights of Way will give a technical response regarding the PROW.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC agrees with the assessment that there is a major adverse effect on the England Coast Path (Suffolk Coast Path &amp; Public Footpath E363/021/0) and Sandlings Walk during construction in the receptor zones closest to the main development site (receptor zones 5,8,12,19).</p> <p>The assessment of operational impact is less clear as it is assessed as being minor adverse and not significant for the long distance paths but is described as a moderate adverse impact in receptor zone 12 which contains the coastal access. SCC does not agree with the comment in [APP-270] Vol 2 Appendix G para 1.2.159 that the re-location of the England Coast Path (E-363/021/0) offers an improvement to amenity due to the creation of more extensive views out to sea and greater resilience to erosion by the sea.</p> <p>SCC accepts the assessment as provided in [AS -181] which maintains the same conclusions in [APP-267], but as raised in the LIR [REP1-045] (in particular at paras. 17.69-17.74), the assessment requires further information and clarity as to how the proposed sea defence design will impact on the long term sustainability of the England Coast Path and the public highway FP21.</p> <p><u>Adequacy of mitigation</u></p>

ExQ1	Question to:	Question:
		<p>The mitigation goes part way to safeguarding the physical connectivity of the ECP, SCP AND SW but there are key omissions as detailed below. The mitigation does not adequately safeguard the amenity and recreational value of these routes.</p> <p><b>Construction Period</b></p> <p>SCC considers that the Applicant has taken positive steps to commit to the retention of the England Coast Path and public footpath along the coastal frontage during the construction period. The Applicant has indicated in the PRoW SoCG that this temporary path that will be moved according to the construction phase, will not be in a fenced corridor and will have a suitable surface agreed with SCC. SCC require the design for all works on the coastal frontage to accommodate access in accordance with the Rights of Way &amp; Access Strategy ([APP-270] para. 1.1.4).</p> <p>Visitors value the coastal area for the quality and connectivity of the access network, the scenery and the tranquillity, and although physical connectivity will be maintained through the proposed mitigation, the amenity and recreational value will be compromised throughout the construction period. SCC will be seeking compensation through the S106 for this loss of amenity.</p> <p>There will be occasions when the England Coast Path and public footpath will be temporarily closed and the inland alternative route in use. This route also offers a lower level of amenity and recreational value in that it is much longer, a lower quality of scenery, running close to and crossing over roads and adjacent to the main campus site. It also requires diverted walkers to walk within the Eastbridge Road north of BR19 Round House until the junction with the public footpath to Minsmere Sluice. This road is narrow, enclosed and described in the Applicants visitor survey as 'risky for walkers' ([APP-269] appendix C para 5.2.1). The Council concurs with view that this road is unsafe for walkers and thus compromised as a diversion route for the coast path (see [REP1-049] para. 17.49). In this matter, SCC is not satisfied that the mitigation safeguards connectivity and the amenity value of the long distance routes and requires the Applicant to provide a wholly off-road route.</p> <p><b>Operation</b></p> <p><u>Sandlings Walk</u></p>

ExQ1	Question to:	Question:
		<p>The Applicant has not taken the opportunity to enhance or improve access by only offering the restoration of this route as a permissive path which can be removed at any point in time. SCC has asked for this to be dedicated as a public right of way offering permanency. <u>England Coast Path (Suffolk Coast Path) /Public footpath E-363/021/0</u></p> <p>SCC remain concerned about the proposed alignment for the re-location of the ECP/FP21 during operation. The information provided by the Applicant leaves unanswered questions as to the safety and sustainability of a public access route in front of the C station. The Applicant states that it is expected that with the adaptive design, the Coast Path may be realigned to the top of the sea defence and that this would be captured as a requirement within the draft DCO but that does not seem to be the case. (APP-181 Vol 1 Chapter 2 para 2.10.84)</p> <p>This is particularly relevant to the public highway (E-363/021/0) for which SCC has statutory duties. SCC requires further details from the Applicant to enable an informed view of the proposals or require the public footpath to be re-located on the top of the main sea defence.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p><u>SZC Co's response to ESC's response</u></p> <p>SZC Co. is committed to keeping closures of the Coast Path kept to a minimum and where closures are essential that they are in accordance with the principles at paragraph 1.1.4 of the updated <b>Rights of Way and Access Strategy</b> submitted at Deadline 2 (Doc Ref. 6.3 15I(A)). Advance notice will be given, and appropriate signage used to advise visitors of the closure and need to use diversions - which will be well signed in a manner to be agreed with ESC and SCC.</p> <p><u>SZC Co's response to SCC's response</u></p> <p>The assessment of operational effects on users of the Coast Path is different and of a lower significance to users of Receptor Group 12 for reasons including: the Coast Path covers a much greater extent of the coastal landscape than Receptor Group 12; and users of the majority of the route would be unaffected by the proposed development. The whole area of Receptor Group 12 is closer to the proposed operational power station, and users within a greater proportion of the area would be affected by the proposed development. Therefore a greater geographical extent of the receptor would be affected by changes due to the presence of the operational power station.</p>

ExQ1	Question to:	Question:
		<p>The precise alignment of the permanent of Footpath E-363/021/0 commencing at PCF1/4 and terminating at PCF1/5 will accord with the layout and scale details of the hard coastal defence feature to be submitted and approved pursuant to requirement 12B and agreed with East Suffolk Council. This has been set out within the latest <b>Rights of Way and Access plans</b> submitted at Deadline 2 [<a href="#">REP2-007</a>].</p> <p>SZC Co. is engaging with SCC with regard to long term management of the Suffolk Coast Path and the public highway FP21 (E-363/021/0) and will provide an update in the Statement of Common Ground at the next suitable deadline.</p> <p>SZC Co. notes that SCC considers that the Applicant has taken positive steps to commit to the retention of the England Coast Path and public footpath along the coastal frontage during the construction period. SZC Co. note that the principals outlined in the Rights of Way and Access strategy apply to all main development site works.</p> <p>SZC Co. notes that the PROW fund within the Deed of Obligation will seek to mitigate any adverse significant effects identified on amenity and recreation.</p> <p>SZC Co. has provided a detailed response to SCC concerns regarding Eastbridge Road and the permissive footpath network in <b>AR 1.7</b>.</p>
AR.1.12	The Applicant, ESC, SCC, National Trust, RSPB	<p><b>Displacement of Tourists/Visitors</b></p> <p>The National Trust [RR-877] and RSPB [RR-1059] indicate that they do not consider the displacement of tourists and visitors from the current pattern of visiting has been undertaken in a way which could be regarded as precautionary, it could therefore underestimate the effects on both the National Trust land at Dunwich, and the RSPB Minsmere site but also elsewhere:</p> <p>(i) Please respond to this concern.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(ii) The National Trust and RSPB are seeking a commitment to mitigation, monitoring of activity and potential compensation – please advise on any progress that has been made in this regard.</p> <p>(i) Please see response in <b>Appendix 6A – Response to ExQ1 AR.1.12</b> to this chapter.</p> <p>(ii) Two monitoring and mitigation plans are in preparation, in consultation with Natural England, the National Trust and RSPB and other stakeholders and drafts are to be submitted at an appropriate deadline. These are:</p> <ul style="list-style-type: none"> <li>• <b>Minsmere Monitoring and Mitigation Plan</b>- Walberswick European Sites and Sandlings (North) European Site, a draft is submitted at Deadline 2 (Doc Ref. 9.15); and</li> <li>• Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites (to be submitted at a future deadline).</li> </ul> <p>SZC Co. has held consultation meetings with Natural England, the National Trust and RSPB to discuss these plans, and Natural England, the National Trust and RSPB have provided comments on drafts of the Minsmere Monitoring and Mitigation Plan - Walberswick European Sites and Sandlings (North) European Site which have been addressed in the plan submitted at Deadline 2 (Doc Ref. 9.15).</p> <p>Monitoring of recreational use and disturbance at European sites to inform the need for further mitigation is an important part of these plans. SZC Co. is commissioning surveys of existing recreational users of European sites, which we are aiming to commence in early summer 2021, and will be continued during the pre-construction period to record current levels of use. Surveys will be continued during the construction and early operational phases to record changes to inform the need for mitigation and the potential nature of any such mitigation, as set out in the plans submitted or to be submitted.</p> <p>A response on the assessment of tourism effects and the proposed Resilience Funds for RSPB Minsmere and National Trust Dunwich Heath is set out in response to <b>Question SE.1.13</b> in <b>Chapter 23 (Part 6)</b> of this report. Discussions are ongoing with both parties to agree the scope and quantum of these funds which will be secured in the <b>Schedule 13</b> of the <b>Deed of Obligation</b> (latest draft Doc Ref. 8.17(C)).</p>



ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC has not been directly involved in discussions with RSPB and National Trust and the Applicant regarding mitigation for perceived impacts on RSPB Minsmere and Dunwich Heath National Trust. In paragraph 17.131 of the LIR [REP1-045] ESC references potential displacement impacts and state that we welcome the precautionary approach taken by the Applicant. ESC welcome proposals for resilience funding for RSPB and NT both of who may experience an increase in construction tourists throughout the construction phase of the development.
	<b>Response by RSPB and Suffolk Wildlife Trust for Deadline 2</b>	<p>(i)</p> <p>1. Our full comments on the Applicant's displacement calculations are provided in the report by Footprint Ecology "Review of Sizewell C application documents and evidence in relation to recreation impacts" (Liley and Saunders, 2020), which forms part of our Written Representations and can be found in the second report in Appendix 2 to that submission. The following points summarise the content of the section on "Predictions of changes in visitor use – Displaced visitors".</p> <p>2. The estimates of additional visitor use within the Shadow HRA Recreational Disturbance Evidence Base<sup>13</sup> Table 3.5 contain errors in their calculations:</p> <ul style="list-style-type: none"> <li>• Those visitors who did not state a location to which they would be displaced are not accounted for in these figures. This calculation has since been updated for Eastbridge and Minsmere Outer in the paragraphs 8.3.5–10 of the Shadow HRA Report Addendum (AS-173)<sup>14</sup>, as discussed in our Written Representations, but this has not been addressed for all sites.</li> <li>• Existing visitor numbers to each location appear to be estimated</li> <li>• The calculation of extra visits per year is based on the percentage of people who stated they would be displaced to a location applied to the number of people who already visit the location. This is incorrect and the percentage should be applied to the total number of people visiting locations further north around Sizewell (within and outside the Application</li> </ul>

<sup>13</sup> Shadow HRA Report Volume 1: Screening and Appropriate Assessment Part 4 Appendix 5.10E Annex A Recreational Disturbance Evidence Base (APP-148)

<sup>14</sup> Shadow HRA Report Addendum (AS-173)

ExQ1	Question to:	Question:
		<p>site) from which some are likely to be displaced - the application of the percentage of all visitors being displaced to a location to the number of exiting visitors to that location does not make sense</p> <ul style="list-style-type: none"> <li>• It would therefore have been better to take the percentage of interviewees at each location where surveys were conducted that stated they would be displaced to different locations and then scale those figures up, based on the observation data at the relevant survey locations</li> </ul> <p>3. We also have concerns about the assumptions made in the interpretation of the visitor data. Whilst we acknowledge that surveys are one of the few options available to gather information about likely displacement, the limitations of such surveys should be acknowledged. The Shadow HRA Recreational Disturbance Evidence Base paragraphs 3.2.5-3.2.12 does discuss potential differences between stated and actual behaviour, but only the potential for fewer visitors to be displaced than stated, whereas the opposite could also occur. It is also possible that some survey respondents would not be able to adequately visualise the construction works (as no visual representation was given during the survey) and may be more likely to be displaced than they originally expected.</p> <p>4. In conclusion, we therefore do not agree that the calculations of displaced visitors are precautionary, as the figures contain errors and the quality of the data around existing numbers of visitors is limited and hence calculations of visitor uplift are not reliable.</p> <p>5. It should be noted that we also have concerns regarding the calculation of recreational visits by the construction workforce. These are covered in the report section "Predictions of changes in visitor use – visits from the construction workforce" (again in the second report in Appendix 2 to our Written Representations).</p> <p>(ii)</p> <p>1. One of our key concerns is the lack of detail around the proposals for mitigation and monitoring of impacts of increased recreational pressure. The Application documents variously refer to monitoring and mitigation of recreational pressure on designated sites through the Rights of Way and Access Strategy<sup>15</sup> and through a monitoring and mitigation plan. However, no detailed monitoring or mitigation proposals were presented for the</p>

<sup>15</sup> Volume 2 Main Development Site Chapter 15 Amenity and Recreation Appendices Appendix 15I Rights of Way and Access Strategy (APP-270)

ExQ1	Question to:	Question:
		<p>Minsmere-Walberswick SPA, SAC and Ramsar site or the Sandlings SPA as part of the Application.</p> <p>2. We note that there has been some progress with mitigation for the effects of the worker campus with a proposed contribution to the Suffolk Councils' Recreation Avoidance and Mitigation Strategy contained within Schedule 11 of the most recent iteration of the Draft Section 106 Agreement<sup>16</sup>. We also consider that provision of suitable alternative natural green space for additional residents during the construction period will be required.</p> <p>3. We welcome the continued engagement of the Applicant with us and others in discussions around the development of a plan for monitoring and mitigation of recreational impacts on designated sites from recreational displacement. We understand that the Applicant intends to submit mitigation and monitoring plans for the relevant protected sites to the Examination at this or a subsequent deadline. We look forward to the opportunity to update our position on the impacts of recreational pressure on protected sites and species following submission and review of these plans.</p>
	<p><b>Response by National Trust for Deadline 2</b></p>	<p>(i) <u>Realistic v Precautionary Approach</u></p> <p>EDF have taken two approaches to estimate additional visits to locations as a result of displacement of existing users from the Sizewell area and the construction workforce; a realistic and a precautionary approach.</p> <p>The methodology for calculating the realistic approach is set out in Para.3.2.28, pdf page 438, marked page 38 of Annex A Recreational Disturbance Evidence Base contained in 5.10</p> <p>Shadow Habitats Regulations Assessment Volume 1: Screening and Appropriate Assessment Part 4 of 5, Appendix E Recreational Disturbance Assessment (Minsmere to Walkberswick SPA/SAC). This applies a percentage increase (2.33% which represents the number of respondents to the Visitor Survey who named Dunwich Heath as a location they would be displaced to) to represent displacement to Dunwich Heath based on the</p>

<sup>16</sup> Draft s106 Agreement (REP1-007)

ExQ1	Question to:	Question:
		<p>applicants estimated annual visitor numbers to Dunwich Heath. We disagree with this approach as it would not be visitors to our site that would be displaced to our site.</p> <p><u>The methodology for calculating the precautionary approach</u> is set out in Para.3.2.30, pdf page 439, marked page 39 of the document referenced above in para.6.8. For Dunwich Heath it applies the same 2.33% to an estimated figure of 500,000 visits/year in the Sizewell survey area. As set out in Para 3.2.27, (i. Calculation of annual visits to the area) this 500,000 figure is a rounding down of estimated annual levels of use (517,246) based on counts at each of the seven 2014 Sizewell C visitor surveys locations, with no explanation as to why a rounded down figure is deemed precautionary.</p> <p>The National Trust is further concerned that the use of 2.33% does not represent a precautionary approach to the calculation of recreational displacement to Dunwich Heath. This is because this figure does not make any allowance for:</p> <ul style="list-style-type: none"> <li>• The 56 respondents (10.89% of the total no. of respondents) who stated they would be displaced but did not name a location</li> <li>• The 13 respondents (2.5% of the total no. of respondents) who said they were not sure they would be displaced by the development</li> <li>• The 18 respondents (3.5% of the total no. of respondents) who did not provide a response on displacement</li> </ul> <p>The NT accepts that it would be unrealistic to fully uplift the percentage increase in visitors at Dunwich Heath to reflect these three bullet points as these respondents are referring to the wider Sizewell area. However, we feel an appropriate approach that would be precautionary would have been to accommodate an allowance for this uncertainty in EDF's methodology. Given Dunwich Heath is one of the six locations identified as being most frequently mentioned (Para. 4.1.22Appendix A of Volume 2 Main Development Site Chapter 15 Amenity and Recreation Appendices 15A - 15J Part 1 of 3 link to doc) by respondents as an alternative location for recreation, it would be seem reasonable to apportion this number across six sites.</p> <p>The realistic approach that the applicant has used to inform their assessments gives a displacement figure of 4,288 for Dunwich Heath. However, we are of the opinion that using the precautionary approach set out by the applicant and factoring in adjustments to resolve both the rounding down and the uncertainty contained within the survey as</p>

ExQ1	Question to:	Question:
		<p>explained above, would provide a figure for recreational displacement closer to 26,000 additional annual visits to Dunwich Heath.</p> <p>The National Trust is also of the opinion that the additional infrastructure proposed as a result of the changes to the application (notably the addition of a new temporary beach landing facility and conveyor which would cross the beach in front of the application site, requiring walkers to pass underneath it) would further deter people from Sizewell and displace visitors to other locations. The extent and impact of the development now proposed is therefore different from that which was used to inform the questions posed as part of the Sizewell C Visitor Surveys undertaken in 2014. Given this and preceding points made in this document the Trust remains concerned that figures used in the assessments are not precautionary.</p> <p><u>Visits by the construction workforce</u></p> <p>The applicant has sought to quantify the number of visits made to Dunwich Heath by the construction workforce in their application. The National Trust has concerns about the methodology used to estimate the use of the countryside by the workforce and believe the resultant estimates are exceptionally low and not precautionary.</p> <p>It is stated in Para 3.3.17, PDF page 447, number page 47 of Annex A: Recreational Disturbance Evidence Base (Link) that a mid-range estimate (between what is uncertain) has been set at around 10% to represent the likelihood of campus, private rented sector and tourist accommodation based workers (who do not have dogs with them – this is 4,800 workers) visiting outdoor informal recreational resources around Sizewell once a week. The National Trust believes the use of the 10% figure is very low and would question whether it represents a precautionary approach to estimating the number of additional visits to the countryside that could be made by the construction workforce. It is of note that the 2018/19 MENE report (Monitor of Engagement with the Natural Environment: Headline report and technical reports 2018 to 2019) states 65% of adults spend time in the natural environment at least once a week. The use of this figure would clearly increase the number of estimated visits to Dunwich Heath by the construction workforce without dogs by 6.5 times. We remain unclear as to the justification and evidence on which the 10% figure has been based.</p> <p>The 10% figure is then multiplied to reflect a theoretical number of annual visits and adjusted down to allow for shift patterns and holidays. To make this figure site specific a percentage has been derived for each named location from a survey of Non-home based</p>

ExQ1	Question to:	Question:
		<p>outage workers in 2016 (see para 15.6.52, pdf page 64, number page 61, Environmental Statement - Volume 2, Chapter 15, Amenity and Recreation) Link which asked workers where they visited in 'the countryside around Sizewell', as well as 'other' and 'open space, park or playing field in town or village'. Given the long lead-in time for this development proposal it is of concern to the Trust that the assessment of visits to the countryside (including our site) by the construction workforce is reliant on a single survey of construction workers. Given the applicants unique position to access this type of audience the Trust would have expected the applicant to draw on a more comprehensive evidence base in support of estimates contained within its submission.</p> <p><u>Uncertainty over use of figures in documents</u></p> <p>The Trust is also concerned that the use of figures by the applicant is inconsistent and it is difficult to follow where and how these figures have been used. This is compounded when different totals are used, for example;</p> <p>It is stated in 6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14B1 Plants and Habitats Synthesis Report Para 1.3.52 pdf page 23, marked page 20, that 'The Recreational Disturbance Evidence Base has estimated that the total number of additional visits to the wider countryside by the construction workforce would be 60,000 per year.' This figure is then assigned to key locations but does not add up to the number specified.</p> <p>Table 3.9: Estimated numbers of construction worker visits to locations per year included in Annex A: Recreational disturbance evidence base of Appendix E: Recreational Disturbance Assessment (PDF page 450) does not include a total column that aggregates the numbers of visits by workers without dogs and workers with dogs. If it did it would state a figure of 32,706 for total visits by construction workers. This does not accord with the above total figure (60,000) contained within the Plants and Habitats Synthesis Report or its breakdown of key locations.</p> <p>Table 2.1 of the Shadow HRA report Appendix E: Recreational Disturbance Assessment (PDF page 320) does not include in its total the visits by construction workers with dogs. The inconsistent use of figures is of great concern when trying to establish whether the approach adopted by the applicant is precautionary and when seeking clarity over the figures applied to consideration of our site. We currently have a range of visits by</p>

ExQ1	Question to:	Question:
		<p>construction workers quoted to be 327 or 2,000. We presume this disparity makes it difficult for EDF, other managers of sites and regulators to clearly understand the impacts or mitigation requirements related to recreational displacement. We have asked for clarity on this matter from EDF but have yet to receive a clear and concise explanation regarding the use of figures in each assessment.</p> <p>(ii) The applicant has stated in discussions and correspondence with the National Trust and RSPB that it will provide a Resilience Fund to mitigate impacts and address risks caused by the Sizewell C development on National Trust land at Dunwich Heath and RSPB land at Minsmere and that both organisations would also have access to other mitigation funds. Provision for Third Party Resilience Funds is set out in Schedule 13 of the Draft Section 106 Agreement draft dated 7 April 2021.</p> <p>The National Trust sent the applicant a list of suggested scope and measures which it considered could be covered by the fund on 8th March 2021. At a meeting with the applicant on 18th March 2021, the applicant advised that it would respond to the suggested scope and measures. After follow up requests from the NT, the applicant advised on 21st May 2021 that they had considered the proposed measures and set out their initial response. However, this unfortunately coincided with the time when we were working towards finalising our Written Representation ready for submission on 2nd June. The NT has therefore not had the opportunity to review this. The National Trust welcomes further engagement with the applicant and will be providing dates for further discussion following 2nd June. Therefore the scope and content of this fund is not yet agreed.</p> <p>The applicant has also indicated that the National Trust would have access to the following monitoring and mitigation:</p> <p><u>Minsmere and Sandlings (North) Recreational Monitoring Plan and Natural Environment Fund</u></p> <p>The purpose of this plan is to mitigate for risks and possible effects of any net additional users at across its geographic scope. This scope covers the National Trust Dunwich Heath and Beach site. Measures to reduce the potential disturbance on designated species and habitats, as well as impacts on our operational infrastructure are likely to be required.</p>

ExQ1	Question to:	Question:
		<p>The National Trust has had several meetings with the applicant's consultants to discuss the monitoring and mitigation plan and welcomes this engagement to develop effective measures. The National Trust was provided with an initial draft of the document on 19 August 2020. This draft lack any real content. At a meeting with EDF on the 16 November 2020 the National Trust provided an indication of what monitoring and mitigation measures would be expected to manage any negative impacts on Dunwich Heath and the wider site</p> <p>SAC/SPA/SSSI features. A second draft of EDF's document was received on 26 January 2020 following which further comments in writing were provided by the Trust on 16 February 2020.</p> <p>A third draft of the Monitoring and Mitigation Plan now titled for Minsmere-Walberswick European sites and Sandlings (North) European site was circulated by the applicant to stakeholders on 12 May 2021. This provides greater detail of survey and mitigation proposals. As of 2 June 2021 the NT has not yet had the opportunity to respond in writing to this latest draft and therefore all matters of concern remain not agreed and that we are hopeful of more engagement following the submission of this written representation.</p> <p>It is our understanding that Minsmere and Sandlings (North) Recreational Monitoring Plan would be secured through the s.106 Agreement. Measures included in this plan could be funded through the Dunwich Heath Resilience Fund or the Natural Environment Fund. The National Trust has been engaged with other stakeholders and the local authorities about the scope of the Natural Environment fund. However, the local authorities are leading on this and therefore the NT has not been involved in recent discussions with the applicant about this. Therefore the scope and content of the monitoring and mitigation plan and these funds are not yet agreed.</p> <p><u>Tourism Fund</u></p> <p>A Tourism Fund is proposed to reduce the risk of perceived changes in visitor behaviour in the Suffolk coast area from materialising e.g. through development of or support for a tourism strategy/action plan, future research and monitoring, marketing and promotional activities, and capital investment.</p>



ExQ1	Question to:	Question:
		The National Trust has been engaged with other stakeholders and the local authorities about the scope of this fund. However, the local authorities are leading on this and the NT has not been involved in recent discussions with the applicant.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC has not been directly involved in discussions with RSPB and National Trust and the Applicant regarding mitigation for perceived impacts on RSPB Minsmere and Dunwich Heath National Trust.</p> <p>In para. 17.131 of the LIR [REP1-045] the Councils reference potential displacement impacts and state that we welcome the precautionary approach taken by the Applicant. The LIR states that we welcome proposals for resilience funding for RSPB and NT both of whom may experience an increase in construction tourists throughout the construction phase of the development.</p>
	<b>Response by SZC Co. for Deadline 3</b>	Please see SZC Co.'s responses to the RSPB and Suffolk Wildlife Trust, and the National Trust in <b>Appendix 6A</b> of this document for the Deadline 3 response to this question.
AR.1.13	SCC	<p><b>PROW</b></p> <p>Does the Council consider the strategy for the PROW network has sufficient detail and the impacts throughout the construction and subsequent operation of the proposed development are fully understood?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>As described in our response to AR.1.7, the Council is seeking amendments to the Rights of Way &amp; Access Strategy and seeking further information relating to the position of the England Coast Path and the public footpath (E-363/021/0) with respect to the design of the sea defences.</p> <p>Notwithstanding points raised in response AR.1.7, the Council otherwise considers that the Strategy has sufficient detail and understands the impacts.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
AR.1.14	The Applicant, SCC	<p><b>PROW</b></p> <p>The Ramblers Association [RR-1005] have expressed concern regarding the impacts on the local PROW network. Please respond to the concerns identified.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Ramblers Association relevant representation [RR-1005] describes what the Ramblers Association will provide in representations to be made on behalf of the Ramblers Association, stating '<i>we will comment on the effect of the proposed development on the public rights of way network</i>'. It does not express concern on the impacts on the local PROW network. No further relevant representations have been made by the Ramblers Association.</p> <p>The Ramblers Association relevant representation RR-1005 does state '<i>we will say how the proposed development will affect the beauty of the countryside</i>' but does not provide any evidence or information to support this.</p> <p>Effects on the appearance and character of the landscape, including visual effects on users of the PROW network, for the main development site and associated development sites are assessed in detail in the following <b>Landscape and Visual</b> chapters of the <b>ES: Volume 2 Chapter 13</b> [<a href="#">APP-216</a>], <b>Volume 3 Chapter 6</b> [<a href="#">APP-360</a>], <b>Volume 4 Chapter 6</b> [<a href="#">APP-390</a>], <b>Volume 5 Chapter 6</b> [<a href="#">APP-421</a>], <b>Volume 6 Chapter 6</b> [<a href="#">APP-457</a>], <b>Volume 7 Chapter 6</b> [<a href="#">APP-490</a>], <b>Volume 8 Chapter 6</b> [<a href="#">APP-520</a>] and <b>Volume 9 Chapter 6</b> [<a href="#">APP-551</a>].</p> <p>Effects on the recreational amenity of users of the PROW network are assessed in detail in the following <b>Amenity and Recreation</b> chapters of the <b>ES: Volume 2, Chapter 15</b> [<a href="#">APP-267</a>], <b>Volume 3 Chapter 8</b> [<a href="#">APP-366</a>], <b>Volume 4 Chapter 8</b> [<a href="#">APP-397</a>], <b>Volume 5 Chapter 8</b> [<a href="#">APP-429</a>], <b>Volume 6 Chapter 8</b> [<a href="#">APP-464</a>], <b>Volume 7 Chapter 8</b> [<a href="#">APP-497</a>], <b>Volume 8 Chapter 8</b> [<a href="#">APP-526</a>] and <b>Volume 9 Chapter 8</b> [<a href="#">APP-558</a>].</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>The Council shares the concerns expressed by the Ramblers Association particularly as regards walking in roads. The Council continues to raise the question of the adequacy of the proposed inland alternative route that will place diverted and displaced walkers into the Eastbridge Road north of Round House. The Council continues to work with the Applicant to seek to mitigate the impacts.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has provided a detailed response to SCC's concerns regarding Eastbridge Road in <b>Question AR 1.7</b>.</p>

ExQ1	Question to:	Question:
AR.1.15	The Applicant, SCC	<p><b>PROW</b></p> <p>[RR-809] Miss Maria Toone and [RR-765] Martin Freeman have both expressed concern in respect of the potential safety risks for horse riders by diverting Bridleway 19. Please respond to these concerns and explain how the diversion would address the safety concerns for horse riders, cyclists, and other highway users.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>The proposed diversion of Bridleway 19 runs from at the western end of Sandy Lane where it meets Lovers Lane, to the northern end of Bridleway 19 where it joins Eastbridge Road. Existing bridleways (Bridleways 19 (E-363/019/0) and E-363/013/0) currently run along the carriageway of Lovers Lane between Sandy Lane and the B1122 Abbey Road (see Figure 15I.1 of the updated <b>Rights of Way and Access Strategy</b> in <b>Volume 2, Appendix 15I</b> of the <b>ES</b> submitted at Deadline 2 (Doc Ref. 6.3 15I(A))). There is currently no safe walking, cycling or horse riding route segregated from the carriageway along this section of Lover's Lane. The alternative proposed diversion within Aldhurst Farm will provide an off-road route for equestrians, cyclists and pedestrians which is safer than the existing on-road bridleways. Paragraph 1.2.12 of of the updated <b>Rights of Way and Access Strategy</b> in <b>Volume 2, Appendix 15I</b> of the <b>ES</b> submitted at Deadline 2 (Doc Ref. 6.3 15I(A)) explains that the proposed diverted bridleway route includes provision for controlled and uncontrolled road crossings suitable for equestrians, cyclists and pedestrians, and a level crossing would be provided in connection with the construction phase rail route.</p> <p>The section of the proposed off-road bridleway between Sandy Lane and Sizewell Gap would be entirely new, and provide an off-road route for equestrians, cyclists and pedestrians as a safer alternative to using the public highway on Sandy Lane and Sizewell Gap. Currently there is a narrow footway along the eastern side of Lover's Lane and a broader footway and cycleway on the south side of Sizewell Gap.</p> <p>The off-road bridleway will be set back from the roads and screened by vegetation as far as possible. The design of the bridleway and its road crossings have been developed with reference to British Horse Society design guidance and following several rounds of public consultation which received written and in person responses from local horse riders. New highway crossings will include signalised Pegasus crossings which offer the highest degree of safety to equestrians, enabling them to wait in a dedicated area until traffic has stopped at a red signal before crossing. Please see <b>Volume 2, Appendix 15I, Figure 15I.1</b> (Amenity and Recreation) of the <b>ES</b> (Doc Ref. 6.3 15I(A)) for the locations and types of</p>

ExQ1	Question to:	Question:
		<p>proposed road crossings. The detail on the specification for the crossings will be agreed with SCC.</p> <p>The southern end of the proposed off-road bridleway exits onto Sizewell Gap, and cyclists and pedestrians will be able to cross onto the existing off-road cycleway and footway south of the road. This connects to Leiston and Sizewell, and bridleways south of Sizewell Gap. SZC Co. will consult SCC on equestrian use of this road crossing and section of Sizewell Gap.</p> <p>The width and surface type of the new bridleway will be suitable for equestrians, cyclists and pedestrians, and the principle of providing 3m of paved path plus 2m of grass surface has been agreed with SCC. The detailed specification will be agreed with SCC.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>The alternative route provided for the temporary closure of public bridleway 19 is proposed as an off-road route from Sizewell Gap to the north end of the closed bridleway at Round House, Eastbridge Road. SCC continues to discuss these provisions through the SoCG and design workshops but is generally satisfied that the proposed route will not be on the road and it will have a dual surface, one of which will be unsurfaced to enable segregation of horse riders. The designs propose the use of Pegasus crossings for crossings on Lovers Lane near to Valley Road, Abbey Road south and Abbey Road north at the site entrance (2 crossings). An uncontrolled crossing is proposed at the south end of the proposed bridleway at Sizewell Gap road and for Abbey Lane and the access to Leiston Abbey. The DCO includes speed restrictions on Lovers Lane and the B1122 (Abbey Road) [RR-809] and [RR-765] are correct in highlighting that the proposed bridleway does not meet either of the two existing bridleways on the south side of the Sizewell Gap road and therefore requires horse-riders to use the road or the existing shared footway/cycleway.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>
AR.1.16	The Applicant, ESC	<p><b>Aldhurst Farm</b></p> <p>(i) Please explain how the Aldhurst Farm compensatory land is intended to be managed going forward so that the ecological benefits it is intended to bring can be safeguarded.</p> <p>(ii) In the event that public access is to be provided to the area beyond just the PROW whether this leads to a conflict with conservation of any species on the site and how this would be monitored and managed.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>An Ecology and Landscape Management Plan was submitted as part of the original Aldhurst Farm Habitat Creation planning permission (East Suffolk Council reference DC/14/4224/FUL). This plan detailed the scheme objectives, proposed habitats, habitat and landscape management creation and management practices. The plan was subject to consultation with technical stakeholders and has benefited from technical guidance specifically on habitat creation and management provided by the Environment Agency; Natural England, SCC; Suffolk Coastal District Council (now East Suffolk Council); Suffolk Wildlife Trust and the RSPB. This plan sets out in detail how the site will be managed to ensure that the environmental and landscape objectives are realised as required by Conditions 2 and 20(b) of planning permission reference DC/14/4224/FUL.</p> <p>The Aldhurst Farm Ecology and Landscape Management Plan is being updated to account for public access arrangements submitted to the local planning authority pursuant to Condition 25 of the Aldhurst Farm planning permission (DC/14/4224/FUL) to ensure the long term ecological objectives of the site remain valid.</p> <p>(ii) Condition 25 of the original planning application (DC/14/4224/FUL) requested that 'a plan setting out future public access arrangements across the site shall be submitted for approval by the local planning authority within 3 years of completion of the planting and habitat creation (September 2016). Access arrangements shall then be carried out in accordance with the approved plan'. [Reason: to open up parts of the site for quiet public recreation, in a manner that does not compromise the agreed habitat management objective].</p> <p>The submitted scheme was subject to consultation with East Suffolk Council, Suffolk County Council, Natural England and Suffolk Wildlife Trust and provides approximately 27ha of off-lead dog walking Open Access land to the south of the PROW.</p> <p>As required by Conditions 2 and 20(b) of planning permission reference DC/14/4224/FUL, the Aldhurst Farm Ecology and Landscape Management Plan sets out the habitat typology across Aldhurst Farm. The majority of Aldhurst farm, outside of the wetland habitat, will ultimately comprise grassland, and heath with areas of scrub and scattered trees. Such habitat types are relatively robust and would accommodate the exercising of dogs off the lead. Once scrub and scattered trees have developed scrub nesting bird species will be relatively secure from casual disturbance.</p> <p>The main potential conflict is likely to arise with dogs off the leads causing disturbance to ground nesting bird species such as skylark which have already started to colonise the</p>

ExQ1	Question to:	Question:
		<p>newly grassed areas. Therefore, the approved public access strategy excludes public access from land to the north, and a field south of the wetland habitat, ensuring 42ha (including the 6ha of wetland habitat) of undisturbed land free from public access to provide a refuge for species such as ground nesting birds and reptiles, whilst also buffering the sensitive wetland habitat. Fencing to secure and restrict access to these land parcels is in place, as implemented under condition 25 of planning permission reference DC/14/4224/FUL.</p> <p>The proposed Bridleway 19 diversion (associated with the Sizewell C DCO) within the east and northern edge of the Aldhurst Farm site would be fenced to prevent public access to the grassland areas.</p> <p>Wetland habitat such as the created reedbed and ditch habitat, is more sensitive. Therefore, all public access is excluded from the 6ha of wetland habitat. Fencing to ensure that access is prevented is already in place.</p> <p>By being welcoming to walkers and dog walkers, and providing information on the wildlife and habitat within Aldhurst Farm, it is envisaged that the public are more likely to respect and adhere to access restrictions and to pro-actively seek to avoid disturbing wildlife, but patterns of access, and the success of signage and access restrictions will be reviewed periodically to inform the need for any remedial action in respect of disturbance to wildlife within the no access areas.</p> <p>All future monitoring and management is set out in the Aldhurst Farm Ecology and Landscape Management Plan.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) The creation of Aldhurst Farm was consented by Suffolk Coastal District Council (now East Suffolk Council) in 2015 under planning permission reference DC/14/4224/FUL. The application included an Ecology and Landscape Management Plan which set out the management and monitoring proposals for the site. The implementation of these measures was secured by condition 20 of planning permission DC/14/4224/FUL. Where variation of the approved management measures is identified as being required ESC would expect this to be documented through the DCO application, and if necessary, via a Town and Country Planning Act application to vary condition 20.</p> <p>(ii) ESC understands that public access to the southern, dry, fields at Aldhurst Farm has always been intended. Condition 25 of planning permission DC/14/4224/FUL secured the production and implementation of a plan detailing these access measures. The details to</p>

ExQ1	Question to:	Question:
		<p>discharge this condition were approved in 2019 under reference DC/19/3727/DRC. As it forms part of the approved scheme, ESC does not consider that public access to the southern part of Aldhurst Farm would significantly compromise its use as ecological mitigation and compensation land.</p> <p>The DCO application now proposes public access across part of the northern field (along the eastern and northern boundary of the field) along a newly created route which diverts part of Bridleway 19. The northern field is also proposed to be used as a reptile receptor site; therefore, the bridleway route must be appropriately fenced to ensure that there is no public access into the remainder of this area. ESC consider that this is essential to avoid its use as ecological mitigation land being compromised.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AR.1.18	ESC, SCC, English Heritage	<p><b>Leiston Abbey</b></p> <p>The Applicant concludes that the effects of construction and operation on Leiston Abbey in amenity and recreation terms would [APP-267 para 15.6.98] be significant.</p> <p>(i) Is this conclusion agreed?</p> <p>(ii) Is the assessment on potential visitor numbers during construction and subsequent operation conservative and therefore fairly predicts the significance of effect in this respect?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Pro Corda Trust for Deadline 2</b>	<p>The SZC construction impacts Leiston Abbey's ability to operate in any of its current usage contacts – recreational and educational – unless proper mitigation is secured. In particular this requires focus on the following key areas to reduce the impact:</p> <ul style="list-style-type: none"> <li>- Round the clock site security</li> <li>- Management of increased ad-hoc footfall</li> <li>- Proper mitigation of visual, noise, and heritage impact.</li> </ul> <p>Beyond the above, Pro Corda believes that within proper partnership working between EDF, EH and Pro Corda, the visitor and user experience at Leiston Abbey can be preserved</p>

ExQ1	Question to:	Question:
		and that, with the right approach, a positive lasting legacy can be enabled. Without this mitigation we feel Leiston Abbey's current usage – in any of its areas – is not sustainable during the construction period.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC agrees with this conclusion.
	<b>Response by Suffolk County Council for Deadline 2</b>	We defer to ESC, as the lead of our local authorities on the historic environment, to respond to this question.
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT agrees that the effects of construction and operation on Leiston Abbey in amenity and recreation terms would be significant.</p> <p>The level of harm has been well set out in other responses including those from Historic England, and we note that this has been assessed as such, by the applicant, in their Environmental Statement.</p> <p>There will be harm to the historical setting of the Leiston Abbey (second site) and to the visitor experience.</p> <p>The proposals will have an adverse effect on the setting and significance of the Leiston Abbey (second site) both during the construction and operation phase. Concerns centre around increased traffic, noise, the new rail route, the proximity of the construction campus, and the visual impact of the scheme and associated infrastructure.</p> <p>The current peace and tranquillity of the Leiston Abbey (second site) helps the understanding, interpretation, and visitor experience. A good visitor experience is at the heart of EHT's corporate focus, and the harm to this will affect the long-term sustainability of the site without mitigation.</p> <p>The Leiston Abbey (second site) also currently helps the local community understand the history of the area and helps with local education, and this important link will be damaged without mitigation.</p> <p>During the construction phase the proximity of the construction workers campus could also present management problems to EHT given the open nature of the Leiston Abbey (second site) - with increased visitor numbers, and the risks of anti-social behaviour and vandalism.</p>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. continues to engage with Pro Corda Music Trust to determine the most appropriate measures to mitigate and minimise adverse noise effects on their recreational and educational provision, including a sensory garden and options to provide enhanced noise insulation to the accommodation areas. An updated position will be set out in the next revision of the <b>Statement of Common Ground</b> (Doc Ref 9.10.21(A)).
AR.1.19	ESC, SCC	<p><b>Community Impact Report (CIR)</b></p> <p>The CIR indicates that there would be a significant adverse effect on the amenity of pedestrians and cyclists using the B1122 during the early years of construction (Table 2.2 of [APP-156]).</p> <p>Could this be mitigated to reduce this effect, if so how could this mitigation be secured?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC is working with SCC and the Applicant to explore opportunities for enhancing the B1122 for pedestrian and cyclists. However, this is very difficult to achieve in the early years of construction prior to the Sizewell Link Road becoming available. At that point there is still a complication with the northern stretch of the road from Middleton Road to Yoxford roundabout which will still have to accommodate HGVs and there is limited highway to incorporate cyclist or pedestrian improvements. ESC aspires to promote links from the coast at Sizewell to Darsham railway station (adjacent the Northern Park and Ride), this requires footpath and cyclist improvements. Working together the aspiration is to achieve appropriate mitigation for cyclists and pedestrians on the B1122 in the early years and post early years but this is a work in progress currently.
	<b>Response by Suffolk County council for Deadline 2</b>	<p>A more detailed response with regard to early years impact on the B1122 is included under ExQ TT.1.119.</p> <p>A degree of mitigation is possible although there are significant constraints in terms of the highway land available in which such works can be delivered and the proximity of buildings.</p> <p>Referring to the East Anglia One North and East Anglia Two offshore wind farm examination, SPR identified highway works to proportionately mitigate the impact of their scheme. Details can be found in the Outline Construction Management Plan ([APP-586] of the East Anglia TWO examination library)</p>

ExQ1	Question to:	Question:
		Mitigation can be secured through the s106 agreement as a specific contribution or delivered by the Applicant as a defined project in a management plan and through the Highways Act (1980) s278 agreement with the LHA. The latter approach was favoured by SPR.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. recognises the need to bypass the B1122 for these and other reasons and to mitigate early years' impacts. SZC Co.'s position is recorded in response to Question <b>TT.1.95</b> . Please also see this document in relation to <b>TT.1.119</b> which discusses mitigation measures on the B1122.
AR.1.20	ESC, SCC	<b>Recreational Receptors</b> Do the Councils agree that the only recreational receptors significantly affected by the works on the main development site during construction would be as set out in para 15.3.55 of [APP-267] or are there other areas of concern that should be identified?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC agrees with regards to receptors significantly affected but would prefer to have cyclists and horse-riders included in the definition of receptor. There may be receptors at other locations close to associated development sites that may be less significantly affected but the Applicant has correctly highlighted those which would be significantly affected.
	<b>Response by Suffolk County Council for Deadline 2</b>	The Council does not agree with para 15.3.55 of [APP-267] as it limits the scope of recreational receptor to pedestrians and should include horse-riders and cyclists. <u>Early years</u> <ul style="list-style-type: none"> <li>• B1122-adverse effects will be experienced by all recreational receptors on the whole of the B1122 from its junction with the A12 to Abbey Road and not just Theberton village as currently described.</li> <li>• Sizewell Gap - there is a well-connected public bridleway and byway network immediately south of the Sizewell Gap road that links across the road to the Sandy Lane public bridleway 19 (E-363/019/0). Adverse effects will not be limited to pedestrians.</li> </ul> During Peak years

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Severance will also affect cyclists and horse riders and not just pedestrians as is currently described in 15.3.55</li> </ul> <p>On the wider transport network recreational receptors will be affected where rights of way cross or connect to the main haul route (i.e. A12 / B1122) and some of the more heavily trafficked routes to the park and ride sites (B1078, A1120). Of particular concern are those sections of highway that users are required to traverse between individual rights of way (see [REP1-049] para 16.40)</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p><b>SZC Co. acknowledges the response from the Councils</b> and continues to discuss the environmental transport assessment included in <b>Volume 1, Chapter 2 of the ES Addendum [AS-181]</b> to reach agreement on the assessment.</p> <p>The Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Part 8 has now been withdrawn but provided useful guidance on the assessment of environmental transport effects. With regards to severance it stated at Section 6.1 (c) that <i>"the guidelines apply specifically to pedestrians; cyclists and equestrians are less susceptible to severance because they can travel more quickly than people on foot, although they may still be deterred from making journeys which require them to negotiate additional roads and especially junctions."</i></p> <p>Amenity is defined as the relative pleasantness of a journey. Therefore, consideration should be given to whether vulnerable road users are crossing a road or travelling along the road when considering impacts on amenity.</p>
AR.1.21	The Applicant, Relevant local authorities (iv only)	<p><b>Methodology</b></p> <p>(i) In light of the complexity of the assessment and the time period over which the construction would last would it be reasonable to assume that the significance of effect could be greater than that which has been concluded?</p> <p>(ii) What degree of confidence is there in the assessment?</p> <p>(iii) As there is not an agreed methodology for assessing such affects and it is reliant upon professional judgement – has an independent review been undertaken of the findings?</p>

ExQ1	Question to:	Question:
		(iv) Do the Councils agree with the methodology and the significance of effect found by the Applicant with regard to impacts upon recreation and amenity?
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. does not consider that, in light of the complexity of the assessment and the time period over which the construction would last, it would be reasonable to assume that the significance of effect could be greater than that which has been concluded. SZC Co. is confident in the assessments within each <b>Amenity and Recreation</b> chapter of the <b>ES</b> and are satisfied they are precautionary. The methodology was consulted on with statutory and non-statutory consultees as summarised in Table 1.3 of <b>Volume 1, Appendix 6K</b> (Amenity and Recreation Legislation and Methodology) of the <b>ES</b> [<a href="#">APP-171</a>]. SCC has agreed in the <b>Statement of Common Ground</b> with the methodology for the assessment of impacts on amenity and recreation including tranquillity, as detailed in <b>Volume 1 Appendix 6K</b> of the <b>ES</b> [<a href="#">APP-171</a>] (Doc Ref. 9.10.12 Table 4.2, AR2 and AR18).</p> <p>SCC has agreed that the assessment conclusions for the main development site are robust and appropriate, with the exception of three matters where discussions are ongoing (Doc Ref. 9.10.12 Table 4.2, AR3, AR4, AR5 and AR6).</p> <p>The assessments presented in the <b>Amenity and Recreation</b> chapters of the <b>ES</b> have followed a robust and thorough process in accordance with the methodology in <b>Volume 1, Appendix 6K</b> (Amenity and Recreation Legislation and Methodology) of the <b>ES</b> [<a href="#">APP-171</a>]. The duration of the construction period has been accounted for in the assessments. The duration of the construction phase is defined as long-term, falling within the 10-25 years long-term time frame defined at paragraph 1.3.35 of <b>Volume 1, Appendix 6K</b> (Amenity and Recreation Legislation and Methodology) of the <b>ES</b> [<a href="#">APP-171</a>].</p> <p>The assessments were undertaken by LDA Design, by experienced professional staff, and peer reviewed by an experienced Director at LDA Design. The assessments were reviewed by SZC Co.'s EIA team and legal advisors, before being finalised by LDA Design.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	(iv) ESC has been involved with the Applicant in their assessment and has agreed the methodology used to date. ESC does not have resident expert in this subject and is led by the Applicant and colleagues at SCC who may be able to provide further detail.

ExQ1	Question to:	Question:
		<p>With regards to significance of effect, ESC agrees that there will be impacts on recreational receptors and that these will vary in significance levels. Any mitigation proposed will not fully address these effects and therefore the Applicant is expected to provide a PROW Fund, resilience Funds for privately owned but impacted sites such as RSPB Minsmere and Dunwich Heath National Trust and contribute an element in relation to this aspect to the Natural Environment Fund.</p>
	<p><b>Response by Leiston Town Council for Deadline 2</b></p>	<p>AR1.21 (iv) CIR Methodology</p> <p>Whilst having no expertise on methodology for such studies and predictions, we would like to make the observation that sports are not the only recreational activity engaged in by Leiston residents and very probably by workers on SZC. We would like more consideration given to other activities in the town including cultural activities such as:</p> <ul style="list-style-type: none"> <li>- Royal British Legion Band,</li> <li>- Amateur dramatics</li> <li>- Youth groups including scouts, cubs, girl guides, brownies, army/air cadets and youth clubs</li> <li>- the cinema</li> <li>- community radio</li> <li>- other groups such as family history, crafts, reading groups, the men's shed at the Long Shop to name but a few.</li> </ul> <p>If ways could be found to support these various activities and groups, most of them voluntary, then new or temporary residents might be welcomed in which would help community cohesion. The Town Council has plans for the community centre at the Waterloo Centre which will have space for a wider range of activities including adult education and sport. Sufficient money should be ring-fenced from the community fund for Leiston to support these other activities. With the increased number of construction workers now predicted on the SZC site and the caravan site for 500 workers on the LEEIE with no recreational facilities on site these measures are all the more necessary</p>
	<p><b>Response by Sufflok County council for Deadline 2</b></p>	<p>SCC accepts the methodology for the Amenity and Recreation Assessment.</p> <p>SCC mostly accepts the significance of effect with some exceptions: -</p> <ul style="list-style-type: none"> <li>• Receptor zones 4,6,9 and 20 are described in ES Chapter 15 [APP-267] as suffering minor adverse effects and not significant. However, zones 4 and 9 will be affected by the</li> </ul>

ExQ1	Question to:	Question:
		<p>early years traffic on the B1122 and by the construction of the SLR for which the individually affected PRoW are described as being significantly affected; the Council agrees with that assessment. However, the overall amenity of zones 4 and 9 will be diminished by the levels of traffic resulting in severance.</p> <ul style="list-style-type: none"> <li>• The Council has asked the Applicant to include all those receptor zones (4,6,9, 20) where there is a minor adverse effect to be included in the parameters for the PRoW s106 funding to recognize the wider impact and that users of recreational resources are often making circular walks and rides that cross over receptor zone boundaries.</li> <li>• Operational impact on the long distance paths – i.e. the Suffolk Coast Path, proposed England Coast Path and public footpath E363/021/0. SCC remains concerned that the longer term future of this route could be compromised because of its proposed location with respect to the design and future of the sea defences particularly at the north end of the main site. The current assessment of minor adverse and not significant is questionable. The Council awaits further information from the Applicant.</li> <li>• The Council questions the Applicants conclusion that there would no significant adverse effect on amenity and recreation due to increases in traffic on the A12, A145 and B1119.</li> </ul> <p>(iv)SCC is unaware of any specific assessments undertaken by the Applicant that consider people with protected characteristics.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p><b>Response to ESC</b></p> <p>Additional mitigation to that provided within the DCO will be provided through the Deed of Obligation including the PROW Fundand Resilience Funds.</p> <p><b>Response to SCC</b></p> <p>SZC Co. agrees that all those receptor groups (4, 6, 9, 20) where there is a minor adverse effect be included in the parameters for consideration under the PRoW Fund within the Deed of Obligation.</p> <p>SZC Co.'s position regarding the Suffolk Coast Path, proposed England Coast Path, Sandlings Walk and public footpath E363/021/0 along the coast within the main development site is explained in the draft SoCG with SCC and ESC at PROW_12 as follows:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• PRow E-363/021/0, and the Coast Path are proposed to follow the same route through the main development site. They are proposed to run along the platform east of the hard sea defence, where the higher hard sea defence to the west will screen lower level buildings and structures within the power station and provide some noise mitigation, allowing people to enjoy the coastal landscape and minimise intrusion by the power station. This is similar to the existing Coast Path and coastal defence alongside Sizewell B.</li> </ul> <p>SZC Co will provide an alternative informal footpath along the top of the hard sea defence. This will be within the permanent coastal margin (permanent accessible coastline which is being established by Natural England) which people will be available to use at all times, including if the lower PRow is eroded by extreme sea events, although this is very unlikely. The proposed PRow and Coast Path route east of the hard sea defence will be at a higher elevation than the existing PRow and coast path within the main development site, and the existing PRow and coast path to the north and south of the main development site. In extreme storm events it is likely that the PRow and coast path to the north and south would be eroded before the proposed permanent coast path within the main development site which would, therefore, become isolated should such events occur.</p> <ul style="list-style-type: none"> <li>• As set out in the DCO, SZC Co will maintain the soft sea defence to minimise likelihood of erosion of the PRow and coast path.</li> </ul> <p>The assessment of effects on the users of the Suffolk Coast Path and future England Coast Path during operation within <b>Volume 2 Chapter 15</b> (Amenity and Recreation) [<a href="#">APP-267</a>] and <b>Volume 2 Appendix 15G</b> (Non-Significant Effects) [<a href="#">APP-270</a>] is minor adverse and not significant. SZC Co. confirms this position. PRow E-363/021/0 lies within Receptor Group 12 Minsmere to Sizewell Coast; effects on receptors within this receptor group is assessed as moderate adverse and significant during operation. See Table 15.12 of <b>Volume 2 Chapter 15</b> (Amenity and Recreation) [<a href="#">APP-267</a>] for a summary of effects.</p>

ExQ1	Question to:	Question:
		<p><b>Volume 2 Chapter 15</b> (Amenity and Recreation) [<a href="#">APP-267</a>] and <b>Volume 2 Appendix 15G</b> (Non-Significant Effects) [<a href="#">APP-270</a>] conclude that receptor groups that the A12, A145 and B1119 pass through or along the edge of would not experience significant adverse effects. This applies to receptor groups A, C, D, F, G, H, L, M, N, 9, 17 and 18. SZC Co. confirms this position.</p>
AR.1.22	The Applicant, SCC, ESC	<p><b>Southern Park and Ride</b></p> <p>As part of the proposal to improve access to the Southern Park and Ride it is suggested [RR-762] that this may require traffic regulation orders to remove on street parking along the B1078.</p> <p>(i) Is this correct?</p> <p>(ii) If so, how many parking spaces would be removed?</p> <p>(iii) Where is it anticipated the residents using these spaces would park in the event that this is undertaken?</p> <p>(iv) What assessment has been undertaken to ensure no one with protected characteristics would be adversely affected by such a proposal?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. has been working closely with SCC, ESC and Wickham Market Parish Council (WMPC) to develop a package of improvements for the village that will widen footways, improve pedestrian crossing facilities and control traffic speeds through the careful application of footway build-outs and kerb re-alignment. As part of the scheme proposals SZC Co. proposes to rationalise car parking along the B1078 through Wickham Market, creating safe places for pedestrians to cross, improving visibility from property accesses and creating highway geometry that encourages slower speeds.</p> <p>(i) Yes. Traffic Regulation Orders will be required to modify the current parking restrictions along the B1078 in Wickham Market.</p> <p>(ii) On the B1078 between Border Cot Lane and Spring Lane, the peak number of vehicles parked along the High Street during a parking occupancy survey in 2019 was recorded as 22; the future capacity would be 17 (loss of five spaces). The capacity of the long parking bay along High Street between Spring Lane and Lower Street would be reduced from 12 to 10 spaces – however the parking survey recorded a maximum of 10 cars parked along the kerbside east of Spring Lane at peak, suggesting that the future design would be sufficient to accommodate demand. On Border Cot Lane parking for seven cars will be provided on</p>



ExQ1	Question to:	Question:
		<p>the southern side between the High Street junction and Riverside View. This represents a reduction of approximately 3 cars compared to the existing situation, taking into account the presence of crossovers already present. There would be no change in parking provision west of Riverside View.</p> <p>(iii) During high parking demand periods (typically late evening and overnight), a small number of drivers would need to find alternative parking within Wickham Market. The 2019 parking survey showed spare capacity on side-roads. Barhams Way was found to have adequate spare on-street parking capacity for displaced parking, with a public footpath linked directly back to the B1078 High Street (around 120m in length).</p> <p>(iv) The majority of parking along the B1078 in Wickham Market is unmarked. No blue-badge spaces are marked. The scheme proposals include marked parking bays, and so could incorporate marked blue badge parking bays, should that be required.</p> <p>SZC Co. recognises that loss of parking is an important issue for WMPC and continues to work with the Parish to minimise any parking loss. SZC Co. is currently seeking acceptance from the Parish to present the scheme proposals to the community through a public consultation process in the summer.</p> <p>The Wickham Market scheme would be delivered by SCC and funding secured through <b>Deed of Obligation</b> (latest draft of the <b>Deed of Obligation</b> provided in Doc Ref. 8.17(C)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC is invited to and attends meetings held by the Applicant with Wickham Market Parish Council, chaired by SCC Highways. Specific responses to the questions asked should come from the Applicant and SCC. SCC as local highway authority would be the responsible authority for updating traffic regulation orders. ESC would need to be involved if resident parking zones were to be introduced but we are not aware of any such proposals for Wickham Market. ESC is keen to ensure residents are fully aware of proposals and have the opportunity to comment through the proposed public consultation programme by Wickham Market Parish Council. ESC expects any resident with protected characteristics identified through the public consultation exercise to be supported and not disadvantaged or adversely affected by proposals in Wickham Market.</p>

ExQ1	Question to:	Question:
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>(i) As part of the Wickham Market Improvement Scheme some changes to the parking restrictions on the B1078 High Street between Border Cot Lane and the Deben Bridge are proposed. A Traffic Regulation Order would be required.</p> <p>(ii) The design is not developed to a point where the exact number of parking spaces being removed can be given.</p> <p>(iii) While great efforts are being made to maximise the retention of on-street parking there is a delicate balance between this, road safety (in particular for pedestrians) and minimising delays and congestion. There is no legal requirement to provide or protect onstreet parking, but a formal legal consultation process would normally be required to introduce any restrictions. SCC would expect that, as part of our consent with regard to Article 22 on this matter, we would expect there to be a consultation with local residents. This process will enable residents to respond to the proposals. However, it is clear that the removal of car park spaces will negatively impact local residents, and the local characteristics mean that provision of alternative car parking in the near vicinity of the lost car parks will be challenging.</p> <p>(iv) The matter of provision of disabled parking has been a matter of discussion with Wickham Market Parish Council, but no final agreement has been reached regarding what, if any, provision will be made. Formal restrictions to provide disable bays would be included within a traffic regulation order. Alternatively informal (but unenforceable) disabled bays can be provided without legislation. In either case the bays would be available to any road user with the necessary dispensation, not just residents.</p> <p>However, this will not mitigate impacts on other people with protective characteristics, such as elderly people who are not classified as disabled, or children. To SCC's knowledge, no assessment has been undertaken on impacts on people with protected characteristics.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Discussions are on-going with Wickham Market Parish Council, SCC and ESC at a monthly Sizewell C Transport Workgroup on Wickham Market to agree a scheme which will be put to public consultation to gather views. The proposed scheme is also undergoing a Stage 1 road safety audit (RSA) to identify any safety concerns at the preliminary design stage. Based on feedback from residents and the findings of the RSA, SZC Co. will refine the scheme, and confirm the arrangements for on-street parking. The <b>Initial Statement of Common Ground</b> with East Suffolk Council and Suffolk County Council [<a href="#">REP2-076</a>] ref. MI09 sets out the current position.</p>

ExQ1	Question to:	Question:
AR.1.23	The Applicant, ESC, SCC	<p><b>Southern Park and Ride</b></p> <p>A number of RRs including [RR-521, RR-588, RR-762 and RR-898] indicate that the location of the P&amp;R would adversely affect Wickham Market during construction and subsequent operation as a consequence of the additional traffic.</p> <p>(i) Please advise how the effects on the character and amenity of the town and its residents have been considered in selecting the location for the P&amp;R and</p> <p>(ii) what mitigation if any would be secured to ensure that the effects are kept below a significant level?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The Site Selection report [<a href="#">APP-591</a>] sets out the site requirements and filter stages that SZC Co. has progressed to identify Wickham Market as the preferred option for the southern park and ride site.</p> <p>A number of refinements to the design were made in response to the Stage 4 consultation comments received that aim to improve both the character and amenity of the residents of Wickham Market. Those refinements include:</p> <ul style="list-style-type: none"> <li>• refinements to the lighting design including incorporation of measures to reduce light spill; and</li> <li>• with regards to reducing delay through Wickham Market, SZC Co. has been working with the Parish Council to bring forward a public realm improvement scheme within the public highway which would represent the first phase of the implementation of the Wickham Market Neighbourhood Plan (rather than temporarily removing on-street parking on the B1078 or constructing a diversion route via Valley Road and Easton Road)</li> </ul> <p>(ii) Any additional mitigation would be secured through the Deed of Obligation (latest draft of the Deed of Obligation is provided in Doc Ref. 8.17(C)). The public realm improvement scheme would address elements of the pedestrian safety, and cycling, walking and disability access routes policies of the draft Wickham Market Neighbourhood Plan, as well as deliver a number of the potential improvement works identified in the transport and movement section of the Neighbourhood Plan. Measures are currently exploring the introduction of village gateways, pedestrian crossings, narrowing of roads/widening of pedestrian routes, and demarcation of parking bays.</p>

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>For matters relating to additional traffic ESC defers to SCC as local highway authority. The siting of the Park and Ride at Wickham Market – in the parish of Hacheston, evolved through pre-app consultation process to ensure that it did not adversely impact on an area of high archaeological importance.</p> <p>The siting and design, although not complete, has continued to evolve including introduction of a landscape bund in the Change submission following requests from Wickham Market Parish Council. Additional mitigation is being discussed with the Applicant, the Parish Council, and SCC.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) Selection of the park and ride site was a matter for the Applicant. SCC has no comment to make on this point.</p> <p>(ii) The Wickham Market Improvement Scheme is intended to be the method by which mitigation can be provided to keep the impacts of the SZC construction traffic below a significant level. SCC notes that these improvements are focused on Wickham Market and exclude the B1078 east of the parish boundary (Deben River Bridge) to the Southern Park and Ride access. Discussions with the Applicant are ongoing regarding this matter.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AR.1.24	The Applicant, SCC, ESC	<p><b>Sizewell Link Road</b></p> <p>A number of residents including [RR-749] have expressed concern that the closure of Pretty Road would result in significant problems of severance, causing significant difficulties for accessing services in Saxmundham. Please respond to this concern.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. acknowledges the concerns raised by local residents and discussions have been on-going regarding this matter during public consultation and since submission of the DCO Application. Recent helpful discussions with SCC Highways has confirmed that a vehicular bridge is viable in this location when combined with a reduction in speed limit. Although SZC Co. considers that the current DCO proposals would provide sufficient connectivity between Theberton and Saxmundham and would maintain access to Theberton Hall, SZC Co. does see merit in maintaining vehicular access along Pretty Road to assist with local connectivity and to enhance landowner access to fields either side of the Sizewell link road.</p>

ExQ1	Question to:	Question:
		In response to the concerns raised, SZC Co. is therefore intending to revise the Pretty Road bridge proposals so that vehicular access across the Sizewell link road in this location is maintained. SCC have been made aware of this intention and are supportive of the amendment in principle. Please see the <b>Notification Report</b> (Doc Ref. 9.27) submitted at Deadline 2 for further detail.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC understands that this concern has been raised and severance of communities is an issue. However, the Applicant is proposing amendments to the submission to address these concerns and therefore we defer to the Applicant to answer this question fully.
	<b>Response by Suffolk County Council for Deadline 2</b>	In responding to the Applicant's proposals SCC has been mindful of the balance between providing vehicular access over the Sizewell Link Road, which could encourage rat running, and having no links that sever the local residents from the highway network. In addition, the bridge forms an important function allowing safe access across the Sizewell Link Road for pedestrians, cyclists and equestrians. The original proposal provided two of these requirements but not the vehicular access between Theberton and Saxmundham. Revised proposals are being considered by the Applicant to provide a vehicular bridge and remove the connection of Pretty Road to the Sizewell Link Road. SCC in principle accepts this proposal providing that good pedestrian, cycle and equestrian access is provided over and either side of the bridge and that consideration is given to how the risk of the route attracting rat running is minimised.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2. SZC Co. is progressing this matter as a proposed change to the application.
AR.1.25	The Applicant, SCC	<b>Two Village Bypass</b> Residents of Marlesford and Glemham including [RR-1018, RR-758] express concern regarding the adverse effect increased traffic would have from the proposed development, in combination with the positioning of the Southern Park and Ride. This combined with the lack of a bypass to the villages, could result in unacceptable impacts in terms of access to the A12 and severance from the facilities on the southern side of the A12. Please respond to these concerns setting out how you consider the effects are mitigated.
	<b>Response by SZC Co. for Deadline 2</b>	Schedule 16 of the <b>Draft Deed of Obligation</b> (latest draft is provided in Doc Ref. 8.17(C)) identifies a Marlesford and Little Glemham Improvement Contribution to be used by SCC for the design and implementation of local improvements to mitigate Sizewell C

ExQ1	Question to:	Question:
		impacts. The proposed improvements include new 30mph speed limit through Marlesford and extension of the existing 40mph speed limit, traffic calming, gateway features, new and wider footways and crossings. The Applicant considers that these measures adequately mitigate any potential effects.
	<b>Response by Suffolk County Council Deadline 2</b>	SCC does do not consider that the traffic impacts on these communities have been sufficiently mitigated. Review of the Environmental Assessment of traffic forms an ongoing workstream with the Applicant; SCC is currently of the opinion that there is an impact that requires mitigation. However, the Applicant has also shown a commitment towards developing a strategy for mitigating impacts at these locations, and we welcome this dialogue, of which we will provide appropriate updates to the Examining Authority.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. will continue to liaise with the Councils and parish council to agree proportionate transport mitigation to be funded by the Marlesford and Little Glemham Improvement Contribution to be secured through the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D))
AR.1.27	ESC, SCC	<p><b>Public Sector Equality Duty</b></p> <p>A number of RRs including [RR-681, 0790, 993] have been received identifying people with protected characteristics who indicate they would be disadvantaged by the proposed development.</p> <p>(i) Do the Councils consider adequate regard has been made to people with protected characteristics in identifying impacts and subsequently setting out appropriate mitigation?</p> <p>(ii) If in answering the above in the negative, what additional work should be undertaken to improve the assessment?</p> <p>(iii) What additional mitigation might be available?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC notes that the responsibility to be satisfied that the Public Sector Equality Duty has been met rests with the Secretary of State. However, in context of these questions, ESC's comments are as follows:</p> <p>(i) The Applicant submitted an Equality Statement [APP-158] as part of their submission and to identify where equalities impacts may be relevant in the decision-making process. There may be some instances where ESC is concerned that impacts to persons of</p>

ExQ1	Question to:	Question:
		<p>protected characteristics has not been identified and therefore specific mitigation proposed such as with regard to severance of roads in locations resulting in elderly, infirm, young, disabled as an example struggling to cross a road. Direct mitigation is rarely proposed but could be secured in some instances.</p> <p>(ii) It may be that, working with the Applicant, ESC can identify further areas where mitigation could be proposed to address concerns arising from possible failure to address potential impacts. ESC also notes and agrees with proposals for Public Services Resilience Funding for the Council that could be used to address some of these impacts by ESC.</p> <p>(iii) Additional mitigation is difficult to identify at this point but an appropriately resourced Public Services Resilience Fund should suffice.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>We note that the responsibility to be satisfied that the Public Sector Equality Duty has been met rests with the Secretary of State. However, in this context of these questions, SCC's views are as follows:</p> <p>(i) SCC considers that adequate regard has not been made to people with protected characteristic. While it is considered that overall the Applicant's Equality Statement [APP 158] appears to identify impacts on people with protected characteristics, this is not comprehensive in relation to community safety and community cohesion impacts. The LIR [REP1-045], at para 28.29 onwards, refers to a number of potential impacts in relation to community safety and community cohesion which may have a disproportional impact on people with protected characteristics, such as hate crime, criminal exploitation and violence against people. The Equality Statement also does not include reference to impacts on schools and early year places and safeguarding and additional provisions at school; these impacts are covered in the LIR ([REP1-045] para 27.9-27.22).</p> <p>The mitigation proposals by the Applicant do not in general appear to focus on specific mitigation for people with protected characteristics within the community, although [APP 158] refers to SZC's commitment to recruiting a diverse workforce and to implement initiatives to deliver diversity within the workforce.</p> <p>(ii) Further assessments may be required when details of mitigation measures are being confirmed by the Applicant, including for each measure who is going to be responsible to address the equality related impacts. SCC considers that, where applicable, this should be in the form of specific equality impact assessments, considering the impact on people with protected characteristics, before any final decisions are made about what activities are</p>

ExQ1	Question to:	Question:
		<p>going to be delivered. In addition, whichever organisation is the lead for an activity should be responsible for undertaking an equality impact assessment for it. The responsibilities should be clearly set out in obligations, and if any of these responsibilities fall to one of the Councils, the costs related to these assessments should be covered by the Applicant.</p> <p>(iii) Consideration should be given how mitigation and compensation measures can and will support and protect people with protected characteristics, e.g. the Community Fund. The Public Services Resilience Fund needs to be set up and scaled so that the project does minimise impacts on public services, many of which provide services particularly to people with protected characteristics in terms of age and disability, which are the characteristics identified by the Applicant as most disproportionately affected (Table 1.1. in [APP 158]).</p> <p>The LIR also identifies mitigation measures/action plans in relation to community safety and community cohesion which could be delivered by the Councils, and should be funded by the Applicant (see LIR para 28.48-28.63 and LIR Annex N).</p> <p>Required mitigation for school and early years settings, in relation to impacts on young people and their education and wellbeing, are covered in the LIR (para 27.51-27.53). The Applicant recognises the disproportionate effect of construction traffic impacts on the elderly and those with mobility issues, in terms of accidents and road safety; access and accessibility; community severance; and pedestrian fear and intimidation. In the LIR, SCC lists a number of locations where highway improvements are, or might be required (tables 14-17). Improvements to pedestrian facilities may particularly reduce the impact of people of these protected characteristic, to reduce severance, improve access and reduce pedestrian fear and intimidation.</p> <p>With regard to support of people with protected characteristics in the Sizewell C workplace, the LIR proposes as an additional measure to give consideration and support regarding the various faith groups likely to be present on site (para 28.61).</p> <p>SCC also notes that the "Study on the impacts of the early-stage construction of the Hinkley Point C (HPC) Nuclear Power Station" (Oxford Brookes University 2019, commissioned by SCC and other local authorities) (LIR APPENDIX 2: 1 [REP1-089], page 34) highlights for HPC that the monitoring system is not delivering enough disaggregated information on characteristics of the workforce, such as family composition, nationality, gender, disability etc that would allow better estimation and management of project impacts on local services, including arrangements for people for protected characteristics.</p>



ExQ1	Question to:	Question:
		<p>SCC considers that the 'principles' described in the Rights of Way &amp; Access Strategy para 1.1.4 [APP-270] does cover parties with protected characteristics, but these principles should be extended to cover all sites, including the Sizewell Link Road and the 2 village bypass where many PRoW are affected. The Strategy does not address the effects of increased traffic on the wider highway network such as the A12.</p> <p>SCC notes that the Applicant has indicated to the Councils that funds will be available to deal with equality issues as they arise (or based on best practice of the bodies that apply the funds in pre-mitigation circumstances), and that the Councils have input into the monitor/manage stage of implementation for those funds so there is a mechanism in place to deal with equality. SCC will be seeking further detail on this matter.</p> <p>See also answer to ExQ HW1.17, regarding effects on the elderly.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co does not agree that adequate regard has not been made to people with protected characteristics in identifying impacts and subsequently setting out appropriate mitigation. To clarify, SZC Co submitted an <b>Equality Statement (EqS)</b> [APP-158] as part of the DCO – this is not an Equality Impact Assessment, but is intended to draw upon assessments within the DCO application and guide to where equalities impacts may be relevant and have been considered, in order to inform the DCO decision-making process. The Public Sector Equality Duty (PSED) in terms of decision-making sits with the Secretary of State, who may be supported by the recommendation of PINS, and the EqS is intended to help the Secretary of State conclude on the decision.</p> <p>As set out in the EqS (para 1.2.5), everyone affected by a development will have some protected characteristics under the Act (such as age, race, and sex), and they will not all be equally affected. That does not, however, necessarily constitute an equality effect. The question for the Public Sector Equality Duty is whether there are disproportionate or differential impacts that have been considered. However, by assessing certain impacts (e.g. on school places) we are dealing directly with differential or disproportionate impacts on persons with protected characteristics that we have identified.</p> <p>A further point about mitigating equality impacts is that mitigation is not always automatically different for equality considerations. For example, elderly people may be more affected by noise, but mitigation to reduce noise as much as is reasonably possible would not be specific mitigation for elderly people, but general mitigation that also reduce effects on potentially disproportionately affected elderly people. Similarly, public safety</p>

ExQ1	Question to:	Question:
		<p>impacts could affect groups with protected characteristics differentially, but mitigation that reduces all impacts will avoid differential equality impacts.</p> <p>The EqS signposts to where potential differential or disproportionate impacts may occur and highlights where mitigation may be required. In most cases, the mitigation takes the form of funds so that public sector bodies can administer them in ways that avoid, reduce or mitigate residual equalities impacts.</p> <p>If that mitigation funding is supporting an existing council service like social care / community safety / integrated care – the PSED is with the Councils just like any other application of service, and the Applicant and Councils need to make sure that the remit of the funds (e.g. the Public Services Resilience Fund, the Housing Fund, and School Capacity and Support Contributions) is sufficiently flexible for the Councils to apply them under their existing terms of service (which themselves are already subject to Equality Impact Assessment).</p> <p>As far as the planning decision goes, the Examining Authority and Secretary of State can be reassured that appropriately scaled funds are available to deal with reasonable equality issues as they arise (or based on best practice of the bodies that apply the funds in pre-mitigation circumstances), and that the Council has input into the monitor/manage stage of implementation for those funds so there is a mechanism in place to deal with equality.</p> <p>SZC Co welcomes the positive engagement between themselves, ESC and SCC in developing a Public Services Resilience Fund to reduce the risk of effects on groups that may be differentially or disproportionately affected as a result of their Protected Characteristics, and may be more vulnerable to the effects of the Project.</p>
AR.1.28	ESC, SCC	<p><b>Parking Provision</b></p> <p>Do the Councils consider that the parking details set out in paras 3.4.143, 155, 178, 204 [APP-184] proposed is sufficiently clear and robust to avoid potential problems of fly parking such that this would avoid the need for additional provision/ mitigation/monitoring of parking and be regarded as appropriate?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant has now updated <b>Volume 2, Chapter 3</b> (Description of Construction) of the <b>ES</b> (Doc Ref. 6.14(A)) to include Table 3-9, which sets out the name of the parking facility, parameter zone, number of spaces, predominant vehicle type and the relevant operational period for clarity. All of this information was contained within the previous</p>

ExQ1	Question to:	Question:
		version of the chapter but has been pulled together into a standalone table. All of these parking facilities are secured via Requirement 8 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).
	<b>Response by East Suffolk Council for Deadline 2</b>	The potential for fly parking is raised in the LIR [REP1-045] at 31.14 in the event that the on-site car park is delayed. There is further reference to the potential for fly parking in other areas including close to the park and ride sites. It is imperative that appropriate levels of car parking be provided across the construction including at the main development site, the LEEIE, and at associated development sites to avoid the issue of fly parking arising which was an occurrence at Hinkley Point C. Fly-parking has impacts on ESC from an enforcement perspective and ESC from a highway perspective and we are seeking through an appropriately enforceable Implementation Plan to avoid the risk of fly-parking at Sizewell C. See also, response at TT1.36.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC do not believe that the proposed temporary car parking provision is sufficient in isolation and requires appropriate monitoring and controls on staff car sharing, arrival and departure patterns, workforce numbers and fly parking. SCC note that section 13.3.2 of the TA Addendum [AS-266] states that the CWTP is being refined with further details on the management of fly parking. A more comprehensive answer in relation to fly parking is provided under Question TT.1.36.
	<b>Response by SZC Co. for Deadline 3</b>	See Deadline 3 response to SCC and ESC comments at <b>TT.1.36</b> (fly parking) and <b>TT.1.51</b> (car occupancy and car sharing) and <b>TT.1.67</b> (workforce number controls).
AR.1.29	The Applicant, ESC, SCC	<b>Leiston</b> Leiston cum Sizewell Town Council [RR-679] express a variety of concerns about the broader impacts upon the town of the proposed development beyond those considered in the ES assessment. Please respond to these concerns and advise what progress has been made in any joint working in particular on the broader cultural issues identified, town centre improvements sought, and enhanced cycle provision.
	<b>Response by SZC Co. for Deadline 2</b>	SZC Co. has worked closely with SCC and Leiston Town Council (LTC) to develop a scheme for the town which proposes improvements to footways, public realm, cycle infrastructure and junctions. The package of improvements align with highway network changes put forward by LTC, including the conversion of B1122 Main Street and High

ExQ1	Question to:	Question:
		<p>Street to one-way eastbound and southbound. The one-way route is designed to allow cyclists to continue to travel in both directions along this route. To accommodate the scheme, the B1122 Main Street arm of the B1119 / B1122 / B1069 junction would be for traffic exiting the junction only, which should result in an improvement in capacity and efficiency. An on-demand cycle stage is proposed for cyclists approaching the junction from Main Street. The Leiston scheme proposals have received broad support from Council, and the public are expected to be consulted on proposals in the Summer of 2021. The Leiston scheme would be funded by SZC Co. through a defined section 106 contribution (see Schedule 16 to the <b>Draft Deed of Obligation</b> (Doc. Ref. 8.17(C))).</p> <p>The proposed scheme will also be supported by a road signage strategy for the town which will direct traffic on the appropriate routes to site to avoid using the town centre and King George Avenue.</p> <p>LEEIE will be used in the Early Years of the project as a temporary park and ride site for workers and also a control point to manage the flow of vehicles onto Sizewell Gap Road. SZC Co. and the Town Council have also discussed opportunities for the Community Fund (as detailed in the <b>Deed of Obligation</b>) to help deliver some of the wider cultural and social aspirations of the Town Council.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>The LIR [REP1-045] has a Leiston specific section beginning at 36.8 which references (36.13) the ongoing work being undertaken between the Applicant, the Town Council, SCC and ESC with regards to mitigating for construction and operational traffic in Leiston, in particular through the centre of the town.</p> <p>The proposal includes provision for cycling and public transport access and a costed formal package is being worked up. There are wider issues outside of highway improvements highlighted in the LIR (paragraph 36.14) and in submissions made by Leiston-cum-Sizewell Town Council, including opportunities for improvements to existing community facilities in the town and cultural offerings. Some of these could potentially be supported through community fund proposals by ring-fencing elements of the wider fund to the Town Council as the primary hosting authority for the construction and operation.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>The Applicant, Leiston Town Council, ESC and SCC (as the Leiston Working Group) have engaged to develop the Leiston Improvement Scheme. The primary aim of the improvement scheme is to reduce traffic in and through the town centre and to promote walking and cycling reflecting some of the concerns raised in the Town Council's Relevant</p>

ExQ1	Question to:	Question:
		<p>Representations. This is included as a s106 obligation [AS-040]. The details have been developed to present an 'in principle' project but detailed design, costing and the legal processes to implement supporting traffic regulation orders have not been commenced. The Working Group is intended to take these broad principles to delivery. While the Improvement Scheme includes the town centre and cycling routes in the wider area, SCC is concerned that no direct, safe walking or cycling route is being provided between the Accommodation Campus and the centre of the town. The direct route via Abbey Road is via a narrow footway next to a narrow busy road constrained by limited highway boundaries (see LIR [REP1-049] section 15.115).</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>There are a number of improvements to sustainable modes that would promote access for residents of the campus to Leiston town centre by non-car modes.</p> <p>An off-road footpath is proposed by SZC Co. between the main site access and the re-located B1122 / Lover's Lane junction. From this junction there is an existing footway along the western side of the B1122 Abbey Road, which is all within the 30mph zone and connects into the centre of Leiston, where there are footways on both sides of the road.</p> <p>Alternatively, cyclists and pedestrians can access the centre of Leiston via a new footpath proposed by SZC Co. along the southern side of Lover's Lane. This new path connects with an existing PRoW (E-363/018/0) near to the Leiston Recycling centre and further south to Valley Road.</p> <p>SZC Co. supports the proposed closure of Valley Road for pedestrian/cycle access only, which is to be funded via an obligation secured through the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) and consented through the process set out in Article 22 of the <b>Draft Development Consent Order (DCO)</b> [<a href="#">REP2-015</a>]. It would enable Valley Road to become a safe and attractive route for cycling and walking into the centre of Leiston.</p> <p>In addition to the walk and cycle routes between the campus and Leiston town centre set out above, a free direct bus service is to be provided for Sizewell construction workers between Leiston and the main development site, which would provide an alternative sustainable form of transport for residents of the accommodation campus to access Leiston town centre.</p>

ExQ1	Question to:	Question:
AR.1.30	The Applicant, ESC, SCC	<p><b>Leiston</b></p> <p>The Town Council [RR-679] indicate they intend to stop vehicular traffic along Valley Road. Please respond to this proposal and what implication if any it might have for the development in the area.</p>
	<b>Response by SZC Co. for Deadline 2</b>	The Leiston Town Council proposal to stop vehicular traffic along Valley Road has been taken into account within the improvements summarised in <b>Question AR.1.29</b> in this chapter. SZC Co. supports this initiative which has no negative impacts for the development in the area.
	<b>Response by East Suffolk Council for Deadline 2</b>	Please refer to section 16.5 of the LIR [REP1-045] for reference to this proposal and how ESC is supporting this request alongside SCC as Highways Authority with responsibility for PROW.
	<b>Response by Suffolk County Council for Deadlone 2</b>	<p>SCC supports the Town Council's proposal to stop vehicular traffic using Valley Road as this would provide a good non-motorised route between the rights of ways network, Lovers Lane and the LEEIE caravan site into Leiston. It is understood that access to the Sewage Treatment Works is to and from the west, but this would be an issue to be confirmed before closure can be confirmed. The land to the north of Valley Road is the Aldhurst Farm site that has been provided as ecological mitigation for Sizewell C so is unlikely to be developed. To the south is the LEEIE for which access is best taken from Lovers Lane or King George Avenue as shown by the Applicant's proposals. Valley Road is narrow and constrained by hedges and is not suitable for significant vehicle movements but can provide a good facility for walking and cycling. No planning applications for development other than Aldhurst Farm are recorded on the ESC planning website for land either side of Valley Road outside the built-up area of Leiston (see: <a href="https://publicaccess.eastsuffolk.gov.uk/onlineapplications/spatialDisplay.do?action=display&amp;searchType=Application">https://publicaccess.eastsuffolk.gov.uk/onlineapplications/spatialDisplay.do?action=display&amp;searchType=Application</a>).</p> <p>In summary SCC does not consider that closure of Valley Road will be detrimental to development and will have a positive benefit in terms of sustainable transport.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AR.1.31	The Applicant, ESC, SCC	<p><b>Leiston</b></p>

ExQ1	Question to:	Question:
		Please respond to the Town Council concerns [RR-679] about improvements required for cyclists safety at the Kenton Hills /Lovers Lane junction, and the need to provide appropriate surfacing for walkers along the beach during construction activities.
	<b>Response by SZC Co. for Deadline 2</b>	<p><b>Improvements for cyclists</b></p> <p>An uncontrolled bridleway crossing will be included at this location, as shown in the updated <b>Rights of Way and Access Strategy (Volume 2 Appendix 15I Figures 15I.2 and 15I.3)</b> of the <b>ES</b> submitted at Deadline 2 (Doc Ref. 6.3 15I(A)). The detail on the specification for the crossing, will be agreed with SCC.</p> <p><b>Cyclist safety at the Kenton Hills /Lovers Lane junction</b></p> <p>LTC's Relevant Representation (dated 20 September 2020) was submitted before SZC Co.'s ES Addendum submitted in January 2021 which includes a crossing over Lovers Lane at this location, between the new off-road bridleway in Aldhurst Farm and Bridleway 19 in Kenton Hills. This is Change 15 described at section b) xii) of <b>Volume 1, Chapter 2</b> (Main Development Site) of the <b>ES Addendum [AS-181]</b>, and shown on <b>Figure 2.2.32 of Volume 2, Chapter 2</b> (Main Development Site) of the <b>ES Addendum [AS-190]</b>. During the construction phase this will be a pedestrian permissive footpath, and Bridleway 19 north of Kenton Hills Car Park will be temporarily closed for the construction phase as shown on the <b>Access and Rights of Way Plans Sheet 2 of 27 [AS-113]</b>. During the operation phase this crossing and the footpath link will be dedicated as a Public Right of Way (bridleway).</p> <p><b>Surfacing for walkers along the beach during construction activities</b> (also see response to <b>Question AR.1.36(iii)</b> in this chapter)</p> <p>SZC Co. has been in dialogue with SCC and Natural England on the specification of the Coast Path ((comprising the Suffolk Coast Path, Sandlings Walk, the future England Coast Path and PRow E-363/021/0) through the main development site along the coast during the construction and operational phases. The specification would be confirmed as part of the footpath implementation plan submitted pursuant to Requirement 6A of the Development Consent Order (Doc. Ref 3.1(C)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC defers to the Applicant and SCC to answer with regards to cyclist safety as this is a highway consideration. Diversions on the beach during construction and operation of the sea defences and beach landing facilities will require appropriate surfacing and this is expected to be undertaken by the Applicant. See also response to <b>AR.1.36.</b>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	The changes to the application [AS-005] include bridleway access to Kenton Hills from the Bridleway 19 diversion in Aldhurst Farm south of Lovers Lane. Schedule 17 of the DCO [APP-059] includes proposals to reduce the speed limit to 40mph on Lovers Lane. While the proposed route is not the most direct, SCC concurs with the Applicant that this is safer than providing a crossing on the bend immediately adjacent to the Kenton Hills Junction.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AR.1.32	The Applicant, SCC	<b>Lorry Park/Freight Management Facility</b> [RR-226] raises concern over the potential adverse effects on the health and wellbeing of cyclists as a result of the proposed lorry park. Please respond to the concerns.
	<b>Response by SZC Co. for Deadline 2</b>	The Freight Management Facility plans for approval [ <a href="#">APP-053</a> ] shows the proposed general arrangement plan of the Freight Management Facility and its access junction on Old Felixstowe Road. The access is located on the outside of a slight bend in an otherwise straight road, which means that there is good intervisibility between HGVs exiting the Freight Management Facility and cyclists on Old Felixstowe Road. Furthermore, the presence of a right turn lane for traffic entering the Freight Management Facility means that HGVs entering from the direction of Felixstowe Docks have good forward visibility of eastbound cyclists which minimises the risk of any potential collision. The junction of the A1156 and Old Felixstowe Road similarly has good intervisibility between the major and minor arms. The additional HGV demand at the Seven Hills junction generated by the presence of the Freight Management Facility will be small compared to existing levels.
	<b>Response by Suffolk County Council for Deadline 2</b>	The access to the Freight Management Facility is off a road that serves as the primary cycle route between Ipswich and Felixstowe. The safety of cyclists will need to be considered in the detailed design of the junction which will be subject to road safety audits.
	<b>Response by SZC Co. for Deadline 3</b>	As set out in the CTMP [ <a href="#">REP2-054</a> ], HGV drivers will be required to adhere to Driver Rules and HGVs will be tracked using GPS technology on their route to and from the freight management facility, which will also act as a road safety measure.



ExQ1	Question to:	Question:
AR.1.33	The Applicant, ESC, SCC	<p><b>Leiston</b></p> <p>The Town Council express concern [RR-679] that the mitigation for impacts from a large influx of predominantly male workers has not been fully addressed, with the only specific mitigation proposed the sports facilities at the Academy.</p> <p>The concerns in respect of the potential community impacts are much broader than just the effects on sports provision.</p> <p>Please respond to these concerns and explain how the ES has considered the broader community effects of a large influx of workers and what mitigation would be secured to address these community effects.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Please see the response to Question CI.1.11 in Chapter 12 (Part 3).
	<b>Response by East Suffolk Council for Deadline 2</b>	Please see section 28 of the LIR [REP1-045] where we discuss in detail potential impacts arising from an influx of workers to Leiston and mitigation required to address this.
	<b>Response by Suffolk County Council for Deadline 2</b>	From a Community Safety perspective, SCC is concerned that there is a risk that a large influx of predominantly male workers could impact a number of crime types, including criminal exploitation, gangs, county lines, domestic abuse, sexual violence, and hate crime. SCC expects to participate in mitigation through use of Public Sector Resilience Fund and/or Community Fund. We would use this to enhance our existing work programmes to ensure that more support services/awareness raising, and training are available from years 1 to 12 of the Sizewell C project.
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p> <p>Please see SZC Co's response in the <b>Comments on the Councils' Local Impact Report</b> (Chapters 27 and 28) (Doc Ref 9.29).</p>
AR.1.35	English Heritage	<p><b>Leiston Abbey</b></p> <p>[APP-577] sets out a summary of project wide effects at the Abbey, do you agree with the overall conclusions?</p>

ExQ1	Question to:	Question:
		What effect do you consider this would have on visitors to Leiston Abbey and would you regard the effect as significant?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Pro Corda Trust for Deadline 2</b>	<p>Pro Corda's position, as managers of the site for EH, is that the effect is very significant because of the need to control access via enhanced security arrangements. The effect and consequences of inadequate control would be severe on not only our business and charity but also on the heritage visitors, with heritage crime just one of the aspects which would affect public enjoyment, as well as increased costs.</p> <p>We believe, as above, that proper and imaginative partnership working within the mitigation process could achieve a lasting legacy of increased visitor experience. Leiston Abbey is unusual as a monastic heritage site in being run as a full time school – and not least within the artistic specialism of the school based there together with its focus on serving the most deprived in society. Pro Corda's work also sees us working with many community groups as well as Suffolk schools (also our partnerships via SCC to serve Suffolk based children and young people with disabilities as well as young carers) and we believe that this educational focus, together with the correct investment in the site via mitigation, could create a reinvigorated visitor experience for those who visit Leiston Abbey from across the world in years to come.</p>
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT is pleased to note that SZC Co. recognises the effects of the proposals on the Leiston Abbey Second Site. The scale of these effects should continue to be discussed through the DCO process. Obligations and S106 discussions continue on a 'without prejudice' basis.</p> <p>EHT's main focus for the Abbey site is to make it accessible to the general public, promote education and understanding of the site, and preserve and care for the buildings. The general visitor experience is very important here.</p> <p>EHT is concerned about the effect on the Abbey site both during the construction phase and once it is fully operational. As is discussed above, elements of the construction campus will remain once the Sizewell C Project is operational, and indeed, the power station itself and the associated traffic will cause some effects. The setting of the Abbey</p>

ExQ1	Question to:	Question:
		<p>site, and the understanding and appreciation of it by visitors, will be harmed both in the short and long term.</p> <p>EHT is concerned about the effects on Leiston Abbey second site arising from the construction phases of the project, the proposed road and rail movements, and the proposed workers "campus." The direct effects of these on the setting of the Abbey, and the indirect effects from increased road movements, and potentially visitor pressure will need to be carefully managed. Given the length of the construction phase for the project, EHT is also concerned about any legacy or long-lasting effects on Leiston Abbey second site. These effects will need to be managed and mitigated.</p> <p>In addition, during the operational phase given the size and scale of the development proposals, permanent changes to the local road network, and increased traffic there are concerns about the long-term effects on the site. The new power station will be visible on the horizon and the setting of the site will be harmed by the noise, smell and visibility of increased road traffic.</p> <p>To help mitigate the effects of the Sizewell C project on Leiston Abbey second site, EHT is proposing a comprehensive "Sustainable Conservation and Management Strategy" (SCMS) to provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving understanding of the site, enhancing the visitor experience, and promoting local community participation. This will help to better reveal the significance of the Abbey site.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co. continues to engage with Pro Corda Trust and EHT and welcomes the constructive discussions that have been held since Deadline 2.</p> <p>The current position with Pro Corda is set out in the updated <b>Statement of Common Ground</b> submitted at Deadline 3 (Doc Ref. 9.10.12).</p> <p>SZC Co. notes EHT concern for the setting and heritage significance of Leiston Abbey second site, and that these specific concerns are addressed in the SZC Co response to responses to the Examining Authority's First Written Questions Part 4 (Questions <b>HE.1.4, HE.1.12, HE.1.14, HE.1.15, HE.1.23, HE.1.55, HE.1.55, HE.1.56, HE.1.57</b>) at Deadline 2 [REP2-100], and the SZC Co. response to Historic England's Written Representation provided in Chapter 9 in the <b>Comments on Written Representations document</b> (Doc Ref. 9.28).</p> <p>SZC Co. agrees that the SCMS should be used as the basis for discussions for EHT.</p>



ExQ1	Question to:	Question:
		implementation plan submitted pursuant to Requirement 6A of the Development Consent Order.
	<b>Response by East Suffolk Council for Deadline 2</b>	This is predominantly a PRoW issue and ESC defers to SCC and agrees with their response to this question.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) The mitigation is twofold; measures to ensure that the footpath across the BLF will mostly remain open during the construction and the use of the BLF, and the use of the inland alternative route when this coastal access is not possible. SCC welcomes the commitment to keeping the access available on the coast but will require a risk assessment and appropriate measure to ensure that uses are not placed at risk from tides exceeding the highest astronomical levels. SCC will require both temporary routes along the coast to be designed in accordance with the 'principles' set out in the Rights of Way &amp; Access Strategy (APP-270).</p> <p>As set out in AR.1.7 and AR.1.11, SCC is not wholly satisfied with the inland alternative route.</p> <p>(ii) SCC expects both routes to have a suitable surface. The Applicant has indicated in the PRoW SoCG that it will have a suitable firm surface to be agreed with the Highway Authority.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
AR.1.37	National Trust, The Applicant (part (ii) only)	<b>Displacement of Visitors</b> <p>(i) Please explain where the figure of 88,000 additional visitors as specified by the National Trust [RR- 877] originates</p> <p>(ii) Does the Applicant agree this would represent a reasonable figure for additional visitor numbers?</p>
	<b>Response by SZC Co. for Deadline 2</b>	The National Trust does not give a figure of 88,000 additional visitors in their relevant representation [RR- 877] so SZC Co. is unsure what this figure relates to and is unable to respond to this question without further clarity.

ExQ1	Question to:	Question:
	<p><b>Response by National Trust for Deadline 2</b></p>	<p>(i)</p> <p>The figure of 88,000 additional visits originates from an email dated 16th November 2020 from the applicant's consultant (see Appendix B of our Written Representation) advising the Trust of an error in the numbers of recreational visits quoted in Shadow HRA. The email states that for the SACs (and Ramsar site for habitats features), the shadow HRA uses the applicant's figures from the realistic scenario rather than the precautionary scenario, which should have been used. For example the Shadow HRA states that any increase due to recreational users displaced from the Sizewell area is estimated to be approximately 20,000 recreational visits per annum. The applicant's consultant has advised that this figure should be 88,623 visits per annum.</p> <p>The NT believes that in Table 2.1 of the Shadow Habitats Regulations Assessment Volume 1: Screening and Appropriate Assessment Part 4 of 5 Appendix E, Annex A: Recreational Disturbance Assessment (Minsmere to Walberswick SPA/SAC) the 'Precautionary' approach is shown in column 7, which shows the increase in visits/year per named site based on 500,000 visits to the Sizewell Area. Although the total for each SPA/SAC is not provided in the table if you manually add the total increase in visits for each site in the Minsmere to Walberswick SPA/SAC you would arrive at a figure of 88,623 visits/year, with 11,839 of these being to Dunwich Heath. Our assumption as to how this figure has been arrived at has yet to be confirmed by the applicant. In the same email from the applicant's consultant of the 16th November another error in the figures was highlighted. This stated that in the Minsmere to Walberswick Heaths and Marshes SAC the Shadow Habitats Regulations Assessment Volume 1: Screening and Appropriate Assessment Part 1 of 5 (Rev.1.0, dated May 2020) that the figure quoting total annual recreational visits to the car park locations which give access to the SAC is incorrect. It is advised this figure should be 1,129,882 recreational visits per year not the 1,114,206 recreational visits per year quoted in para.7.7.34.</p> <p>For both these errors the applicant's consultants' stated in the email of the 16th November 2020 that the correction would be included in the errata that would be submitted to PINS at the time the changes to the application were submitted. The National Trust has been unable to find the location of this corrected information in the changes to the application which were submitted in January 2021. The National Trust has sought to clarify if this</p>

ExQ1	Question to:	Question:
		information has been included with the applicant, but has not received a response. The National Trust therefore remains concerned that figures reported in the submission documents are incorrect and not precautionary.
	<b>Response by SZC Co. for Deadline 3</b>	Please see SZC Co.'s responses to the RSPB and Suffolk Wildlife Trust, and the National Trust in <b>Appendix 6A</b> of this document (provided in Volume 2).



**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)**

**ExQ1 PART 2 OF 6**

Chapter 7 Bio.1 [Biodiversity and ecology, terrestrial and marine](#)

[Part 1 - Biodiversity and ecology \(terrestrial & marine\) – General](#)

[Part 2 - Biodiversity and ecology \(terrestrial\) - Main Development Site](#)

[Part 3 - Biodiversity and ecology \(terrestrial\) - Northern Park and Ride](#)

[Part 4- Biodiversity and ecology \(terrestrial\) – Southern Park and Ride](#)

[Part 5- Biodiversity and ecology \(terrestrial\) - Two Village Bypass](#)

[Part 6 - Biodiversity and ecology \(terrestrial\) - Sizewell Link Road](#)

[Part 7 - Biodiversity and ecology \(terrestrial\) - Yoxford Roundabout](#)

[Part 8 - Biodiversity and ecology \(terrestrial\) - Freight Management Facility \("FMF"\)](#)

[Part 9 - Biodiversity and ecology \(terrestrial\) - Rail](#)

[Part 10 - Biodiversity and ecology \(marine\) - General](#)

[Part 11 - Biodiversity and ecology \(marine\)-Plankton](#)

[Part 12- Biodiversity and ecology \(marine\) - Benthic Ecology](#)

[Part 13- Biodiversity and ecology \(marine\) - Fish](#)

[Part 14- Biodiversity and ecology \(marine\) - Marine Mammals](#)

[Part 15- Biodiversity and ecology \(marine\) - Indirect Effects and Food Webs](#)

[Part 16- Biodiversity and ecology \(marine\) - Mitigation](#)

[Part 17- Biodiversity Net Gain](#)

Chapter 8 HRA.1 [Habitats Regulations Assessment \(HRA\)](#)

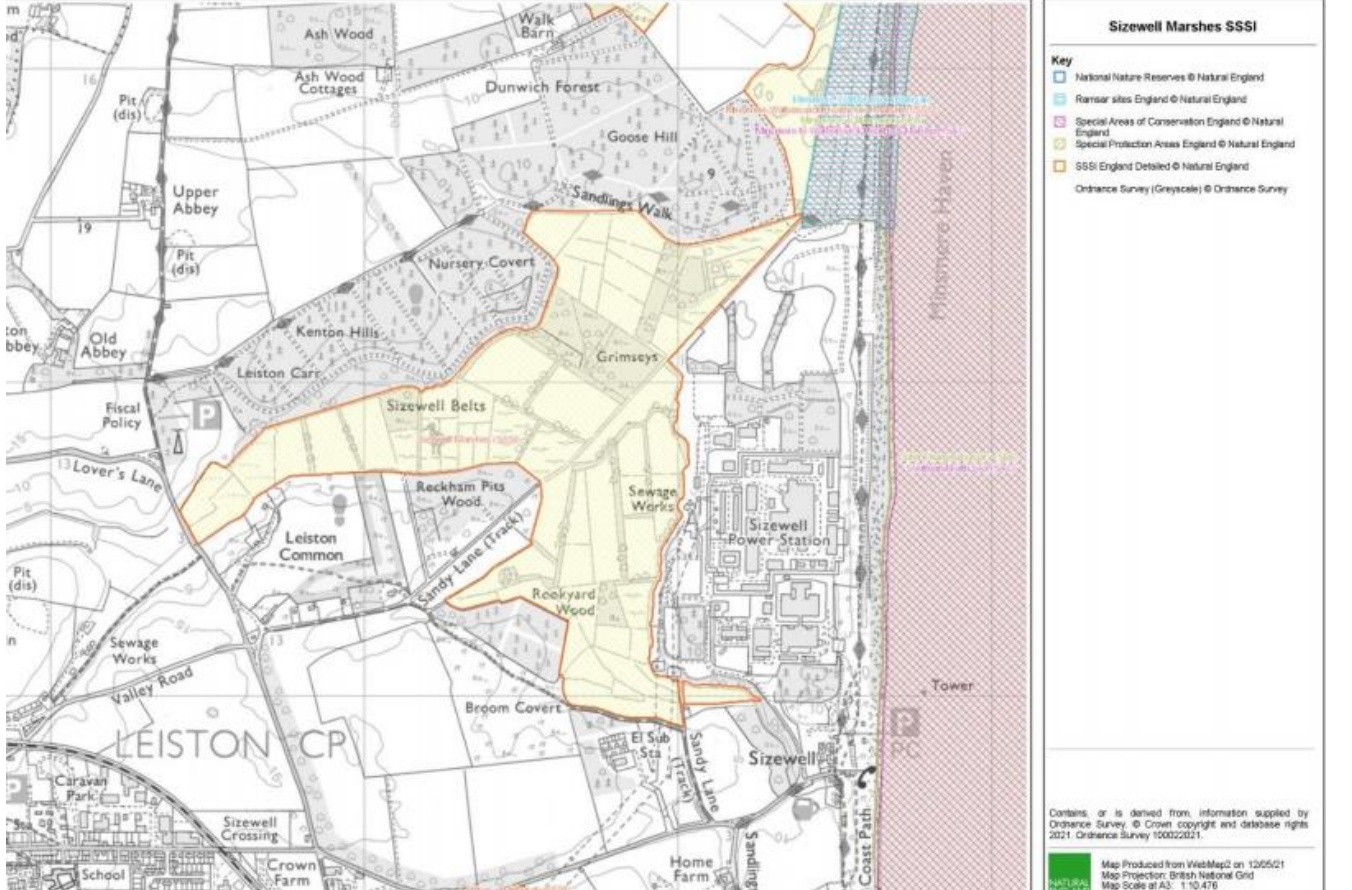


ExQ1	Question to:	Question:
<b>Chapter 7 - Bio.1 Biodiversity and ecology, terrestrial and marine</b>		
<b>Part 1 - Biodiversity and ecology (terrestrial &amp; marine) - General</b>		
Bio.1.0	The Applicant, Natural England, MMO	<p>Please would the Applicant, NE and the MMO agree and provide a short explanatory document, with plans to bring together information on the terrestrial and marine SSSIs, SACs, SPAs, Ramsar site(s), MCZs and other non-statutory designations they consider are of relevance to this application. (If the parties disagree on which are relevant, the sites should still be included but clearly marked to show which party considers site to be relevant.)</p> <p>The information in Figures 8.2.1 – 8.2.3 of the oLEMP [APP-588] is helpful in this regard and could be used as a starting point. It however only covers the surroundings of the Main Development Site and there are some aspects not clearly labelled (see below).</p> <p>The ExA would like to have all in one place:</p> <ul style="list-style-type: none"> <li>(i) the spatial extent of each designated area, in relation to the others and the Application Site (if this could be done by transparent overlays capable of being read as hard copies and electronically that could be very helpful),</li> <li>(ii) the reasons for the designation of each site,</li> <li>(iii) a brief explanation for the discontinuities within some of the designations (for example why the Minsmere to Walberswick Heaths and Marshes SAC has five separate adjacent but not adjoining areas).</li> </ul> <p>Some areas are designated under more than one provision. For example the Minsmere-Walberswick Heath and Marshes SSSI is also covered by a SAC, and SPA and a Ramsar designation. Are the areas co-extensive (so that the same tests apply across the whole area) or are there parts which are, say, a SAC but not a Ramsar site?</p> <p>The labelling questions are as follows: (a) Fig 8.2.2:</p> <ul style="list-style-type: none"> <li>(i) is the SSSI covering the area north of the Main Development Site boundary going north to a campsite, northwest towards Potton Halls Fields SSSI and then back south near Middleton and Eastbridge part of the Minsmere-Walberswick Heaths and Marshes SSSI?</li> <li>(ii) where is the northern limit of the Sizewell Marshes SSSI? It appears to touch the area we describe in (i).</li> </ul>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p><b>Appendix 7A</b> of this chapter has been prepared to provide a detailed response to the questions raised. <b>Appendix 7A</b> also identifies the terrestrial and marine SSSIs, SACs, SPAs, Ramsar site(s), MCZs and other non-statutory designations they consider are of relevance to the Sizewell C Project on a site by site basis.</p> <p>The HRA Working Group was consulted on the draft Stage 1 HRA Screening assessment. Written responses were received from Natural England and the MMO (amongst others), and those relevant to the European scoping and screening exercises are summarised in Table 3.1 of the <b>Shadow HRA Report</b> [APP-145]. These comments were taken into account in the Shadow HRA process and, therefore, the European sites included in the Shadow HRA process were agreed through this consultation.</p> <p>(i) <b>Figures 7.1 to 7.8 in Appendix 7A</b> have been prepared to show the spatial extent of each designated area in relation to the main development site and each of the associated development sites boundaries.</p> <p>(ii) <b>Tables 7.1 to 7.8 and Annex 7A to 7H of Appendix 7A</b> have been prepared to provide reasons for the designation of each site.</p> <p>(iii) The Applicant has agreed that Natural England will provide the answer to section (iii) of this question</p> <p>In response to the labelling questions, the Applicant has prepared <b>Figure 7.9</b> (included within <b>Appendix 7A</b>). This provides clarity on the extents of the Sizewell Marshes SSSI, Minsmere-Walberswick Heaths and Marshes SSSI and the Potton Halls Fields SSSI.</p> <p>Whilst the question has been answered in full above the Applicant has prepared an online tool which can be used to view the boundaries of all the designations identified within <b>Appendix 7A</b>. This can be accessed using the following hyperlink: <a href="https://eeuk.alytics.com/sizewellc-digitales-mds/map-explorer">https://eeuk.alytics.com/sizewellc-digitales-mds/map-explorer</a>. This enables the user to select each of the designations independently, or overlaid over other selected map layers. The map layers available to view on this tool are:</p> <ul style="list-style-type: none"> <li>• Main Development Site Boundary;</li> <li>• Special Area Of Conservation (SAC);</li> <li>• Special Protection Area (SPA);</li> <li>• Site Of Special Scientific Interest (SSSI);</li> <li>• Ramsar Site;</li> <li>• County Wildlife Sites; and</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Marine Area of Conservation.</li> </ul> <p>The Applicant would be happy to provide the ExA with guidance on how to use this software should it be required.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO considers that it is for the Applicant to produce the requested document. We note that the MMO have not yet received a copy of this document/ response from the Applicant. The MMO defers to Natural England for comments on this matter, as the Statutory Nature Conservation Body (SNCB) and lead's on Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) designations.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>The Applicant has agreed to produce the requested document which we will provide further comment on if deemed necessary at deadline 3. Part I of our Written Representations (Our Ref: 350822, dated 2nd June) lists all of the internationally and nationally significant sites for which we have outstanding concerns. Below we outline the reasons for designations for the Minsmere to Walberswick site.</p> <p>iii) Designations differ geographically due to the presence or absence of the features for which they are designated. The areas are predominantly co-extensive but not completely and there are differences in the features for which they are designated. The SAC features are annual vegetation of drift lines, European dry heath and perennial vegetation of stony banks (<a href="#">European Site Conservation Objectives for Minsmere to Walberswick Heaths &amp; Marshes SAC - UK0012809 (naturalengland.org.uk)</a>).</p> <p>The SPA is designated for important bird species (<a href="#">European Site Conservation Objectives for Minsmere-Walberswick SPA - UK9009101 (naturalengland.org.uk)</a>).</p> <p>The Ramsar designation is related to Minsmere to Walberswicks status as an internationally important wetland site which contains a mosaic of marine, freshwater, marshland and associated habitats, complete with transition areas in between. It contains the largest continuous stand of reedbeds in England and Wales and rare transition in grazing marsh ditch plants from brackish to fresh water in addition to a number of nationally scarce plants (<a href="https://jncc.gov.uk/jncc-assets/RIS/UK11044.pdf">https://jncc.gov.uk/jncc-assets/RIS/UK11044.pdf</a>).</p>

ExQ1	Question to:	Question:
		<p>The SSSI is designated for a mosaic of habitats including tidal mudflats, reedbed, shingle beach, grazing marsh and heathland in addition to important bird species (<a href="https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1000721.pdf">https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1000721.pdf</a>).</p> <p>The Minsmere – Walberswick SPA and Ramsar sites are both geographically identical and the SAC has some very minor extensions to the south-western boundary, conversely, the SPA and Ramsar feature areas of marshland north of Dunwich and around the Blyth estuary. The Minsmere – Walberswick SSSI covers the same geographic areas as the Ramsar, SAC and SPA designations but also extends further to the north, west, south-west and south.</p> <p>i) Yes ii) The northern limit of Sizewell Marshes SSSI and Minsmere to Walberswick SSSI do border each other as below:</p>

ExQ1	Question to:	Question:
		
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.1	Natural England	At para 1.7 of its relevant representation [RR-0878] NE states that Pt I of the [RR-0878] sets out its view on " <i>the main issues which [NE] advises should be addressed</i> " by EDF Energy (the Applicant presumably) and the ExA. Please will NE clarify is there are any other issues arising from the change request.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response is required from the Applicant.
	<b>Response by Natural England for Deadline 2</b>	Some of the Applicant's requested (now accepted) changes appeared to be in response to the outstanding concerns outlined in our Relevant Representations and, in our opinion, represented progress which is very much welcome (e.g. change to the SSSI crossing design, change to the location of the Water Resource Storage Area, additional SSSI fen meadow compensation site, change to Sizewell B relocated facilities proposals etc.). Others presented us with additional and/or alternative issues to address rather than remove or lessen our previous concerns (e.g. additional Beach Landing Facility (BLF), change to transport delivery strategy, change to sea defence design, new temporary marine outfall etc.). These changes also brought into scope potential impacts to an additional designated site in Pakenham Meadows SSSI which needs to be assessed. These considerations were all set out in Natural England's response to the Applicant's informal consultation on the Proposed Changes (November – December 2020) (our ref: 335391, dated 18th December 2020). The main issues that remain outstanding in the context of our remit, including those which have arisen from the changes, are outlined in full within our Written Representation (our ref: 350822, dated 2nd June 2021) Our statutory advice regarding soils was not included in our Relevant Representations in error and has now been included under issue 63 within the project-wide impacts section of our Written Representations.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however SZC Co. has provided a response to the Natural England Written Representation in Chapter 11 of <b>Comments on Written Representation</b> document (Doc Ref. 9.28) as part of this Deadline 3 submission and will continue to work with Natural England to agree common ground on the outstanding issues.
Bio.1.2	Natural England	Please will NE confirm that all the issues set out in Part II of its [RR-0878] are summarised in Part I. Please identify any which are not.
	<b>Response by SZC Co. for Deadline 2</b>	No response is required from the Applicant.
	<b>Response by Natural England for Deadline 2</b>	Natural England can confirm that all the issues set out in Part II of our Relevant Representations are summarised in Part I.

ExQ1	Question to:	Question:
		However, we highlight that some points raised in our Relevant Representations have been superseded by updates to documents, and the Applicant's accepted changes. As such, our updated position in light of these will be presented in our Written Representations.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.3	EA, The Applicant	At page 4 of its relevant representation [RR-0373] the Environment Agency states that its ability to review (and presumably advise on the new information) " <i>will depend upon the extent to which the applicant can provide information to resolve outstanding issues ahead of the examination period</i> ". Has the Agency now been provided with the necessary information and was it received before the Examination commenced? If this is dealt with in the SoCG please point the ExA to the relevant parts.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant has developed a <b>Statement of Common Ground (SoCG) with the Environment Agency</b> and the latest version was submitted into Examination at Deadline 2 (Doc Ref. 9.10.4). Section 2 provides the current position of the parties in relation to all matters of interest to the Environment Agency.
	<b>Response by Environment Agency at Deadline 2</b>	<p>The Environment Agency understands that there is a substantial amount of further information still to be submitted and the timescales for some issues are unknown. As a result we may not be able to review this new, and amended, information to timescales that will enable us to properly advise the Examining Authority within the deadlines set out in the Examination Timetable. These topic areas are included in the Statement of Common Ground but include the following issues:</p> <ul style="list-style-type: none"> <li>• Water Supply - including updated Water Supply Strategy</li> <li>• Flood Risk – including the Flood Risk Assessment Addendum for the Sizewell Link Road, and further updates to the Flood Risk Assessment for the Main Development Site.</li> <li>• Coastal Geomorphology – including technical reports for the Hard and Soft Coastal Defence Features</li> <li>• SSSI Crossing – including revised design details</li> <li>• Marine Ecology – updated marine ecology reports</li> <li>• WFD – mitigation/compensation proposals</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>Eels – mitigation/compensation proposals</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has been working closely with the Environment Agency on their outstanding concerns related to flood risk, specifically in relation to the Sizewell link road and Main Development Site, and has agreed a scope of work to address these concerns. The scope of work undertaken by SZC Co. aims to provide clarity on a number of items as set out in their Written Representation. The scope of works has been completed and was provided informally to the Environment Agency for review on 11<sup>th</sup> June 2021, with the intention of providing these to Examining Authority at Deadline 5.</p> <p>SZC Co provided two reports at Deadline 2 to support the assessments of coastal geomorphology (see <b>Sizewell C Coastal Defences Design Report</b> [<a href="#">REP2-116</a>] and <b>One Dimensional Modelling of Soft Coastal Defence Feature (SCDF)</b> [<a href="#">REP2-115</a>]. Further information is being submitted at Deadline 3, namely <i>One Dimensional Modelling of Soft Coastal Defence Feature (SCDF) (Ver 2)</i> and <i>Storm Erosion Modelling of the SCDF</i>. A Marine Technical Forum (MTF) meeting is scheduled for July 2<sup>nd</sup> (tbc) to present and discuss the SCDF modelling work with the Environment Agency (and others).</p> <p>SZC Co continues to engage with the Environment Agency and in principle decisions regarding Requirements in the draft DCO to ensure potential impacts on fish are monitored and/or are being discussed.</p> <p>In relation to the SSSI Crossing design, the <b>Comments on Written Representations</b> at Deadline 3 (Doc. Ref. 9.28) provides an update on the SSSI crossing design in the Response to Natural England’s Written Representation at Issue 48.</p> <p>In relation to Water Supply, SZC Co is continuing to engage closely with Northumbrian Water Limited (NWL) to secure a sustainable potable water supply for the Sizewell C Project from their Northern/Central Water Resource Zone. There is to be no abstraction from the local Blyth Water Resource Zone. A number of technical studies being carried out in parallel by NWL and SZC Co which are due to finish in June. These studies will inform an updated water Supply Strategy for the Sizewell C project to be submitted into the examination at Deadline 5.</p>



ExQ1	Question to:	Question:
Bio.1.4	The Applicant, ESC	<p>In its reply to [PD-009] ([AS-053]) Part G, Q3 the Applicant referred the ExA to the "SANDPITS – TARGETED SURVEYS SEPTEMBER 2019 TECHNICAL NOTE", which was included in ES Volume 2, Annex 14A3, which is a standalone confidential ecology survey report for the sandpits. The survey finishes as follows:</p> <p><i>"The results from these surveys and any required mitigation arising will be delivered via the Construction Code of Practice and any subsequent protected species licensing and dedicated methods statements to be delivered along with the Construction Environmental Management Plan."</i></p> <p>Given that the survey is confidential for reasons of nature conservation, what mechanism is to be used to inform the Undertaker (whose identity may change) and those enforcing the DCO and CoCP of the results and methods. The ExA imagines that there are other documents which are justifiably confidential in the NSIP process for which this is also a relevant question. Please will the Applicant answer for all such documents.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant has already shared the confidential ecology surveys reports with <i>bone fide</i> ecology stakeholders, including Natural England and East Suffolk Council. A full list of the confidential ecology reports is as follows:</p> <ul style="list-style-type: none"> <li>• <b>Volume 2, Appendix 14A</b> of the <b>ES</b> [<a href="#">APP-225</a>]</li> <li>• <b>Volume 2, Appendix 14C3A</b> of the <b>ES</b> [<a href="#">APP-256</a>]</li> <li>• <b>Volume 2, Appendix 14C3B</b> of the <b>ES</b> [<a href="#">APP-257</a>]</li> <li>• <b>Volume 5, Appendix 7A.5A</b> of the <b>ES</b> [<a href="#">APP-428</a>]</li> <li>• <b>Volume 3, Appendix 2.9.A1</b> of the <b>ES Addendum</b> [<a href="#">AS-207</a>]</li> <li>• <b>Sizewell B Relocated Facilities Volume II Appendix 6.2 Badger Survey Report</b> ]</li> </ul> <p>The <b>CoCP</b> (Doc Ref 8.11(B)) is secured by Requirement 2 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) and requires the undertaker to appoint an Ecological Clerk of Works (ECoW). One of the ECoW's roles would be to oversee the carrying out of surveys and ensure that the information resulting from any surveys is handled in an appropriate manner specific to that information. This will involve considering current legislation, policy and guidance on how the different types of information must be held and how they can be used and shared. Specifically, information will be made available to those with a legitimate need to</p>

ExQ1	Question to:	Question:
		<p>view that specific information, including those with regulatory functions requiring this information.</p> <p>In the event that the DCO is transferred in accordance with Article 9 of the <b>draft DCO</b> (Doc Ref. 3.1(C)), the transferee would become the undertaker of the DCO and still be bound by Requirement 2 to provide an ECoW. Transfer of information from SZC Co. to the future undertaker would be done in compliance with all legislation governing the transfer of sensitive information.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Documents which are confidential for nature conservation reasons generally relate to species which, if their detailed locations were made public, would be at risk from persecution. Although not made public, ESC, as Local Planning Authority, would expect to be provided with the relevant details by the Applicant as part of its statutory function. This is the case, for example, with Town and Country Planning Act planning applications which have the same constraints. This situation arose with EDF Energy Nuclear Generating Company's applications to relocate facilities with regards to badger reports. (DC/19/1637/FUL and DC/20/4646/FUL). On both occasions the reports were with-held from publication and only given in an unredacted form to Natural England, ESC and Suffolk Wildlife Trust. It is therefore acceptable to ESC for such documents to have restricted access.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.20	The Applicant, Natural England, SCC, ESC	<p>[APP-523] (Freight Management Facility) – para 7.4.6 – this includes the following statement, common to several chapters: "<i>CWSs support habitat types listed on Section 41 of the NERC Act</i>". Is this a statement of verified fact for each of the associated sites? Or is it a rule of thumb or practice in choosing sites as CWSs? Given that CWSs are non-statutory it would not appear likely to be a legal rule and therefore may not be true for all CWSs.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The County Wildlife Site (CWS) designation is recognition of a site's high wildlife value within the County context and is typically made by the local planning authorities. Site selection criteria vary but in general, these sites support important or threatened species and habitats that are local and national priorities for conservation including the habitat</p>

ExQ1	Question to:	Question:
		<p>types listed on Section 41 of the NERC Act<sup>1</sup>. While Section 41 habitats are frequently found within CWSs, it is not a '<i>mandatory criterion</i>' for CWS selection.</p> <p>The sentence in paragraph 7.4.6 should be considered as a '<i>rule of thumb</i>', rather than an absolute, when valuing CWSs, In <b>Volume 8, Chapter 7</b> of the <b>ES</b> [APP-523], the relevant CWSs are considered to be of county importance (under the CIEEM guidelines) and of medium importance (under the EIA-specific methodology).</p> <p>The CWSs within 2km of the freight management facility all have Section 41 habitats described on their citations, as provided in <b>Volume 8, Appendix 7A</b> of the <b>ES</b> [APP-524].</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>County Wildlife Sites (CWS) are the Suffolk equivalent of locally designated sites as recognised in paragraph 174 of the NPPF. They are designated by a panel which includes representatives from SCC, Suffolk Biodiversity Information Service (SBIS), Suffolk Wildlife Trust and Natural England. Details are collated and held by SBIS and made available to all Suffolk LPAs and as part of data searches to ecological consultants and other third parties.</p> <p>CWSs are designated using a set of criteria that follow Natural England guidelines. The primary selection criteria includes that the site must be of "substantive nature conservation value" and the detailed selection criteria includes the habitats listed under Section 41 of the NERC Act (previously referred to as Biodiversity Action Plan (BAP) habitats).</p> <p>Therefore, whilst the whole extent of a CWS may not be of a Priority habitat type, nevertheless the bulk of the site will be (with the rare exception of sites which are designated specifically for a particular rare species).</p> <p>Further detailed information on the CWS selection criteria is available here:  <a href="https://www.suffolkbis.org.uk/suffolk-sites/cws">https://www.suffolkbis.org.uk/suffolk-sites/cws</a></p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>County Wildlife Sites (CWS) are the Suffolk equivalent of locally designated sites as described in paragraph 174 of the NPPF. They are designated by a panel which includes representatives from Suffolk County Council, Suffolk Biodiversity Information Service (SBIS), Suffolk Wildlife Trust and Natural England. Details are collated and held by SBIS</p>

<sup>1</sup> Parliament of the United Kingdom, Natural Environment and Rural Communities Act 2006, London. 2006

ExQ1	Question to:	Question:
		<p>and made available to all Suffolk LPAs and as part of data searches to ecological consultants and other third parties.</p> <p>CWSs are designated using a set of criteria that follow Natural England guidelines. The primary selection criteria includes that the site must be of "substantive nature conservation value" and the detailed selection criteria includes the habitats listed under Section 41 of the NERC Act (previously referred to as Biodiversity Action Plan (BAP) habitats). Therefore, whilst the whole extent of a CWS may not be of a Priority habitat type, nevertheless the bulk of the site will be (with the rare exception of sites which are designated specifically for a particular rare species).</p> <p>Further detailed information on the CWS selection criteria is available here:  <a href="https://www.suffolkbis.org.uk/suffolk-sites/cws">https://www.suffolkbis.org.uk/suffolk-sites/cws</a></p>
	<b>Response by Natural England for Deadline 2</b>	<p>Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.22	MMO	At section 4.2 of its [RR-0744] the MMO comment extensively on BEEMS TR523 – Coastal Processes Monitoring and Mitigation Plan. Please will the MMO give the examination library and full application document citation for this document.
	<b>Response by SZC Co. for Deadline 2</b>	<p>"BEEMS TR523" is the internal document reference ID for the <b>Coastal Processes Monitoring and Mitigation Plan</b>. This was submitted as part of the January 2021 submission - <b>Volume 3: Environmental Statement Addendum Appendices; Chapter 2</b> main development site; <b>Appendix 2.15. A Coastal Geomorphology and Hydrodynamics</b> [AS-237]</p>

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	For this document the examination library reference is AS-237, and is titled: "Additional Submission in relation to the Applicant's request for changes to the application and Additional Information - 6.14 Environmental Statement Addendum Volume 3: Environmental Statement Addendum Appendices Chapter 2 Main Development Site Appendix 2.15.A Coastal Geomorphology and Hydrodynamics"
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.26	Nigel Smith [RR-0904], The Applicant	In [RR-0904] Mr Smith says: " <i>Rejection of marine-led strategy – EDF has not tested any alternatives to the close pile pier it has rejected (described by one engineer as a sixteenth century solution)</i> ". Please will Mr Smith expand and clarify this point. Please will the Applicant explain its position.
	<b>Response by SZC Co. for Deadline 2</b>	<p>The underlying concern of this point in [RR-0904] appears to be that the author considers the transport strategy to be unduly biased toward road/rail based transport. Representation [RR-0904] was made following the initial May 2020 DCO submission, but prior to the January 2021 Additional Submission. The January 2021 submission has significantly increased the proposed use of marine transport routes over the May 2020 submission.</p> <p>The May 2020 submission was developed around an Integrated Transport Strategy [<a href="#">APP-175</a>] (paragraph 4.3.47) The proposals included the permanent BLF described in [<a href="#">APP-180</a>] (paragraph 2.4.66) and [<a href="#">APP-184</a>] (paragraph 3.4.52). At that time, the permanent BLF was proposed as the import route for AILs (discrete and large single loads). Other construction-phase goods and materials were proposed to be brought to site by road and rail (e.g. [<a href="#">APP-184</a>] paragraph 3.3.18). The Applicant had tested and consulted on other alternatives to the proposed permanent BLF, and selected the BLF option to support the transport strategy at that time [<a href="#">APP-190</a>] (paragraphs 6.2.97/ 6.2.98).</p> <p>The January 2021 Additional Submission recognised the potential to increase utilisation of the marine transport route [<a href="#">AS-181</a>] (paragraph 2.2.54). This included increasing the quantity of AILs that could be delivered via the permanent BLF [<a href="#">AS-181</a>] (paragraph 2.2.55), and introducing the temporary BLF as an additional route for marine import of bulk materials and possibly other cargo [<a href="#">AS-181</a>] paragraph 2.2.68.</p> <p>SZC Co considers that, at the May 2020 submission alternatives to the short-jetty BLF had been considered and the most appropriate solution had been selected given the transport</p>

ExQ1	Question to:	Question:
		strategy at that time. Through the January 2021 submission, SZC Co. has significantly increased marine transport through the introduction of the temporary BLF and the enhancement of the permanent BLF, to reduce road-based transport demands.
	<b>Response by Nigel Smith at Deadline 2</b>	<p>Extract of response by Nigel Smith at Deadline 2 is provided below:</p> <p><i>We accept that adverse impacts on the marine ecology are a good reason not to pursue this option [with reference to marine led strategy], but note that significant adverse effects of the development elsewhere are considered acceptable. Why, for example, are these impacts seen as more problematic than the potential impact on Minsmere?</i></p> <p><i>EDF needs to:</i></p> <ul style="list-style-type: none"> <li><i>• clarify the criteria under which it considers some but not all adverse environmental impacts to be acceptable; and</i></li> <li><i>• demonstrate that it has fully investigated alternative, less damaging construction models for the jetty, for example by employing far fewer supports (as can be seen holding up bridges around the world)."</i></li> </ul> <p><i>By the time the DOC application was submitted, EDF had changed its tune again. It told us that a jetty (with something like a 6m pile grid) would cause erosion and silting problems. As far as we are aware, it did not properly investigate construction with much wider pile spacing which would mitigate such problems. Such a construction would be more expensive, but viewed against a likely total construction cost of c.£20bn and bearing in mind saving on rail and road modifications, the extra cost would be comparatively small.</i></p> <p>Please refer to <a href="#">[REP2-398]</a> for full response.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Any marine facilities involve development in a particularly sensitive environment. SZC Co investigated a range of potential design options for a jetty facility that could handle both the very large Abnormal Indivisible Loads (AILs) as well as bulk materials (aggregates etc). All of these were deemed to be unacceptable in terms of coastal processes and/or ecology (particularly underwater noise). The strategy now proposed does include facilities for both of these types of delivery and by using a separate facility for each has allowed for designs that do have widely spaced piles as suggested.</p> <p>It is also noted that the temporary BLF will need to be removed at the end of the construction period but there is a need/desire to be able to handle AILs during operation</p>

ExQ1	Question to:	Question:
		of Sizewell C during outages. The BLFs leave no other legacy, however, whereas road improvements clearly do.
Bio.1.27	Andrew McDonald [RR-0060], The Applicant	Mr McDonald states in [RR-0060] " <i>Friends of the Earth estimate that, in addition to direct mortality, there would be a loss of bird life of up to 30% extending to 1 km either side of each new road</i> ". Please will Mr McDonald state where this is to be found and if possible submit a copy of the document. Please will the Applicant comment.
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. will respond fully once Mr McDonald has responded. SZC Co. provides the following initial response:</p> <p>The impacts on birds associated with the two new roads (i.e. the Sizewell link road and two village bypass) are considered in the following documents:</p> <ul style="list-style-type: none"> <li>Sections 7.3 e and f in <b>Volume 6, Chapter 7 Terrestrial Ecology and Ornithology</b> of the <b>ES</b> [<a href="#">APP-461</a>] for the Sizewell link road; and</li> <li>Paragraphs 7.3.4 and 7.3.5 in <b>Volume 5 Chapter 7 Terrestrial Ecology and Ornithology</b> of the <b>ES</b> [<a href="#">APP-425</a>] for the two village bypass</li> </ul> <p>The impacts pathways which are considered in the assessments, include the following:</p> <ul style="list-style-type: none"> <li>habitat loss (land take);</li> <li>habitat fragmentation (including connectivity);</li> <li>incidental mortality of species;</li> <li>disturbance effects (comprising light, noise and visual effects);</li> <li>changes in water quality;</li> <li>alteration of local hydrology and hydrogeology; and</li> <li>changes in air quality.</li> </ul> <p>Mitigation measures for birds are considered in the following paragraphs:</p> <ul style="list-style-type: none"> <li>7.6.45 – 7.6.58 in <b>Volume 6, Chapter 7</b> of the <b>ES</b>, Terrestrial Ecology and Ornithology [<a href="#">APP-461</a>] for the Sizewell link road; and</li> <li>7.6.54 – 7.6.61 in <b>Volume 5, Chapter 7</b> of the <b>ES</b>, Terrestrial Ecology and Ornithology of the <b>ES</b> [<a href="#">APP-425</a>] for the two village bypass.</li> </ul>
	<b>Response by Andrew McDonald for Deadline 2</b>	Please refer to [ <a href="#">REP2-211</a> ] for full response.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has reviewed [ <a href="#">REP2-211</a> ] and notes that Mr McDonald states that ' <i>the estimate claimed [a loss of bird life of up to 30%] will be found in the Written Representation from Friends of the Earth Suffolk (FOTE) on the damaging impacts of the new Access Road</i> '. SZC Co.'s response to the FOTE Written Representation is provided in Chapter 15 of <b>Comments on Written Representations</b> (Doc ref. 9.28).
Bio.1.28	Michael Taylor [RR-0792], The Applicant	Please could Mr Taylor expand and explain the points made in [RR-0792] on the headings (i) Cooling Water Systems and (ii) Ecology. Please use the document numbers from the Examination Library and give the relevant paragraph numbers.
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant makes the following comments:</p> <p><u>Cooling Water Systems:</u></p> <p>The Hinkley Point C (HPC) project has identified that installation of an Acoustic Fish Deterrent (AFD) system is not feasible nor required from an environmental perspective and is seeking to vary the Water Discharge Activity (WDA) permit to remove the need to install an AFD. The Environment Agency position is that the AFD is required to ensure no impact on the Severn Estuary European Marine Site (under the Habitats Regulations). An appeal against non-determination of the WDA permit variation is currently in progress with an inquiry start date of 8 June. The Sizewell C Project has not proposed an AFD system on the basis that it is not required to mitigate the effects of the proposed cooling water system. In any event, determination of the DCO application will be based on the environmental information submitted with the application and is independent of the appeal process at HPC.</p> <p>The cooling water system intake and outfall tunnels are buried several tens of metres below the seabed and will be constructed by tunnel boring machines. They can have no impact on coastal processes. Four cooling water intake heads (2 per intake tunnel) and two cooling water outfall heads will be placed &gt;3k from the shore, beyond the Sizewell-Dunwich Bank and will not impact coastal processes (as detailed in <b>Section 20.10 of Volume 2, Chapter 20</b> (Coastal Geomorphology and Hydrodynamics) of the <b>ES</b> [<a href="#">APP-311</a>]).</p> <p>Dredged material will be disposed of locally in a designated disposal area to be licenced by the Marine Management Organisation (MMO) (as described in Schedule 20 of the <b>draft DCO</b> (Doc Ref. 3.1(C))). Sediment quality has been tested to demonstrate that there would</p>



ExQ1	Question to:	Question:
		<p>be no impact on the local ecology and additional sediment sampling and analysis will need to be conducted prior to disposal.</p> <p>The proposed development has considered and assessed the potential impacts from dredge-related activities and the construction and operation of the cooling water system on marine ecology and fisheries receptors in <b>Sections 22.6 to 22.11</b> in <b>Volume 2, Chapter 22</b> (Marine Ecology and Fisheries) of the <b>ES</b> [APP-317] and the residual effects including mitigation measures are detailed in <b>Section 22.13</b> of [APP-317], as updated by <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181]. The potential impact of the cooling water system on coastal geomorphology and hydrodynamics receptors is assessed in <b>Section 20.10</b> of <b>Volume 2, Chapter 20</b> (Coastal Geomorphology and Hydrodynamics) of the <b>ES</b> [APP-311]. The effects of future climate change and warming sea temperatures in relation to thermal discharges is also considered in <b>Sections 22.6 to 22.11</b> in [APP-317] for marine ecology and fisheries receptors. As stated in [APP-317], future entrainment temperatures were considered for the following scenarios accounting for predicted future warming based on UK Climate Projections 09 (UKCP09) rather than UKCP18 as future sea temperatures are not included in the current UKCP18 marine climate predictions.</p> <p>The potential impacts from the proposed development activities during construction, commissioning and operational phases on marine receptors (including designated features) from an Environmental Impact Assessment (EIA) context have been considered and assessed in [APP-311, APP-314, APP-317 and AS-181]. Designated features in the <b>shadow Habitats Regulations Assessment</b> (HRA) [APP-145], as updated by the <b>shadow HRA Addendum</b> [AS-173], are assessed in a HRA context against the conservation objectives of each relevant designated site.</p> <p><u>Ecology</u></p> <p>An assessment of effects on terrestrial ecology and ornithology is presented within <b>Volume 2, Chapter 14</b> [AS-033] and <b>Volumes 3-9, Chapter 7</b> of the <b>ES</b> [APP-363, APP-394, APP-425, APP-461, APP-494, APP-523, APP-555] with additional information submitted to the Examining Authority as summarised within the <b>ES Addendum</b> [AS-181 to AS-188]. Whilst SZC Co. recognises that there will be impacts on terrestrial ecology and ornithology, the Project has sought to minimise effects, where possible, and embed mitigation and enhancements within design. During construction, works will be carefully</p>

ExQ1	Question to:	Question:
		<p>managed to minimise impacts on ecology. Species-specific mitigation plans and method statements have been developed for all protected species found to be using the site. Following completion of construction works, the temporary construction area at the main development site would be restored to a new landscape founded on the concept of establishing the Suffolk Coast and Heaths AONB landscape in microcosm, by creating a mosaic of some of its most valued habitats. Once fully established, this habitat 'mosaic' would have a higher biodiversity value than the existing habitats, specifically as existing extensive arable areas would be replaced with new grasslands, heathland, woodlands and scrub. Further details are set out in the <b>Main Development Site Design and Access Statement</b> [<a href="#">APP-585</a> to <a href="#">APP-587</a> and Doc Ref. 8.1Ad2] and the <b>Outline Landscape and Ecology Management Plans</b> for the main development site [<a href="#">REP1-010</a>], two village bypass [<a href="#">AS-262</a> and <a href="#">AS-263</a>] and the Sizewell link road [<a href="#">AS-264</a> and <a href="#">AS-265</a>]. Once the habitats are established, the <b>Biodiversity Net Gain Reports</b> (refer to the updated reports included within [<a href="#">REP1-004</a>, <a href="#">REP1-017</a>, <a href="#">REP1-018</a>, and <a href="#">REP1-019</a>] demonstrate that a net gain of over 19% across the development would be achieved.</p>
	<p><b>Response by Michael Taylor for Deadline 2</b></p>	<p>Please refer to [<a href="#">REP2-372</a>] for full response.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p><u>Direct Cooling Water</u></p> <p>Cefas operate the Wavenet network of buoys, data from which are available on the network's webpage (<a href="http://wavenet.cefas.co.uk/Map">http://wavenet.cefas.co.uk/Map</a>), as the representation states. EDF Energy has operated a wave buoy off Sizewell from February 2008 to the present day. Live data from the wave buoy are displayed on the Wavenet webpage for public viewing, free of charge, by permission of EDF Energy.</p> <p>On Cefas advising SZC Co, as an executive agency of Defra, Cefas is bound by the civil service code of conduct and must provide impartial advice regardless of whether it is providing advice to government or to a third party. Cefas routinely provides advice to the Marine Management Organisation on all elements of marine licensing, however, to avoid perceived conflict of interest Cefas stopped providing technical advice to the MMO on NNB projects. The MMO uses a range of other technical advice, for Sizewell specifically from Hydraulics Research Wallingford and ABP Mer.</p> <p>Cefas are internationally recognised as experts in fisheries science and provide SZC Co with technical advice on the potential impacts of cooling water abstraction on fish. The</p>

ExQ1	Question to:	Question:
		<p>assessments show that SZC Co without an AFD system fitted will have no significant impact on fish populations, although we acknowledge we are not yet agreed with the Environment Agency and Natural England on all elements of the fish assessments. We are aware of the calculations made by Together Against Sizewell C (TASC) – they do not disprove the Cefas assessments at all.</p> <p>AFD systems have not been installed at offshore locations like the intake headworks of HPC and SZC and are considered an unacceptable safety risk.</p> <p>Regarding dredging, all sediments to be dredged and disposed need to be tested every 3 years for chemical contaminants (including radiological contaminants) and approved for disposal by the MMO. At Hinkley, HPC Co strongly disputes all of the claims made by Mr Deere-Jones.</p> <p><u>Ecology</u></p> <p>Specifically in respect of biodiversity net gain, updated reports were submitted at Deadline 2 and further information and clarifications are provided in responses to questions Bio 1.260 onwards (see also below). The compensatory habitat approach for SSSI landtake, including Aldhurst farm, is not included in the Biodiversity Net Gain (BNG) metric and this is also covered in the responses by SZC Co. to questions <b>Bio 1.260</b> onwards provided at Deadline 2.</p> <p>Specially in response to the felling of Coronation Wood, this was undertaken under a separate planning application as explained in the original answer to <b>Bio 1.68</b> at Deadline 2 [<a href="#">REP2-100</a>], with full ecological supervision of the works and under relevant protected species licenses. SZC Co. rejects any suggestion that this '<i>could have resulted in wildlife crime.</i>'</p> <p>Specifically in relation to Marsh Harriers, the potential for adverse effects on integrity on the European sites, which includes review of the impacts noted by Mr Taylor, has been fully considered in the <b>Shadow Habitat Regulations Assessment Report</b> [<a href="#">APP-145</a> to <a href="#">APP-149</a>, <a href="#">AS-173</a> to <a href="#">AS-178</a> and <a href="#">REP2-032</a>] and a number of answers to questions at Deadline 2 provided further clarifications.</p>
Bio.1.29	Stuart Checkley [RR-0997], The Applicant	In [RR-0944] Mr Checkley draws attention to effects of extracting water for concrete; SSSI crossing; dewatering of 30 m deep trench for foundations; cumulative Minsmere/Sizewell Marshes effects; - and questions whether they have been adequately

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>assessed, or at all, especially in regard to water levels; he also says there is a current insufficiency of marsh harrier hunting grounds. Please will the Applicant comment.</p> <p>SZC Co. responds to the main points in Mr Checkley's representation at RR-0997 as well as those made in Mr Naylor's representation at RR-0944, as the list of issues raised in this comment is a combination of the matters raised in those two representations, as follows:</p> <ul style="list-style-type: none"> <li>• <b>Effects of extracting water for concrete:</b> Potable (mains) water would be used for the production of concrete. Northumbrian Water Limited (NWL) has indicated that it expects to be able to supply the Sizewell C Project from existing licensed capacity within its Northern/Central Water Resource Zone. There is an abstraction sustainability investigation is underway to determine what the sustainable abstraction would be. To reduce the mains water demand, treated wastewater from Sizewell B and Sizewell C would be used, where appropriate, for example in dust suppression, wheel washes and so forth. It is not proposed to abstract water for concrete production at the main development site. Water for concrete production is considered in <b>Appendix 8.4K</b> (Site Water Supply Strategy) of the <b>Planning Statement</b> [<a href="#">APP-601</a>]. An updated <b>Water Supply Strategy</b> was provided at <b>Appendix 2.2.D</b> of <b>Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-202</a>].</li> <li>• <b>Effects of dewatering within the Main Construction Area and impacts on wetlands:</b> A low permeability cut-off wall would be constructed around the area within which the deep excavations would take place to construct the foundations of the power station and associated underground structures. This is an important mitigation measure that would enable the excavation area to be temporarily dewatered without causing uncontrolled drawdown of the water table outside and which is monitored to agreed limits. These potential effects on the terrestrial water environment, including water levels, are considered in <b>Volume 2, Chapter 19</b> (Groundwater and Surface Water) of the <b>ES</b> [<a href="#">APP-297</a>].</li> <li>• <b>Cumulative effects:</b> Specific aspects of the proposed development, such as the SSSI crossing and the dewatering, were represented in the numerical model used to inform the assessment of predicted changes to groundwater and surface water. Details of the development aspects represented in the numerical modelling are presented in Section 4.3 of <b>Volume 2, Appendix 19A</b> (Numerical Modelling Report) of the <b>ES</b> [<a href="#">APP-298</a>]. On this basis, the conclusions of the assessment would remain as identified within the <b>ES</b>. It should also be noted that the following</li> </ul>

ExQ1	Question to:	Question:
		<p>features mentioned in the relevant representations are not or are no longer proposed as part of the proposed development:</p> <ol style="list-style-type: none"> <li>extraction of water to make concrete for the proposed buildings; and</li> <li>division of the Sizewell and Minsmere Marshes by the proposed causeway for the next 10- 12 years.</li> </ol> <ul style="list-style-type: none"> <li> <b>SSSI Crossing and related wetland impacts:</b> The original causeway over culvert proposal included in the May 2020 DCO application would have increased slightly the depth of flooding that would occur naturally across parts of Minsmere nature reserve in the event of a coastal flooding event because a portion of the incoming flood water would be deflected north by the physical presence of the causeway. The corollary was that the depth of flood water within Sizewell Marshes SSSI in such an event would have been slightly less. The proposed single span bridge proposed as Change 6 in the January 2021 change submission [<a href="#">AS-105</a>] (accepted in April 2021) would only have a marginal effect in such circumstances, because the culvert has been replaced by a bridge. </li> <li> <b>Marsh harrier compensation area:</b> The approach to marsh harrier habitat compensation is described in the response to <b>Question Bio.1.48</b> in this chapter. </li> <li> <b>Platform elevation and sea defences:</b> The platform level for the power station has been set at 7.3m AOD which, in combination with the proposed sea defences whose crest level would be set at 12.6m AOD, protect the power station from flooding in a design basis 1:10,000 year coastal flooding event over the lifespan of the power station. The sea defences have been designed so that they can be raised to a height of 16.4m AOD (excluding landscaping) in the future if required. This is then secured through Requirements 12B and 12C of the <b>draft DCO</b> (Doc Ref. 3.1(C)). </li> <li> <b>Transport strategy/traffic congestion:</b> Construction traffic impacts have been assessed in detail and the proposals include a number of significant mitigation measures to minimise disruption. This includes a commitment to transport at least 40% of construction materials to site by sustainable modes (rail and sea). The January 2021 change submission [<a href="#">AS-105</a>] includes proposals for a temporary BLF (Change 2) to maximise the amount of bulk aggregate transported by sea. A Two village bypass is proposed to minimise impacts on the A12. Effects on tourism have </li> </ul>

ExQ1	Question to:	Question:
		<p>been assessed in the ES and a Tourism Fund is proposed as part of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) in order to address any residual effects on tourism. In addition, a resilience fund is proposed as part of the <b>Draft Deed of Obligation</b> following discussions with the RSPB.</p>
	<p><b>Response by Stuart Checkley at Deadline 2</b></p>	<p>Thank you for asking for clarification on the above points that I raised in my Relevant Representation.</p> <p>The main point was a question. What is the Applicant's estimate of the net effect of the proposed development on the water levels in the Minsmere and Sizewell Marshes over the entire construction period? I realise that there will be no simple answer to this question but the issue is obviously important. As a regular visitor to Minsmere over the last 50 years I know how sensitive to water levels are the bird populations on the marshes. I believe that I asked this question in my first response to the First Round of Consultations.</p> <p>My second point is also a question. I know from their Relevant Representation that the Environment Authority has concerns about the adequacy of the compensatory habitats for Marsh Harriers. My second question is whether there have been population surveys of the prey species of the Marsh Harrier on Aldhurst Farm? If there are enough small mammals and small birds on Aldhurst Farm to feed a family of Marsh Harriers, then that would be a measure of the extent to which the Aldhurst Farm habitat provides adequate compensation.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>In relation to water levels at Minsmere, Natural England has agreed via its Statement of Common Ground [<a href="#">REP2-071</a>] that no significant effects are likely.</p> <p>In relation to water levels on the Sizewell Marshes, SZC Co. has undertaken extensive modelling as reported in the ES and predicts low levels of drawdown of up to 10cm across small parts of the site. A further Hydrology report which explains the interface between ground and surface waters and how the drawdown will be mitigated is submitted to examination at Deadline 3 within <b>Appendix B</b> of the <b>Comments on Written Representations</b> document (Doc. Ref. 9.28 A).</p> <p>In relation to marsh harriers at Aldhurst Farm, SZC Co. has not undertaken surveys of the prey species. Whilst SZC Co. is pleased to have breeding marsh harriers in the Aldhurst Farm wetlands, the compensatory habitats which we are creating at the northern edge of</p>

ExQ1	Question to:	Question:
		the EDF Energy estate are to support the marsh harriers which breed in the Minsmere reedbeds to the north.
Bio.1.32	The Applicant, Natural England, ESC, SCC	<p>Many IPs raise concerns about the shingle beach, including that it is a County Wildlife Site.</p> <p>Please will the Applicant and NE include in their SoCG the following:</p> <ul style="list-style-type: none"> <li>(a) a summary of the Applicant's view of the effects on the shingle beach;</li> <li>(b) a summary of NE's view of the same;</li> <li>(c) a statement of areas of disagreement; and</li> <li>(d) a statement of what measures should in the view of (a) the Applicant and (b) NE be taken to overcome any disagreement.</li> </ul> <p>It also supports dune and shingle habitats and an invertebrate assemblage of national importance, impacted by direct habitat loss as a result of land take for the main platform and new coastal defences.</p> <p>Can the Applicant point to evidence regarding the successful recreation of vegetated shingle and stabilised sand dunes across a heavily modified foreshore at Sizewell B, as described in ES paragraph 14.7.188? With 38.83ha of habitat loss from the CWS predicted, what is the total area (in ha) of replacement habitat to be provided?</p> <p>Can NE comment on the sufficiency of the Applicant's proposals to mitigate the impacts of habitat loss/change, as described in ES paragraphs 4.7.185 – 4.7.191?</p> <p>[APP-224] – Suffolk Shingle Beaches CWS. At para 14.7.190 it is said that there would be a permanent irreversible loss of an area of vegetated shingle and sand dune, assessed at para 14.7.191 as a moderate adverse significant effect. Earlier at para 14.7.188 it is explained that the surface will be safeguarded, stored and replaced. How is there a permanent non-reversible loss given that the habitat is to be reinstated – see e.g. the statement at para 14.7.193?</p>

ExQ1	Question to:	Question:
		<p>If these matters are already addressed in the SoCG between the Applicant and Natural England which was required by the Procedural Directions in the Rule 6 letter, please say so and direct the ExA to the relevant section of that SoCG.</p> <p>Unless these matters are addressed in the SoCG with ESC and SCC (in which case please respond directing the ExA to the relevant parts) please will the Applicant, ESC and SCC each please respond to this question.</p> <p>The ExA imagines that the Applicant's response may well be to refer the ExA to parts of the SoCG with Natural England, but that is not to limit how the Applicant may wish to respond.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. would like to clarify the position presented in the <b>ES</b> on amount of habitat loss from the Suffolk Shingle Beaches CWS. The 38.83ha mentioned in paragraph 14.7.187 of <b>Volume 2, Chapter 14</b> of the <b>ES</b> [<a href="#">AS-033</a>] refers to the size of the entire CWS and not the amount of habitat lost.</p> <p>The construction of the new coastal defences, as well as the establishment of the Sizewell C main platform, would require the removal of the existing habitats within the footprint of these structures.</p> <p>The loss of habitats is estimated to be of approximately 2.91ha of vegetated shingle and 4.04ha of vegetated sand dunes from within the CWS (approximately 18% of the designated area).</p> <p>Primary mitigation, described in paragraph 14.7.188 [<a href="#">AS-033</a>] would store existing surface layers of shingle and sand substrate (and seedbank) to place on the new coastal defence to allow re-establishment and recolonization of habitats. Therefore, in the short term, habitat loss is expected to be temporary. Re-instated habitats would approximately amount to 3.95ha of vegetated shingle and 5.08ha of vegetated sand dune (paragraph 14.7.86).</p>



ExQ1	Question to:	Question:
		<p>Paragraph 14.7.188 describes the success of re-instating coastal habitats following the construction of Sizewell B. A 2008 report 'Environmental Product Declaration of electricity from Sizewell B nuclear power station'<sup>2</sup> notes that:</p> <p><i>"The shingle beach in front of the power station was extensively disturbed during construction. The area has been restored and replanted with plant communities taken from the site prior to construction, propagated and then replanted. No regular, comparable botanical monitoring has subsequently been undertaken so it is difficult to assess the success of the project and many factors may have influenced the plant communities which are now present."</i></p> <p>While this report does not assess the success of the re-instatement compared with pre-construction habitats, surveys undertaken on the coastal habitats east of Sizewell B on behalf of Suffolk Wildlife Trust in 2003 (<b>Volume 2, Annex 14A3.3</b> of the <b>ES [APP-229]</b>) recorded a mosaic of vegetation communities within the shingle habitat which included species indicative of vegetated shingle such as Sea Pea (<i>Lathyrus japonicus</i>). While this survey does not elude to the success of the re-establishment of habitats following Sizewell B, they are of similar make up and contiguous with habitats to the north and south of the survey area and therefore success can be assumed.</p> <p>A new coastal defence will be constructed and will also comprise a sacrificial shingle barrier with sandy cap in front of the new main sea defence, used to defend the Sizewell C power station. The role of the sacrificial dune would be to minimise coastal erosion and release sediment to the beach face, which would only be activated during a storm event. It is likely that the dune would occasionally be eroded and require repair in order to maintain its volume (as detailed in paragraph 14.4.12 of <b>Volume 2, Chapter 14</b> of the <b>ES [AS-033]</b>).</p> <p>Paragraph 14.7.189 sets out the implications of future sea level rises and that in the absence of monitoring and some potential maintenance, the habitats established would likely be more susceptible to erosion in a shorter timeframe. The long-term implications for the coastal shingle habitats have been considered as part of the assessment and needs to be considered in the context of natural processes associated with predicted sea level</p>

<sup>2</sup> EDF Energy. No date. Environmental Product Declaration of electricity from Sizewell B nuclear power station. [Online]. Available at: [https://www.edfenergy.com/sites/default/files/sizewell\\_epd\\_full.pdf](https://www.edfenergy.com/sites/default/files/sizewell_epd_full.pdf)

ExQ1	Question to:	Question:
		<p>risers. The effect of habitat loss, looking at the long term, is moderate adverse which is considered <b>significant</b>.</p> <p>This coastal habitat supports important plant species, such as Deptford Pink (<i>Dianthus ameria</i>), and invertebrate assemblages of national importance. Deptford Pink surveys are on-going to map the location and extent of the population of this species and mitigation measures proposed in a <b>Deptford Pink Method Statement (Volume 3, Appendix 2.9.C1 of the ES Addendum [AS-209])</b> to translocate this species. <b>Volume 2, Chapter 14 of the ES [AS-033]</b> (paragraphs 14.8.65 – 14.8.67) states the effect of coastal habitat loss on the associated invertebrate assemblages supported within this area would be moderate adverse, which is considered <b>significant</b>, due to the fragmentation of coastal habitats whilst the sea defence was being built and re-instated.</p> <p>The approach to the reinstatement and monitoring of these habitats will be discussed between SZC Co. and Natural England. However, the scope of Natural England's matters of interest within the SoCG to date, in relation to sites, has been on the statutorily designated sites, such as the relevant SAC, SPA, Ramsar sites and the SSSIs and not the non-statutory sites such as the Suffolk Shingle Beaches CWS. So whilst restoration of the beach habitats is touched upon in the SOCG (Doc Ref. 9.10.7), this is primarily by way of reference to the impacts on coastal processes.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>Part of the Suffolk Shingle Beaches CWS lies on the eastern side of the proposed Sizewell C platform, with the CWS extending south in front of the Sizewell A and Sizewell B stations. ESC's understanding is that in the proposed plans part of the CWS would be permanently lost due to the construction of the Sizewell C hard coastal defence feature (HCDF) – the loss referred to as permanent irreversible in [APP-224] paragraph 14.7.190, and part would be temporarily lost during construction and then reinstated with stored material over part of the HCDF post construction (referenced in [APP-224] paragraph 14.7.188). The intention being that this reinstatement would then allow shingle flora to re-establish.</p> <p>Whilst this mitigation may in theory be possible initially, sea level rise and coastal change is predicted to result in exposure of the hard defence in the operational lifetime of the power station, with its presence meaning that there is no opportunity for any natural rollback of the CWS habitats. Despite this no additional measures are proposed to address this impact. Survey work has indicated that the vegetated shingle habitat is of national</p>

ExQ1	Question to:	Question:
		<p>importance and ESC therefore considers that appropriate long-term mitigation/compensation measures must be secured.</p> <p>ESC also notes that the change to the original submission in relation to coastal defences moves the hard coastal defence feature closer to the sea, with the requirement for recharge of the soft coastal defence then likely to be required earlier in the operational phase. Dependent on the frequency of such recharge activity it is possible that vegetated shingle flora will never adequately re-establish on the reconstructed CWS area and therefore permanent loss of this part of the CWS will occur even earlier in the operational life of the power station. ESC consider that this will result in a permanent impact of at least Moderate Adverse, Significant level which is not mitigated or compensated for as part of the development proposals, ESC do not consider that this is acceptable.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>Part of the Suffolk Shingle Beaches CWS lies on the eastern side of the proposed Sizewell C platform, with the CWS extending south in front of the Sizewell A and Sizewell B stations. SCC's understanding is that in the proposed plans part of the CWS would be permanently lost due to the construction of the Sizewell C hard coastal defence feature (HCDF) – the loss referred to as permanent irreversible in APP-224 para. 14.7.190, and part would be temporarily lost during construction and then reinstated with stored material over part of the HCDF post construction (referenced in APP-224 para. 14.7.188). The intention being that this reinstatement would then allow shingle flora to re-establish. Whilst this mitigation may in theory be possible initially, sea level rise and coastal change is predicted to result in exposure of the hard defence in the operational lifetime of the power station, with its presence meaning that there is no opportunity for any natural rollback of the CWS habitats. Despite this no additional measures are proposed to address this impact. Survey work has indicated that the vegetated shingle habitat is of national importance and SCC therefore considers that appropriate long-term mitigation/compensation measures must be secured.</p> <p>We also note that the change to the original submission in relation to coastal defences moves the hard coastal defence feature closer to the sea, with the requirement for recharge of the soft coastal defence then likely to be required earlier in the operational phase. Dependent on the frequency of such recharge activity it is possible that vegetated shingle flora will never adequately re-establish on the reconstructed CWS area and therefore permanent loss of this part of the CWS will occur even earlier in the operational life of the power station. We consider that this will result in a permanent impact of at least</p>

ExQ1	Question to:	Question:
		Moderate Adverse, Significant level which is not mitigated or compensated for as part of the development proposals, we do not consider that this is acceptable.
	<b>Response by Natural England for Deadline 2</b>	Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	The councils make the point that beach recharge could affect the ability of beach vegetation to become established. The following response is made in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) and repeated below: Beach recharge will be undertaken as necessary and this will maintain the substrates necessary for these habitats. Modelling to date shows up to seven recharge events over the lifetime of Sizewell C and whilst these would be at fairly regular intervals, given that erosion is storm driven these events could be somewhat erratic. Erosion would occur in 'pockets' along the frontage and recharge would only be required for those sections (i.e. recharge would not be required along the entire length of the sea defence). Given that species characteristic of shingle beach vegetation communities are adapted to what is a naturally dynamic environment, it is considered that recharge events of this type and frequency would not lead to a substantive loss of shingle beach vegetation. The species present immediately after an area has been subject to recharge would simply be the early colonisers, characteristic of the early stages of vegetation establishment. Early colonisers would be annual and biennial species whilst perennial species would generally establish over subsequent years in areas where sediments become more consolidated. This recolonisation mimics the processes which occur naturally after storm events.
Bio.1.33	Dominic Woodfield [RR-0314]	In his [RR-0314] Mr Woodfield raises concerns on ecological issues and biodiversity net gain alongside Friends of the Earth (Suffolk Coastal). Please will Mr Woodfield submit a written representation setting out his objections as fully as possible. If Mr Woodfield would

ExQ1	Question to:	Question:
		prefer to rely on the submissions by Friends of the Earth (Suffolk Coastal) please say so in reply to this ExQ.
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required. However, the four updated <b>Biodiversity Net Gain Reports</b> [ <a href="#">REP1-004</a> , <a href="#">REP1-017</a> , <a href="#">REP1-018</a> , and <a href="#">REP1-019</a> ] submitted into Examination at Deadline 1 are relevant to this point. Please also see the answers to <b>Questions Bio.1.260-1.272</b> below.
	<b>Response by Dominic Woodfield for Deadline 2</b>	<p>The Examination Panel is asked to note that I have now made six (6) written requests for the Applicant to provide a copy of its completed Biodiversity Net Gain (BNG) 2.0 metric – i.e. the Excel file replete with all its input data in order that the condition scores it has attributed to individual habitats and individual land parcels can be understood. The Applicant has consistently refused to respond positively to this request. This failure of due disclosure is a matter of concern and (amongst other things) falls significantly short of the best practice requirements for transparency in the use of the metric.</p> <p>The Applicant has made the suggestion in correspondence that I provide to the Examination with my Deadline 2 written representation that it is possible to reconstruct the metric calculations from the information they have supplied. This is incorrect and the consequence of being unable to do so is that significant errors are at risk of being masked. One thing that is clear is that the Applicant has not applied the Biodiversity Metric 2.0 to the fen meadow creation proposals it is offering in compensation for direct and permanent land-take impacts upon the Sizewell Marshes Site of Special Scientific Interest (SSSI). It relies upon the fact that the metric is not designed as a tool for the offsetting of impacts on ecological resources of such importance, but this overlooks that it is capable of being applied as a measure of the adequacy of such proposals.</p> <p>In short, if a compensation scheme fails the test of adequacy via application of the metric, it is inevitable that it would fail any more stringent test applied to higher value resources. Yet this is precisely what application of the Biodiversity Metric 2.0 to the Applicant's compensation proposals for loss of SSSI reveals. The quantum of fen meadow habitat creation proposed is indicated by the metric to be somewhere between 2 and 5 times short of what the metric would define as an appropriate level of compensation for the impacts on the Sizewell Marshes SSSI arising from the project.</p> <p>Putting aside that the continued refusal of the Applicant to disclose its full metric 2.0 calculations hinders an understanding of how it has arrived at the 19% net gain overall</p>

ExQ1	Question to:	Question:
		<p>(cumulative) figure that it claims for the project, it is nonetheless possible to identify sufficient problems and errors with the Applicant's approach that call into serious question the veracity of such claims. These include artificial suppression of baseline condition of affected habitats and exaggerated assumptions about the likely success or timeframes of habitat creation or enhancement. Adjustment to a more robust approach would appear likely to negate the net gain figure even without factoring in the very substantial net loss arising from the SSSI impacts.</p> <p>As a consequence of all these factors there can be little doubt that the actual product of the project is significant biodiversity net loss, including of designated nationally important habitats and features – a matter that raises serious policy compliance problems in respect of National Policy Statements EN-1 and EN6. The Examining Authority is asked to direct the Applicant to provide its full net gain calculations in order that these issues can be fully and properly scrutinised as part of the Examination and in order that it is in a sufficiently informed position to accurately apportion the right degree of weight to the ecological impacts of the project in its eventual decision.</p> <p>Refer to <a href="#">[REP2-226]</a> for the full response.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Updated Biodiversity Net Gain (BNG) reports were submitted at Deadline 2 and further information and clarifications are provided in SZC Co.'s responses to questions <b>Bio 1.260</b> onwards in the Deadline 2 <b>Responses to ExQ1s</b> <a href="#">[REP2-100]</a>. The compensatory habitat approach for SSSI landtake, including fen meadow habitats, wet woodland habitats and the open water and reedbeds habitats are not included in the BNG metric and this is also covered in the responses to questions <b>Bio 1.260</b> onwards.</p>
Bio.1.34	Caroline Price [RR-0178], Natural England, The Applicant	<p>In her [RR-0178] Ms Price draws attention to the Grayling butterfly which she says will be adversely affected by the changes to its habitat, the Sizewell Belts. Please will the Applicant and NE comment.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant has created a large area of dry grassland and heathland on former arable fields in the Studio Fields area, which has already been colonised by a population of Grayling butterflies. In addition, Grayling has also been recorded at Aldhurst Farm where habitat creation and enhancements have been carried out by the Applicant. This new population, as well as retained areas of coastal habitats, such as areas east of Sizewell B mean that there is no risk of local extinction. Once the new sea defences for Sizewell C have been constructed and new the coastal habitats established over these areas, as</p>

ExQ1	Question to:	Question:
		described in the <b>oLEMP</b> for the main development site [ <a href="#">REP1-010</a> ], Graylings would be expected to recolonise these re-established habitats from adjacent areas [ <a href="#">REP1-010</a> ].
	<b>Response by Natural England for Deadline 2</b>	Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve licensable protected species for which Natural England will assess via its licensing process. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
Bio.1.35	David P N Grant [RR-0287], The Applicant	In his [RR-0287] Mr Grant states: "EDF has conducted 'surveys' (using ARCADIS) – these are of lamentable depth or quality. I have commissioned my own independent surveys of the same issues to demonstrate that EDF's are 'box ticking' at best. Substantial damage to wildlife habitats is inevitable if SLR proceeds on the current basis". To enable the ExA to consider these points, please can Mr Grant submit his own surveys with a written representation. Please will the Applicant consider and respond either now or after written representations.
	<b>Response by SZC Co. for Deadline 2</b>	<p>The ecological surveys undertaken by Arcadis have adhered to best practice guidelines and have been undertaken by suitably experienced and qualified ecologists.</p> <p>The main development site has been subject to extensive ecological surveys since 2012 and the Sizewell link road and the two village bypass were surveyed for relevant species groups during 2019-2020. Further surveys have been undertaken of sites, as relevant, in 2021 to inform protected species license applications and finalise mitigation details.</p> <p>Any limitations due to the restricted access by landowners have been noted as a limitation in all reporting where relevant and this included no access to Mr Grant's land for ecological surveys in 2019. These were subsequently undertaken in 2020.</p> <p>The Applicant will reserve comment on Mr Grant's surveys until those have been shared through the examination. The Applicant will provide a second response upon receipt of the data and reporting, provided by Mr Grant.</p>

ExQ1	Question to:	Question:
	<b>Response by David and Belinda Grant at Deadline 2</b>	BSG ecology report attached Fourth/Annex 4. Refer to <a href="#">REP2-252</a> for further information.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co have reviewed the BSG ecology report and have provides the following responses to the points raised within the conclusions:</p> <p><u>Timeliness of surveys</u></p> <p>SZC Co. has undertaken a suite of ecological surveys of the Sizewell link road prior to the submission of the DCO application. SZC Co. has undertaken additional surveys of the site since May 2020 and has submitted a series of updated ecological reports to the examining authority. Whilst the main aim of the recent surveys has been to inform protected species licensing works, each of the reports has drawn a conclusion as to whether the new information would result in any changes to the conclusions of the assessments presented. On each occasion the updated surveys have reaffirmed the position presented within the ES and subsequently no change to the assessment have been made. SZC Co. have also provided the <b>TEMMP</b> <a href="#">[REP1-016]</a> which establishes the monitoring measures to be applied at the associated development sites during construction and operation.</p> <p><u>Bats</u></p> <p>SZC Co will review the location of static detectors across the route and provide an updated figure at Deadline 5 that includes the numeric identifiers used within the ES. Looking at bat species composition as percentages has been used as a way to describe the baseline of the site, for comparison post-construction. However, barbastelle (and Natterers) have been identified as important ecological features during the impact assessment and the majority of mitigation measures have been focussed on these species, however the mitigation measures identified would also provide benefits for other bat species. When combined with other survey methods and data sources, SZC Co. considers that sufficient data has been collected to understand the importance of the habitats along the proposed Sizewell link road to these species.</p> <p><u>Breeding Birds</u></p>



ExQ1	Question to:	Question:
		<p>Whilst the transect gap is acknowledged, the data set collected along the route corridor in 2019 provides a robust baseline for the species assemblage and this is not considered to represent a limitation to the assessment presented within the ES.</p> <p>SZC Co considers that some of the habitats to be created/ reinstated would be of benefit for skylark.</p> <p><u>Great Crested Newts</u></p> <p>Due to local land access refusals, which resulted in some limitations on data collection/ information, the presence of this species was assumed along the entire length of the Sizewell Link Road route corridor in the ES. Additional more detailed and targeted surveys have been permitted in spring 2021 by the landowner and the results will be reported to examination. The results will not change the assessment of significance in the ES.</p> <p>A draft protected species licence will be submitted to Natural England for review and consultation once all of the latest data has been collated and this draft will be provided to the examination at an appropriate deadline. Further dialogue with Natural England will confirm the overall total number of ponds to be created along the alignment.</p> <p>To date SZC Co. has identified eight ponds within the site boundary, and a further twelve ponds which are located outside the site but have the potential to be indirectly impacted by the proposed development. Of the eight ponds within the site boundary, one pond would be within the land permanently required for the proposed development. The remaining seven would be within the area required to facilitate construction works and would be restored at end of the construction phase. Mitigation for the loss of ponds has been incorporated into the proposed design. In addition to the seven ponds to be restored, approximately 14 ponds (rather than the eight suggested by BSG) would be created to provide habitat suitable to support amphibian species (including great crested newts) and invertebrates.</p> <p><u>Habitats</u></p> <p>The ecological assessments have been carried out following the Phase 1 surveys to identify the habitat types present on site. The outcomes of these surveys, depending upon the habitat conditions present, were used to inform the need for any further targeted protected species surveys. For example, if deemed appropriate further National</p>

ExQ1	Question to:	Question:
		<p>Vegetation Classification (NVC) surveying would have been undertaken within the site, if plant communities were identified as part of the Phase 1 to be of particular interest or value, however these were not deemed to be required given the outcomes of the Phase 1 habitat survey. The ecological assessments do not consider the value of the habitats in relation to their agricultural quality/ condition.</p> <p>Mr Grant has not made any new surveys available to the examination but as stated in Deadline 2 response above, the Applicant will comment on Mr Grant's surveys when those have been shared through the examination.</p>
Bio.1.36	Dr Annette Abbott [RR-0320], The Applicant	<p>Will the Applicant comment on the relevant representation from Dr Abbott, [RR-0320] particularly what she writes in relation to the loss of 10ha of SSSI, M22 Fenland habitat, rare freshwater plants and insects sensitive to pH changes, detriment to "<i>rare Red listed birds, barbastelle and other bats, rare endangered insects such as white admiral butterfly and Norfolk hawkers and incredibly rare plants</i>"</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant has reviewed the relevant representation from Dr Abbott and provides the following response in relation to the question.</p> <p><b>Loss of SSSI habitat</b></p> <p>The development will result in approximately 10ha of temporary and permanent loss of reedbed, ditch, wet woodland and fen meadow habitats from Sizewell Marshes SSSI.</p> <p>Reedbed and ditch habitat loss has been mitigated for with the creation of such habitats at Aldhurst Farm, completed in 2016, (refer to paragraph 14.4.11 of <b>Volume 2, Chapter 14</b> of the <b>ES</b> [<a href="#">AS-033</a>]) which has developed and matured and now supports water vole, otter and important bird species such as nesting marsh harrier. As stated in paragraph 14.7.127, in 2015 Natural England were confident that wetland creation at Aldhurst Farm would provide satisfactory compensation in quality and quantity for the permanent loss of reedbed habitats at Sizewell Marshes SSSI. Further reedbed creation will be implemented in the north of the main development site in order to include a wetland component in the marsh harrier habitats compensation area.</p> <p><b>A Fen Meadow Strategy (Volume 3, Appendix 2.9.D of the ES Addendum [<a href="#">AS-209</a>])</b> has been developed which commits to provide appropriate compensation measures to mitigate the permanent loss of approximately 0.46ha of M22 fen meadow from the SSSI. This includes planned creation of fen meadow at three sites; Benhall, Halesworth and</p>

ExQ1	Question to:	Question:
		<p>Pakenham amounting to at least 4.5ha of M22 fen meadow habitat with management plans to secure this habitat in the long term. This strategy also includes contingency provisions should M22 habitat not be established after 10 years.</p> <p>A <b>Wet Woodland Strategy</b> [REP1-020] has been developed addressing the compensatory habitats required for the permanent loss of 3.06ha of wet woodland from Sizewell Marshes SSSI. This includes the provision of 0.7ha of wet woodland creation in the north of the main development site and at least 2.36ha of wet woodland creation across the Benhall and Pakenham fen meadow sites which would be established by Year 10 with a long term management plan in place to secure this habitat for the operational lifetime of Sizewell C Project.</p> <p><b>Impacts on species mentioned in the relevant representation</b></p> <p>The species referenced in the relevant representation have been considered through impact assessment within <b>Sections 14.7 – 14.14 of Volume 2, Chapter 14</b> of the <b>ES</b> [AS-033]. Of the individual species mentioned in RR-0320, white admiral butterfly has not been assessed individually but as part of the invertebrate assemblage within Goose hill, where the effect of land take was considered minor adverse, and therefore not significant. White admiral inhabits woodlands with large patches of Bramble and presence of Honeysuckle and while a proportion of Goose hill will be removed, remaining areas will retain suitable habitat for this species, albeit over a smaller area. The <b>oLEMP</b> [REP1-010] defines additional woodland areas and hedgerows which in the long term, i.e. in the operational phase of Sizewell C, would be suitable for white admiral and facilitate greater north-south movement for this and other woodland invertebrates, through the EDF Energy estate.</p>
	<p><b>Response by Dr Annette Abbott for Deadline 2</b></p>	<p>The fen-meadows, with rush pasture and associated mires, are component communities of the UK Biodiversity Action Plan (BAP) purple moor-grass and rush pasture (PMGRP) priority habitat (<a href="http://www.ukbap.org.uk/UKPlans">http://www.ukbap.org.uk/UKPlans</a>; <a href="http://ukbars.defra.gov.uk/plans/national_plan">http://ukbars.defra.gov.uk/plans/national_plan</a> - purple moor-grass and rush pastures). It is acknowledged that they are very difficult to restore and creating new fenland meadow is not possible in the short term. The proposed footprint and surrounding works including the culvert for the new access road for Sizewell C will destroy most of the fenland meadow (M22) (10 hectares of the wider area and 1.7hectares of the fenland meadow) of Sizewell Marshes. This land is part of a mosaic of habitats with reedbed, wet woodland, heathland and beach, provides unique and irreplaceable habitat and is a wildlife corridor linking the</p>

ExQ1	Question to:	Question:
		<p>habitats to Minsmere and Walberswick marshes and a Site of Special Scientific Interest. This means it is protected and therefore the proposal to destroy it, its wildlife -plants, invertebrates, birds and mammals should never be allowed. IUCN Red listed birds which use this habitat include Curlew, lapwing, nightingale, woodcock and skylark. (BTO wetland birds survey for the last five years confirm the presence of Curlew lapwing and woodcock at this site). Amber listed birds such as the Marsh harrier will also be affected, see Natural England's concerns. Water vole and Barbastelle bats are present in fen meadow and are on the IUCN Red List for mammals in the UK. 143 invertebrate species are mentioned to be of conservation concern by the Applicant, which are at risk from Sizewell C development of which 23 are Red listed insects and are at risk. In particular, the rare Endangered (IUCN) Norfolk hawker dragonfly is regularly seen and breed here. The Norfolk Hawker needs aquatic plants including water soldier and frogbit. The fenland meadow water supports these plants. Intensification of agricultural practices, plus increasing pollution from domestic sources, has led to a rapid increase in the levels of nitrates and phosphate entering the aquatic systems of this country. This has led to a loss of aquatic vegetation and an increased incidence of algal blooms. Additionally, the runoff from agriculture (pesticides), industry, road run-off and domestic sources all pollute the aquatic environment. Changes in water level caused by pumped drainage systems and lowered water tables also disrupts suitable habitat. As a result, it is very difficult indeed to create a suitable replacement fen meadow habitat and there are very few areas of lowland fen meadow of this quality and biodiversity left.</p> <p>White Admiral butterflies (protected species listed under section 41 of the NERC ACT 2006) and Grayling butterflies (Vulnerable on IUCN criteria. (Red Data Book 2 species are present close to the meadow and the in the neighbouring woodland and are also endangered and rare.</p> <p>The Fenland meadow in the SSSI at Sizewell Belts, is irreplaceable and no mitigation or alternative site provided by EDF can replace this meadow. The meadow is fed by a very pure water aquifer, which regulates the pH of the wetlands and the groundwater is very low in nutrients and determines the flora and fauna. Agricultural run-off, or replacement of the water with ditch water will destroy the unique extremely sensitive biodiversity of this and the surrounding site. The effect of the building of Sizewell C will disrupt the water flows and drain the site (drawdown due to the insertion of the cut off wall around the station platform) such that the proposal to replace that clean ground water with unsuitable ditch water which is contaminated and richer in nitrogen will destroy the plant</p>

ExQ1	Question to:	Question:
		ecology and as a result the insect and aquatic invertebrate ecology. The proposed sites at Halesworth and Benhall will prove impossible to make equivalent in biodiversity value because of the absence of the groundwater aquifers and presence of nitrogen and other agricultural run-off. Natural England recognises this and has insisted on nine times the area lost at Sizewell in the false hope that there will be biodiversity gain but this is impossible. The proposed sites are fragmented. There is no continuity of the wildlife corridors as there currently is at Sizewell with adjacent wet woodlands, heaths and beach. The proposed sites for replacement fen meadow are fragmented sites and will not form an appropriate wildlife corridor to maintain genetic diversity and EDF's record in managing sites for wildlife is currently very poor (witness the sites intended for reptile relocation for Coronation wood and Goose Hill which are meant to be heathland and are now grown up with birch) and where is the proof that they will be any different in the future -both in the short and long term. Setting aside land elsewhere in the hope it might become by magic a biodiversity gain is unrealistic and will fail to ever compensate for the fenland meadow biodiversity loss. If the Government has agreed to keep to international obligations to protect biodiversity and respect the Bern convention (Conservation of European Wildlife and Natural Habitats) how can the blatant destruction of this SSSI be allowed, and by extension putting internationally important bird reserves such as Minsmere (Britain's most important bird reserve) under significant threat of irreversible biodiversity loss. The Planning Inspectorate must not allow the construction of Sizewell C.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.38	MMO, Natural England, The Applicant	<p>(i) Please state the applicability of ss.125 and 126 of the Marine and Coastal Access Act 2009 and set out any marine conservation zones which are relevant to the Application. (The ExA note that Table 22.1 of APP-317 highlights Orford Inshore MCZ.)</p> <p>(ii) If there are any Marine Conservation Zones or ss.125 or 126 of the Marine and Coastal Access Act 2009 are otherwise engaged by the Application please set out (a) how, (b) the steps taken in relation to them and (c) the steps which the SofS should take.</p> <p>Please will the Applicant in answering draw attention to any provisions of the application documentation which address the question</p>

ExQ1	Question to:	Question:
		<p>(iii) Please state whether or not any other provisions of the MCA 2009 are relevant and if so, how.</p> <p>(iv) Is the MMO content that there is no separate assessment for the Orford Inshore MCZ?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Section 125 of the Marine and Coastal Access Act 2009<sup>3</sup> sets out the general duties of public authorities in relation to MCZs. Sub-section 1 applies to any public authority having any function the exercise of which is capable of affecting (other than insignificantly) (a) the protected features of an MCZ; (b) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.</p> <p>Subsection 2 provides that every public authority to which this section applies must (in so far as is consistent with their proper exercise) (a) exercise its functions in the manner which the authority considers best furthers the conservation objectives stated for the MCZ; and (b) where it is not possible to exercise its functions in a manner which furthers those objectives, exercise them in the manner which the authority considers least hinders the achievement of those objectives.</p> <p>Section 126 is written in similar terms but applies where a public authority has the function of determining an application (whenever made) for authorisation of the doing of an act and the act is capable of affecting (other than insignificantly) (i) the protected features of an MCZ; (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.</p> <p>Neither section 125 nor 126 apply here because any potential effects are insignificant, as has been set out in <b>Volume 2, Chapter 22</b> of the <b>ES</b> <a href="#">[AS-035]</a>.</p> <p>The Orford Inshore Marine Conservation Zone (MCZ) is located approximately 16km south-east of the main development site and 14km from the Alde Ore estuary. The site is composed of subtidal mixed sediments that form important nursery and spawning grounds for some species of fish, including Dover sole, lemon sole and sandeels. Burrowing anemones, sea cucumbers, urchins, starfish and nationally important shark species are found at the site. The area is an important foraging area for seabirds. Harbour porpoise</p>

<sup>3</sup> Parliament of the United Kingdom, Marine and Coastal Access Act 2009, London, 2009

ExQ1	Question to:	Question:
		<p>pass through the site. The protected features at the site are '<i>subtidal mixed sediments</i>'. No other protected features are identified.</p> <p>The proposed development is not predicted to have any effect on the subtidal mixed sediments which are the protected features of the MCZ or any effect on any ecological or geomorphological process on which the conservation of the subtidal mixed sediments is (wholly or in part) dependent. There will be no effects as the MCZ is situated beyond the zone of influence (ZOI) for development impacts. There are no other MCZs which are relevant to the Application'.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>(i) and (ii) The MMO believe that this is a matter for the Applicant. The Applicant should identify whether there are any MCZs relevant to the application, and determine whether an MCZ assessment is required, in conjunction with the Statutory Nature Conservation Body. The MMO have not located an MCZ assessment as part of the application, and notes that if it is determined that it is required, that this should be completed by the Applicant. The MMO can comment on the assessment, alongside Natural England, however, ultimately, it is the ExA who must satisfy themselves that by the close of examination they have satisfied s125 and s126 in that they have discharged their general duties as a public authority. Furthermore, they must be content that they have enough information to write a recommendation to the Secretary of State. (iii) specifically, the MMO note that s127 and s128 are also relevant here, as they are further provisions within the Marine and Coastal Access Act 2009 (MACAA) that are relevant to assessing MCZs. (iv) we defer to the specialist comments from Natural England on this matter. The MMO would like to note that we have not yet received a response from the applicant on this question.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England advises that there are no impact pathways from the proposed development to any Marine Conservation Zones (MCZs) including Orford Inshore MCZ. Had there been then we would have advised that an MCZ assessment under S126 of Marine and Coastal Access Act 2009 was undertaken. However, if the ExA would like further information on the regulatory requirements for MCZs under S126 of MCAA for marine sustainable development please see MMO website <a href="https://www.gov.uk/government/publications/marine-conservation-zones-mczs-and-marine-licensing">https://www.gov.uk/government/publications/marine-conservation-zones-mczs-and-marine-licensing</a></p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>

ExQ1	Question to:	Question:
Bio.1.39	MMO, EA, The Applicant	Please will the MMO and Environment Agency explain what is the split and overlap of their functions in the sea. If the ExA has understood the landward limit of MMO responsibility correctly, this question is directed to the area seaward of Mean High Water Springs.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant notes that whilst they are identified as a respondent the question is posed to the MMO and Environment Agency. The Applicant will provide any further context at Deadline 3, once it has had regard to the responses from the MMO and Environment Agency.
	<b>Response by the MMO for Deadline 2</b>	The MMO's licensing jurisdiction is outlined by the Marine and Coastal Access Act 2009 (MACAA 2009), which provides that a marine licence is required for certain activities carried out within the UK marine area. The UK marine area is defined within section 42 of MACAA 2009, however, to clarify, it is correct that the Mean High Water Springs is the boundary of our jurisdiction. The types of activities are listed within section 66.
	<b>Response by Environment Agency at Deadline 2</b>	<p>We are an environmental regulator, operator and advisor in English estuarine and coastal waters. Our work includes regulation of major industry, flood and coastal erosion risk management, waste management, navigation, migratory fisheries, conservation and ecology, water quality and climate change. We contribute to Defra's vision of clean, healthy, safe, productive and biologically diverse seas through:</p> <ul style="list-style-type: none"> <li>• Regulating activities in coastal and estuarine waters under the Environment Permitting Regulations out to 12 nautical miles to sea (nm), including control of radioactive materials and ship breaking.</li> <li>• Regulating activities in estuarine coastal waters for control of land based discharges and pollution incidents out to 3nm, enforcing environmental standards, carrying out compliance monitoring and reporting on the state of the environment.</li> <li>• Taking lead responsibility for marine pollution incident response where the source is land-based.</li> <li>• Managing salmon, trout, eels, lamprey, Chinese mitten crab, shad and smelt in estuaries out to 6nm; including setting byelaws and orders.</li> <li>• Promoting the conservation of wildlife and habitats dependent on the aquatic environment.</li> </ul>



ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Taking a strategic overview of flood risk and coastal erosion, working with local authorities and other parties to prioritise and manage all flood related works at the coast.</li> <li>• We are responsible for issuing permits (under EPR) which ensure activities do not cause or make existing flood risk worse including for work affecting defences against sea flooding.</li> <li>• Being the competent authority in England for The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 2017 (which includes estuarine and coastal waters to 1nm for ecological status and 12nm for chemical status) and The Eels (England and Wales) Regulations 2009.</li> <li>• We are also one of the competent authorities for the Habitats Regulations. We are responsible for providing statutory consultee views to the land planning system, provision of advice on nationally significant infrastructure projects, and as an advisor to the marine licensing and marine planning systems.</li> <li>• Offering expert technical advice and expertise to inform government policy on areas in our remit.</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 2 - Biodiversity and ecology (terrestrial) - Main Development Site</b>  <b>Please note. Owing to the length of [APP-171] and the multiple topics and effects it assessed, the ExA asked the Applicant in [PD-005] to identify each of the headings in a way which clarifies both the subject matter and how each section, sub-section, sub-sub-section and so on sits in relation to preceding sections. As the paragraphs already had a number system separate from the headings the ExA suggested a lettering system. The lettered headings version submitted by the Applicant is at [AS-033]. The full list of headings is at electronic pages 372-381 of [AS-033] (hard copy pages 366-375). References to lettered sections in the questions below on [APP-171] are to those sections.</b>		
Bio.1.49	Natural England	<p>[APP-224], para 14.4.11, bullet 1.</p> <p>Please will Natural England also set out its understanding of the position on points (a), (b) and (c) of the previous ExQ. The ExA would suggest that NE's position on the other points is set out in its comments on the Applicant's responses and dealt with in the SoCG which has been requested between the Applicant and NE on ecological matters.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required.
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England have outlined our position on this issue in detail within our Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020') which we have included below:</p> <p><i>The applicant is unable to demonstrate no adverse effect on the integrity of breeding SPA marsh harriers. The construction phase of the development is anticipated to result in the disturbance of breeding SPA marsh harriers causing displacement from their foraging habitat beyond the SPA on Minsmere South Levels, or the barrier effect of the construction phase preventing birds from accessing foraging habitats at Sizewell Marshes SSSI. Within the DCO application the applicant had considered that Stage II Appropriate Assessment has failed to exclude adverse effect on site integrity and following the completion of Stages III (no alternatives) and Stages IV (imperative reasons of overriding public interest), the need for compensation has been identified.</i></p> <p><i>The main topic of EDF's engagement with Natural England over SPA bird issues has been the issue of marsh harrier foraging, with the audit trail showing detailed consultation for over seven years. Specifically, the concern related to the disturbance of breeding SPA marsh harriers resulting in their displacement from their foraging habitat beyond the SPA on Minsmere South Levels, or the barrier effect of the construction phase preventing birds from accessing foraging habitats at Sizewell Marshes SSSI.</i></p> <p><i>Marsh harriers have large foraging ranges and this issue affects foraging undertaken beyond the boundary of the SPA and not disturbance at nesting locations. For an impact to occur, firstly, marsh harriers would have to be excluded from areas of functionally linked land, in line with their predicted behavioural response to noise and visual stimuli, or experience reduced foraging success due to auditory screening / interference. Secondly, marsh harriers would have to be unable to compensate for this loss in foraging resource elsewhere within their home range. Thirdly, marsh harriers would have to be unable to provision their chicks with the same amount of food and, finally, this would have to result in a decline in productivity and a potential reduction in their SPA population. There is</i></p>

ExQ1	Question to:	Question:
		<p><i>uncertainty associated with each of these stages. Nevertheless, as survey work to identify marsh harrier flight lines did reveal significant use in areas potentially exposed to development effects, and the precautionary principle requires impact to be excluded rather than demonstrated (and considering the problematic nature of the highly technical work that would be necessary for this assessment to be even attempted) the requirement for offsetting was agreed.</i></p> <p><i>As potential displacement was occurring beyond the SPA site boundary, it was possible for habitat creation / improvements required to offset this loss to also occur beyond the site boundary, yet still constitute mitigation if created within the foraging range of marsh harriers nesting at Minsmere. Optimal habitat for foraging marsh harriers is wetland, yet the applicant stated that the topography of the only area of land available was unsuitable ('Based on a review of the available data on the ground levels, the underlying geology and ground and surface water regimes in and around the mitigation area, it is concluded that it would not be feasible to create wetland across the majority of the mitigation area'). The applicant was unwilling to consider that if a Stage II Appropriate Assessment failed to exclude adverse effect on site integrity in the absence of sub-optimal terrestrial mitigation, following the successful completion of Stages III (no alternatives) and Stages IV (imperative reasons of overriding public interest) of an HRA, opportunities might then be sought elsewhere in order to create an optimal area of wetland habitat creation to secure the coherence of the network.</i></p> <p><i>As the option for optimal like for like wetland habitat creation was not deemed possible by the applicant, Natural England engaged upon this basis in order to develop an experimental approach to terrestrial habitat creation that sought to maximise populations of those prey species found in drier habitats. As Terrestrial Habitat of this type has not been created before in order to support marsh harriers, to overcome any residual uncertainty, an option for adaptive management has been presented whereby additional habitat might be created should observed use by foraging marsh harriers fall short of predicted use.</i></p> <p><i>The submitted DCO and associated documents now show, however, that the applicant has indeed completed shadow HRA stages III and IV that reach favourable conclusions,</i></p>

ExQ1	Question to:	Question:
		<p><i>removing the applicant's self-imposed constraint. If endorsed by the Secretary of State, this would facilitate the creation of optimal wetland habitat with additional biodiversity benefits, not only with potential to support marsh harriers, but also other species of breeding and non-breeding wetland birds. With minimal adaptations to habitat management, the original terrestrial area identified might instead help compensate for potential shortfalls in the approach towards Net Gain and terrestrial species of bird that Natural England has identified.</i></p> <p><i>N.B. There were considerable levels of engagement over the design phase of the proposed terrestrial compensation area. Despite engagement on the basis that alternative more beneficial options for optimal wetland habitat creation were not possible, and despite the experimental nature this approach (unlike wetland habitat creation), it is nevertheless deemed sufficient to prevent impact to foraging marsh harriers.</i></p> <p>We continue to engage with the applicant on this issue through the Statement of Common Ground and while progress has been made, we are still waiting for further detail in order to evolve our position as outlined in our Written Representations (Our Ref: 350822, dated 2nd June) below:</p> <p><i>We reiterate the comments above from our Relevant Representations and note that there remains outstanding information regarding the detailed design of the marsh harrier compensation area which is necessary for us to review in order to progress this issue.</i></p>
	<b>Response by SZC Co. for Deadline 3</b>	An updated habitat report and detailed habitat plan (which includes the new wetland component) for the Marsh Harrier habitat compensation area on the EDF Energy estate was submitted at Deadline 2 [ <a href="#">REP2-119</a> ].
<b>The next set of questions address construction effects on plants and habitats, paragraphs 14.7.22 – 14.7.223</b>		
Bio.1.57	The Applicant, Natural England	<p>[APP-224], section C.a.a.c, especially paras 14.7.62; 65 and 67.</p> <p>(a) It appears that avoiding hydrological effects on Minsmere European Site (sic) is dependent on careful monitoring and control measures. Please explain where these are described and how they are secured in the DCO and / or the s.106 agreement. This should include how they are to be funded. Cross-referencing to the Mitigation route map would also be helpful. Is "Minsmere European Site" (e.g. in para 14.7.67) intended to</p>

ExQ1	Question to:	Question:
		<p>refer to all the European designations – SAC, SPA and Ramsar? There are several uses of the phrase in the singular in the Chapter and in questions below.</p> <p>(b) Is NE content with these measures?</p> <p>(c) To what extent is the continued operation of the Minsmere Sluice needed?</p> <p>(d) The ExA notes that some IPs have suggested the lifetime of the sluice is shorter than the lifetime of the Proposed Development. Please will the Applicant and NE comment on that, indicating whether they agree and what action is needed in relation to that, if any, is needed to ensure the Proposed Development does not have any likely significant effect.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(a) No significant hydrological effects are predicted on the Minsmere European Site or other habitats during either the construction or operational phases (refer to <b>Volume 2, Chapter 19</b> of the <b>ES</b> [<a href="#">APP-297</a>]). This conclusion is not dependent upon the proposed hydrological monitoring and the implementation of prescriptive control measures.</p> <p>Continued hydrological monitoring is proposed, as outlined in the Sizewell C Water Monitoring and Response Strategy (<b>Volume 3, Appendix 2.14.A</b> of the <b>ES Addendum</b> [<a href="#">AS-236</a>]). This states that the purpose of continued monitoring is to demonstrate that changes in the water environment are consistent with the impact assessment. Recognising that timely intervention will be required if an unacceptable change is observed, the strategy sets out the approach to mitigation. The Water Monitoring and Response Strategy and the Water Monitoring Plan define the specific measures that will be secured by Requirement 7 of the <b>draft DCO</b> (Doc Ref. 3.1(C)), along with the relationship to the environmental permits and licences that would be necessary. The Water Monitoring Plan would be prepared by SZC Co. and submitted to East Suffolk Council for their approval, following consultation with relevant stakeholders. Together these provide a robust and effective framework of controls for the management of water levels for the duration of the project.</p> <p>(b) No response is required from the Applicant.</p> <p>(c) SZC Co. recognises concerns of stakeholders regarding the long-term viability of Minsmere Sluice. It neither owns the structure nor has included it within the proposed order limits.</p> <p>No significant hydrological effects are predicted in the vicinity of Minsmere Sluice (refer to <b>Volume 2, Chapter 19</b> of the <b>ES</b> [<a href="#">APP-297</a>])). Minsmere Sluice is an Environment Agency owned and maintained structure that controls drainage from the Minsmere New</p>

ExQ1	Question to:	Question:
		<p>River, Leiston Drain and Scott's Hall Drain. It provides controls and limits the ingress of salt water and is tide locked when water levels in the North Sea are high. At low tide drainage of the upstream fluvial system via Minsmere Sluice is via gravity. As set out in (d) below, the Minsmere Sluice was refurbished in 2013 with a 50-year design life and the ongoing operation is set out in the coastal policy.</p> <p>(d) SZC Co. notes that the Shoreline Management Plan (SMP) policy<sup>4</sup> for the wider coast (MIN12.3 and MIN12.4) in the vicinity of Minsmere Sluice is managed realignment, whereas the position for Minsmere Sluice is for it to be maintained. Consistent with the policy stated in the SMP, the Environment Agency refurbished Minsmere Sluice in 2013 and this work was completed with a 50 year design life. This is the current policy for coastal management that the Sizewell C Project will need to comply with.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>b) We have addressed groundwater impacts in relation to the Minsmere to Walberswick sites within our Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020):</p> <p><i>"Drawdown during the construction phase is limited to the very southern edge of the site adjacent to the platform and is temporary in nature. The drainage strategy and code of construction practice will mitigate against issues of increased discharge or run-off from the MDS during construction and operation. This also applies to the Sizewell Link Road. However, there is an important assumption here that the Drainage Strategy and Code of Construction Practice will be rigorously implemented. We recommend that these mitigation measures are secured in the requirements of the DCO. We advise that there is unlikely to be significant hydrological impacts on the following sites:</i></p> <ul style="list-style-type: none"> <li>• <i>Minsmere to Walberswick Heath and Marshes SAC</i></li> <li>• <i>Minsmere- Walberswick SPA</i></li> <li>• <i>Minsmere- Walberswick Ramsar site</i></li> <li>• <i>Minsmere- Walberswick SSSI"</i></li> </ul>

<sup>4</sup> Suffolk Shoreline Management Plan (SMP7). [Online]. Available at: <http://www.suffolksmp2.org.uk/policy2/smp7index.php>

ExQ1	Question to:	Question:
		d) The Minsmere Sluice is managed and maintained by the Environment Agency who would be best placed to answer this question.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.58	The Applicant, Natural England	[APP-224], para 14.7.79 – dust deposition and Minsmere European Site. This states that there will be a dust management plan but that “If monitoring indicates exceedance of this threshold, then additional mitigation measures would be adopted”. Should not the measures be specified, or criteria and a dispute resolution mechanism described? Where and how is this addressed in the DCO?
	<b>Response by SZC Co. for Deadline 2</b>	Dust control measures are identified in <b>Volume 2, Chapter 12: Air Quality</b> [APP-212], and <b>Outline Dust Management Plan (Volume 2, Appendix 12A</b> of the <b>ES</b> [APP-213]). The <b>Outline Dust Management Plan</b> describes the approach to dust mitigation that has been assumed for the purposes of Environmental Impact Assessment (EIA). The dust mitigation measures identified within the outline plan would be implemented through compliance with the <b>CoCP</b> (Doc Ref. 8.11(B)) secured by Requirement 2. <b>Volume 2, Appendix 12A, Annex 12A.3</b> - Assessment of Residual Impacts from Mitigated High Risk Activities [APP-213] identifies under what circumstances the Dust Management Plan would specify additional mitigation and identifies examples of measures that could be adopted within each construction zone. The revised <b>CoCP</b> submitted at Deadline 2 (Doc Ref. 8.11(B)) includes dust monitoring to be undertaken at site boundaries near to sensitive receptors including Minsmere European Site and Action Levels in the event that elevated dust concentrations are measured. The Action Levels will require the contractor to review and, as appropriate, instigate additional control measures or reapply existing measures to reduce dust generation from site activities based on the control measures listed in the outline Dust Management Plan.
	<b>Response by Natural England for Deadline 2</b>	Natural England is satisfied with the mitigation measures outlined in the Outline Dust Management plan provided are sufficient if rigorously implemented and maintained.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
Bio.1.67	Natural England	Please will Natural England set out their view on paragraph 14.7.146 of [APP-224] (effect of construction of the SSSI Crossing) and its significance and the replacement approach in the application as changed.
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required. However of relevance, an update on the SSSI crossing design is provided by the Applicant at <b>Question Bio.1.29</b> in this chapter.
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England notes and welcomes the design change to a hybrid bridge with embankment SSSI crossing which presents an improvement compared to the previously proposed embankment with culvert in terms of ecological impacts, including to the SSSI where there would be reduced direct loss of habitat.</p> <p>However, we maintain our position that the project proposals should clearly follow the avoidance-mitigation-compensation hierarchy in terms of impacts to high value ecological receptors of national importance such as the SSSI and include consideration of less damaging alternatives where available, as per section 4.4. and paragraph 5.3.7 of NPS EN-1. While the applicant has improved the design for the SSSI crossing, we reiterate our previous advice that there remain potentially less damaging options for its design, including that of a three span bridge which was one of several designs initially proposed at pre-application. Progressing with a design option which goes against this principle of 'least direct SSSI land take' is contradictory the protection afforded to SSSIs in England under the Wildlife and Countryside Act 1981 (as amended) to minimise damage the special interest of the site.</p> <p>Should the hybrid bridge with embankment design for the SSSI crossing be considered justifiable against possible alternatives, we advise that the design should be optimised to allow sufficient light penetration for invertebrate dispersal while retaining the positive aspects of the design change in terms of hydrology and reduced land take. We understand that further information on this is to be provided by the applicant during the examination which will advise on in due course.</p> <p>In terms of the hydrological impacts of the SSSI crossing we do not consider it to have a significant impact in isolation. However, the cumulative impact of dewatering during</p>



ExQ1	Question to:	Question:
		<p>construction has potential to significantly impact Sizewell Marshes SSSI and detailed mitigation proposals for water level management remain outstanding.</p> <p>For our complete advice on this issue see our Written Representations which address these issues under issues 11 (Ground and surface water impacts), 20 (Impacts on Area of Outstanding Natural Beauty) and 48-51 (Direct loss of SSSI).</p>
	<b>Response by SZC Co. for Deadline 3</b>	Chapter 11 of the <b>Comments on Written Representations</b> at Deadline 3 (Doc. Ref. 9.28) provides an update on the SSSI crossing design in the Response to Natural England's Written Representation at Issue 48.
Bio.1.68	The Applicant, Natural England, SCC	<p>[APP-224] – Broadleaved and mixed woodland.</p> <p>Coronation Wood. Para 4.7.194 addresses effects arising from the felling of 7.3 ha of broadleaved woodland including Coronation Wood. Recent reports say that the Coronation Wood has now been felled. Is this the case? How does this affect the assessment of effects?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Coronation Wood has now been felled in accordance with a planning permission (DC/19/1637/FUL) which was granted on 13 November 2019 for the Sizewell B Relocated facilities by East Suffolk Council. The Sizewell B relocated facilities works were also included in the Sizewell C application in order to provide an alternative route to consent for these important works. This twin-tracking of consenting routes was explained in <b>Volume 1, Chapter 2</b> of the <b>ES</b>, paragraphs 2.3.47 to 2.3.49 [<a href="#">APP-173</a>].</p> <p>Coronation Wood (1.3 ha) formed a relatively small part of the woodland resource of the overall Sizewell C estate. Its removal therefore reduces the quantum of future woodland loss associated with Sizewell C works by 1.3ha but the conclusions to the significance of effects made in relation to woodland loss in the ES are unchanged. Similarly, the assessment of other species groups (such as bats, badgers and reptiles) and the significance of effects for those groups remains unaffected.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	Coronation Wood was lawfully felled in late 2020/early 2021 as part of works for the Sizewell B relocated facilities development approved under planning permission reference DC/19/1637/FUL – the Wood was lawfully felled under this consent. A subsequent planning consent for a slightly revised Sizewell B relocated facilities scheme was approved under reference DC/20/4646/FUL, although this did not change the assessment of impact

ExQ1	Question to:	Question:
		<p>or secured mitigation measures in relation to Coronation Wood. These measures included replacement planting which has been undertaken on Pill Box Field (to the south of the Sizewell complex). The assessment of effects resulting from the loss of Coronation Wood included within the DCO application relates to that provided as part of the planning applications. As the DCO uses the Rochdale Envelope approach and considers the worst-case impacts, ESC does not consider the fact that the felling has already been undertaken (as part of the implementation of a lawful planning consent) materially changes the outcome of the assessment presented within the DCO application.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>Coronation Wood was felled in late 2020/early 2021 as part of works for the Sizewell B relocated facilities development approved under planning permission reference DC/19/1637/FUL. A subsequent planning consent for a slightly revised Sizewell B relocated facilities scheme was approved under reference DC/20/4646/FUL, although this did not change the assessment of impact or secured mitigation measures in relation to Coronation Wood. These measures included replacement planting which has been undertaken on Pill Box Field (to the south of the Sizewell complex). The assessment of effects resulting from the loss of Coronation Wood included within the DCO application relates to that provided as part of the planning applications. As the DCO uses the Rochdale Envelope approach and considers the worst case impacts, SCC does not consider the fact that the felling has already been undertaken (as part of the implementation of a lawful planning consent) materially changes the outcome of the assessment presented within the DCO application.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>The felling of Coronation Wood was undertaken under a separate planning application granted by East Suffolk Council. Within Natural England's Relevant Representations (our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>

ExQ1	Question to:	Question:
Bio.1.71	The Applicant, Natural England, SWT	<p>[APP-224] – Deptford Pink.</p> <p>At para 14.7.220 it is concluded: “As the translocation is not guaranteed to be successful the impact of the population loss of Deptford Pink would constitute a moderate adverse effect, which is considered to be significant”. What steps can be taken to improve the success of the translocation process? What is the success rate likely to be? Does NE agree with the assessment of the significance in this paragraph?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>A draft protected species licence and a detailed method statement have been drafted for Deptford Pink and are included in the application included as <b>Volume 2, Appendix 14C11</b> of the <b>ES</b> [APP-252] and <b>Volume 3, Appendix 2.9.A of the ES Addendum</b> [AS-209]. A draft protected species licence and a detailed method statement have been drafted for Deptford Pink and are included in the application included as <b>Volume 2, Appendix 14C11</b> of the <b>ES</b> [APP-252] and <b>Volume 3, Appendix 2.9.A of the ES Addendum</b> [AS-209]. The draft method statement details the approaches to be taken including:</p> <ul style="list-style-type: none"> <li>• the collection of seed to ensure that further plants can be cultivated if the translocation fails.</li> <li>• preparation of the receptor site, translocation methodology,</li> <li>• and monitoring of success.</li> </ul> <p>All works would be carried out under an approved Natural England licence and by a suitably experienced Ecologist appointed to oversee the works.</p> <p>In order to improve the success of the translocation process, the Applicant would closely follow the protocols in the final protected species licence and in addition would germinate and cultivate some of the seeds collected <i>ex-situ</i>.</p>
	<b>Response by RSPB and Suffolk Wildlife Trust for Deadline 2</b>	<p>SWT have no particular expertise in relation to this species and therefore cannot answer meaningfully/in a way that will assist the ExA. We therefore defer to NE.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England has advised the applicant that the best course of action for the progression of this issue would be to for the applicant to submit a draft protected species licence application to Natural England for review. If agreed Natural England may provide a letter of no impediment (LoNI) to ensure the ExA has the required certainty in this regard.</p>

ExQ1	Question to:	Question:
		<p>Further engagement on this issue will therefore be undertaken as part of the licensing process.</p> <p>Whilst we understand that the applicant will be submitting draft protected species licence applications in due course (timescales for each respective species to be confirmed) these remain outstanding at this time.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.73	Natural England, ESC, SCC, SWT	[APP-224] paras 14.7.222 – 223. Do you agree with the list of inter-relationship effects, mitigation and proposals in these paragraphs? Will there be significant effects arising from inter-relationships if the mitigation and proposals are implemented? What is ESC's view as the authority which will be enforcing the mitigation proposals?
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC agrees that there is the potential for the inter-relationship effects identified in [APP-224] paragraph 14.7.222 to occur. ESC also considers that there may be the potential for inter-relationship effects to occur for particular Important Ecological Features (IEFs) (for example for bats, effects arising from roost habitat loss and connectivity fragmentation from habitat loss and noise/light disturbance), however these may be better considered as part of the overall assessment on each individual IEF rather than in these paragraphs.</p> <p>As the potential inter-relationship impact identified in the ES relates to Sizewell Marshes SSSI we primarily defer comment on this matter to Natural England. However, it is ESC's understanding that if the mitigation measures proposed for both individual identified impacts (hydrological change and air quality change) are successful then a significant inter-relationship impact is unlikely to occur. Measures are proposed to monitor this and if necessary additional mitigation measures, along the lines of those described in [APP-224] paragraph 14.7.223, could be implemented. Any additional mitigation measures related to the SSSI must be agreed with Natural England (and any other relevant stakeholders) prior to implementation.</p> <p>Also, whilst ESC will be the authority responsible for enforcing implementation of the mitigation proposals, as these measures relate to mitigating impact on a SSSI, ESC</p>

ExQ1	Question to:	Question:
	<p><b>Response by RSPB and Suffolk Wildlife Trust for Deadline 2</b></p>	<p>consider that Natural England, as the statutory nature conservation organisation, will also have a key role to play in this process.</p> <p>Please note that APP-224 has been superseded by AS-033 (Terrestrial Ecology &amp; Ornithology ES chapter) – but as far as we can tell the only change is the addition of some hyperlinks and therefore the text has remained the same.</p> <p>1. We are grateful to Friends of the Earth and their Experts (Dr Rob Low, Dr David Mould and Jon Graham) for considering these issues in detail in their written representations. We refer the Examining Authority to those representations for full consideration of those issues. Below is just a summary to answer the question directed at SWT.</p> <p><b>Assessment of the current hydrological functioning of Sizewell Marshes SSSI, which leads to the occurrence of favourable hydrological supporting conditions for M22</b></p> <p>2. The ecohydrological analysis and conceptual model presented by EDF has failed to identify the controlling variables and mechanisms which directly control the variables defining the hydrological supporting conditions for the M22 community within Sizewell Marshes SSSI.</p> <p>3. It may have been possible to identify the actual, rather than the 'likely' mechanisms which explain the expression of M22, and therefore to develop a more detailed and certain ecohydrological conceptual model.</p> <p>4. Friends of the Earth's Experts view is that fully-screened shallow (c. 1 m deep) dipwells should have been installed in the Peat at the most notable stands of M22 (e.g., FM2 and FM3c, see Section 4.3), in order to allow assessment of the relative contribution of groundwater discharge as a water source at these points.</p> <p>5. The omission of a comprehensive surface water and shallow groundwater monitoring programme has prevented the development of a satisfactory conceptual understanding of the fine-scale ecohydrological dynamics of the system. Such an understanding was critical if an effective assessment of risk was to be developed.</p> <p>6. The water table elevation in the Peat is never plotted in relation to the ground surface. This variable is very widely recognised as the most important in relation to defining hydrological supporting conditions for M22</p>

ExQ1	Question to:	Question:
		<p>7. The absence of rainfall data, which obviously represents a primary control on surface water and groundwater behaviour, will have compromised the analysis of all other hydrological responses at a fundamental level.</p> <p>8. It is the view of Friends of the Earth's Experts that the hydro(geo)logical functioning of the shallow zone within Sizewell Marshes SSSI, which controls the variables which define the hydrological supporting conditions for the M22 fen-meadow, should have been monitored, analysed and characterised in much more detail, using a contemporary ecohydrological approach. From the available evidence Friends of the Earth's Experts conclude that direct, upwards groundwater flow and discharge, in response to the hydraulic gradient from the Crag to the Peat, is almost certainly a critical source of water to some of the stands of M22.</p> <p><b>Assessment of the impacts on the current favourable hydrological supporting conditions for M22 posed by the proposed development</b></p> <p>9. There are three major developments that have the potential to have a major impact on the sensitive ecohydrological functioning of the wetland system. These are:</p> <ul style="list-style-type: none"> <li>• The new cut-off wall adjacent to the platform base for the new site, and related internal lowering of groundwater levels (dewatering) during the construction phase;</li> <li>• The re-routing of the Sizewell Drain; and</li> <li>• The new crossing at the drainage outlet for the Sizewell Drain and the Leiston Drain.</li> </ul> <p><b>Summary of impacts</b></p> <p>10. Changes to the wetland system will have unknown impacts given the lack of understanding of how the system is operating at the fine scale, as noted in the section above. This is compounded by a lack of detail on the design of the three main critical developments.</p> <p>11. A free span bridge would be far less impacting, as it would leave a significantly wider corridor unchanged, to facilitate original hydraulic control and subsurface drainage of the SSSI site.</p> <p>12. Where the qualitative assessment concluded that a potential impact was not significant, further detailed analyses were not undertaken. This is a process failure, not</p>

ExQ1	Question to:	Question:
		<p>following the precautionary principle, to account for potential errors in the qualitative assessment.</p> <p>13. Paragraph 19.4.26 in APP-297 states that 'Groundwater levels within the Peat Deposits were noted to be highly responsive to temporary pumping during maintenance works at the Minsmere Sluice from October 2013 to February 2014 suggesting a high degree of connectivity between the surface water network and the Peat groundwater system'. This high degree of connectivity fundamentally undermines the qualitative assessment, as it shows that changes to water levels in one part of the site will induce a change in other parts. As demonstrated below, the impacts of these changes are significant.</p> <p><b>Regarding the design and application of the numerical model:</b></p> <p>14. Projected drawdown could easily take the water table elevation outside of the optimal range for the summer water table, and therefore shows that the M22 community and key aquatic plants within the associated ditch system are significantly vulnerable to the projected drawdowns. This is not considered as anything more than a 'not significant' risk to the designated site, which is a major failing of the risk assessment process.</p> <p>15. Consideration of only a doubling in hydraulic conductivity is unrealistically optimistic, and that the possibility that the overall hydraulic conductivity would be three- to five-times higher than designed should be assessed. If the directly proportional relationship between hydraulic conductivity of the cut-off wall and water table drawdown is assumed, this would give predicted drawdowns of the summer water table in the region of 30-50 cm; M22 is clearly extremely sensitive to this magnitude of drawdown (Section 4.2)</p> <p><b>The absence of a monitoring and mitigation plan</b></p> <p>16. It is important to note that a monitoring plan does not yet exist. The description of the proposed monitoring plan within the strategy document is insufficiently detailed.</p> <p>17. In contrast the proposed in-field monitoring programme across the Sizewell Belts appears to have been poorly designed and not able to facilitate an appropriately detailed understanding of the hydrological dynamics of the wetland system.</p> <p>18. Friends of the Earth's Experts' view, based on direct experience of work in a similar context at a large number of sites, that the implied assumption that the development of a hydro(geo)logical 'monitor and mitigate' plan with stakeholders will be relatively straightforward and to schedule is completely unrealistic. Development and agreement of</p>

ExQ1	Question to:	Question:
		<p>the monitoring and mitigation plan, since it forms a part of the ecohydrological viability of the proposed development, should therefore be addressed at the earliest stage in the planning process.</p> <p>19. UKTAG (2014) threshold for potential damage to a GWDTE and, assuming a reasonable distribution around the mean, indicates that surface water nitrate concentrations, including within Sizewell Marshes SSSI, are frequently above this threshold. Irrigation of the M22 fen-meadow vegetation with this water, i.e., the proposed mitigation, is therefore likely to cause further damage.</p> <p>20. Paragraph 1.3.33 (Appendix 19E, APP-309) notes that 'the consented discharge from Leiston STW contains higher levels of nutrients (including phosphates) than the rest of the drainage system', and that 'in order to reduce the ingress of nutrients into the wider drainage network, SWT have attempted to reduce connectivity between Leiston Drain and the drainage network on either side (Sizewell Belts and Sizewell Marshes) via the use of flow regulating structures'. It is of significant concern to note that the proposed mitigation strategy appears to reverse this established protective practice.</p> <p>21. M22 is strongly associated with soligenous conditions<sup>5</sup> (see Section 4.2), and therefore fostering of more topogenous conditions<sup>6</sup> is completely inappropriate.</p> <p>Summary and conclusions</p> <p>22. Most stands of M22 are associated with permanent or intermittent seepages or where the water table is shallowly subsurface all year, sometimes peripheral to permanent seepages; this indicates a strong preference for soligenous wetness, where wet conditions are maintained by continuous incoming flow, rather than downstream (usually topographic) impoundment.</p> <p>23. M22 is typically found in base-rich conditions over a wide range, but usually with a moderate level of fertility. Some of the least fertile sites were the most species-rich.</p>

<sup>5</sup> Soligenous wet conditions are maintained by more-or-less continuous incident water flows, for example, groundwater discharge to a seepage slope. Soligenous wetness is associated with a low potential for inundation, and relatively high dissolved oxygen concentrations.

<sup>6</sup> Wet conditions are described as topogenous if their primary cause is a downstream impediment to flow; this might be natural (e.g. the downstream lip of a basin in the topography) or artificial (e.g. a dam or earth bund). Topogenous wetness is generally associated with more potential for inundation, stagnation, and low dissolved oxygen and related hydrochemical effects.



ExQ1	Question to:	Question:
		<p>24. From the available evidence Friends of the Earth's Experts have concluded that direct, upwards groundwater flow and discharge, in response to the hydraulic gradient from the Crag to the Peat, is almost certainly a critical source of water to some of the stands of M22. It is critical because it allows favourable hydrological supporting conditions to be maintained, in terms of water table elevation regime and water quality, for these stands.</p> <ul style="list-style-type: none"> <li>• Prediction of the ecohydrological impacts of the proposed development must be informed by the best-possible ecohydrological conceptual model; as noted above, our view is that EDF's conceptual model is significantly flawed, and therefore that the prediction of impacts (including the design and use of the numerical model) has not been informed to the best possible degree.</li> <li>• Development and agreement of a detailed monitoring and mitigation plan, since it forms a part of the ecohydrological viability of the proposed development, should be addressed at the earliest stage in the planning process. The required contents of the plan, such as the scope of monitoring, data quality-checking procedures and reporting, detailed actions and timescales in relation to the loss of a monitoring point, periodic reporting requirements, and the requirements of the stakeholders which review the reports, all have long-term cost and logistical implications for the developer, and should be agreed before determination.</li> <li>• The primary measure for mitigation of ecohydrological impacts from the development appears to be that, if drawdown of the water table in the Peat within Sizewell Marshes is larger than predicted, water levels in the SSSI drainage ditch network will be raised, such that water migrates from the ditches into the Peat layers to maintain in-field water table elevations. This measure is fundamentally inappropriate, and would actually cause further damage to the M22 within the SSSI as follows: <ul style="list-style-type: none"> <li>o The historical recorded nutrient concentrations within the ditch network indicate that the threshold value for potential damage of mesotrophic and fen-meadow fens within a GWDTE would frequently be exceeded. This is unsurprising as a significant percentage of incoming flow comes from the Leiston STW.</li> <li>o It appears to promote topogenous wet conditions, with associated hydro-chemical and hydro-physical implications, rather than the soligenous wet conditions usually favoured by M22.</li> </ul> </li> </ul> <p>25. And in final summary, it is Friends of the Earth's Experts view that EDF's understanding of the environmental processes which support M22 and associated</p>

ExQ1	Question to:	Question:
		<p>communities within Sizewell Marshes SSSI is flawed, because up-to-date ecohydrological knowledge and techniques have not been applied. This has led to ill-informed impact prediction, which has resulted in the likelihood, magnitude and significance of potential impacts being significantly underestimated.</p> <p>These problems have been compounded by EDF's proposal of a mitigation technique which would actually cause further damage to the SSSI, rather than mitigating any unexpectedly large impacts.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>SCC agrees that there is the potential for the inter-relationship effects identified in [APP224] paragraph 14.7.222 to occur. We also consider that there may be the potential for inter-relationship effects to occur for particular Important Ecological Features (IEFs) (for example for bats, effects arising from roost habitat loss and connectivity fragmentation from habitat loss and noise/light disturbance), however these may be better considered as part of the overall assessment on each individual IEF rather than in these paragraphs.</p> <p>As the potential inter-relationship impact identified in the Environmental Statement relates to Sizewell Marshes SSSI we primarily defer comment on this matter to Natural England. However, it is our understanding that if the mitigation measures proposed for both individual identified impacts (hydrological change and air quality change) are successful then a significant inter-relationship impact is unlikely to occur. Measures are proposed to monitor this and if necessary additional mitigation measures, along the lines of those described in APP-224 paragraph 14.7.223, could be implemented. Any additional mitigation measures related to the SSSI must be agreed with Natural England (and any other relevant stakeholders) prior to implementation.</p> <p>Also, whilst ESC will be the authority responsible for enforcing implementation of the mitigation proposals, as these measures relate to mitigating impact on a SSSI we consider that Natural England, as the statutory nature conservation organisation, will also have a key role to play in this process.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>Whilst we acknowledge and welcome further botanical monitoring proposed in the upcoming TEMMP, the response relationship between plant communities both nitrogen oxide emissions and groundwater levels can take many years to be reflected by monitoring.</p>

ExQ1	Question to:	Question:
		Consequently, botanical monitoring may have limited effectiveness as the lag time between plant communities changing in response to stressors can lengthy by which time remedial action may become less effective as time goes on. Therefore, it is fundamental to ensure that both nitrogen oxide emissions and groundwater levels remain within acceptable thresholds throughout construction and operational phases by providing detailed mitigation plans for both issues which are rigorously implemented and maintained.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. notes that the RSPB and Suffolk Wildlife Trust response does not address the question, which is specifically in relation to the potential for <u>inter-relationship effects</u> between hydrological and air quality changes, rather than hydrological changes per se.</p> <p>A detailed response to the points raised by the RSPB and Suffolk Wildlife Trust, and Friends of the Earth, is included in the SZC Co.'s <b>Comments on Written Representations</b> in Chapters 14 and 15 (Doc. Ref 9.28).</p>
<b>The next set of questions addresses operational effects on plants and habitats, paragraphs 14.7.224 – 14.7.269</b>		
Bio.1.74	Natural England, ESC, SWT, RSPB	<p>[APP-224] – para 14.7.227, hydrology and the effect of the SSSI Crossing.</p> <p>(a) Please will NE set out their view on what is said in this paragraph. Cross-referencing to NE's [RR-0878] and WR would be helpful, and to the SoCG.</p> <p>(b) Please will ESC SWT and the RSPB also comment.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(b): ESC remains concerned about the potential for hydrological changes to occur during the operational life of the power station, however ESC does not have specialist expertise on hydrological modelling and therefore defers detailed comments on this matter to Natural England and the Environment Agency.
	<b>Response by RSPB and Suffolk Wildlife Trust for Deadline 2</b>	<p>Neither the RSPB or SWT have particular expertise on this issue and would defer to Natural England and the Environment Agency with regard changes to hydrology.</p> <p>However, we refer to the report commissioned by Friends of the Earth and Suffolk Wildlife Trust titled 'A critical review of Sizewell C Co's site characterisation, impact assessment,</p>

ExQ1	Question to:	Question:
		and proposals for impact mitigation, in relation to risks posed to the ecohydrological integrity of Sizewell Marshes SSSI <sup>7</sup> .', which illustrates the risk to the SSSI is largely due to changes in the balance between groundwater and surface water. Many of the rare species rely on high quality groundwater rising up through the peat. The proposals put forward may maintain water levels, but by replacing groundwater with lower quality surface water. It is important to note that these changes may be caused not only by the SSSI crossing but also by the footprint of the development itself.
	<b>Response by Natural England for Deadline 2</b>	Natural England is satisfied that hydrological impacts on Minsmere-Walberswick will not be significant during the construction and operational phases. We have addressed groundwater and surface water impacts in detail within our Relevant Representations under issue 1 and 11 which were marked "green" (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020.) and consequently neither issue was brought forward within our SoCG or our Written Representations.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>The next set of questions address mitigation and monitoring for plants and habitats, paragraphs 14.7.270 - 280</b>		
Bio.1.78	The Applicant, ESC, SCC, Natural England	<p>[APP-224] para 14.7.274, para 14.7.280. Is there a threshold for requiring local mitigation measures?</p> <p>Who are the "local land managers"? What happens if they do not agree to the measures? Where is this secured? The ExA would like to understand the way in which the monitoring and any measures needed, depending on the results of the monitoring, are to be secured in the DCO / s.106, how the work is to be regulated, what are the current criteria and how they are kept under review if appropriate.</p> <p>The ExA would be grateful if ESC and SCC in particular would explain how they see enforcement working. NE should also give their view.</p>

<sup>7</sup> Friends of the Earth and their Experts (Dr Rob Low, Dr David Mould and Jon Graham) written representations

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>Impacts of Local (or below) 'significance' are dealt with through the implementation of best practice measures and mitigation to avoid and minimise adverse effects.</p> <p>As detailed in the methodology sections of each of the Environmental Statement chapters, the CIEEM approach has been adopted. However, a threshold has been set at Local Level (or lower) that effects would not be significant due to the best practices approaches to be implemented as noted above. These are detailed in the <b>CoCP</b> (Doc Ref. 8.11(B)), <b>TEMMP</b> [REP1-016] and <b>oLEMP</b> [REP1-010] and secured by Requirements 7, 4 and 14 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) respectively. The <b>TEMMP</b> [REP1-016] has been informed by stakeholder feedback and the <b>oLEMP</b> [REP1-010] will be further detailed in the Landscape and Ecology Management Plan that will be prepared alongside the landscape details secured by Requirement 14 of the <b>draft DCO</b> (Doc Ref. 3.1(C)). These documents will also be supplemented by protected species licensing conditions (where appropriate).</p> <p>For the associated development sites, any mitigation or enhancements on third party land which is to be returned to landowners would be secured as set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)). However, the majority of the mitigation measures implemented would be located within the operational scheme boundary to safeguard these ecological requirements. On the main development site, these measures would remain within EDF Energy ownership and control.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC considers that it is unlikely that there is a single threshold for requiring the implementation of further local mitigation measures as it will be dependent on exactly what impact is occurring and which habitat or species is being affected.</p> <p>ESC understand that local land managers include the RSPB and the National Trust who own and/or manage a large part of the relevant designated sites. ESC also understand that both of these organisations are engaged in the examination in relation to this matter.</p> <p>In relation to securing the required monitoring and mitigation measures, it is ESC's understanding that the S106 will secure the necessary measures and their funding (as part of the Minsmere and Sandlings (north) Mitigation Measures; the Minsmere and Sandlings (north) Contingency Fund; the Minsmere and Sandlings (north) Recreational Monitoring Plan; the European Sites Mitigation Measures; the European Sites Access Contingency Fund and the European Sites Recreational Monitoring Plan). The implementation of these mitigation and monitoring measures will be overseen by the Ecology Working Group and the Environmental Review Group, both of these groups</p>

ExQ1	Question to:	Question:
		include representatives from ESC, SCC and NE. Whilst ESC are content with the principle of the mechanisms described for delivering this particular mitigation and monitoring, ESC have not yet seen the details for the mitigation and monitoring plans or the contingency funds. ESC therefore reserves the right to make further comments on this topic once this information is available.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC considers it unlikely that there is a single threshold for requiring the implementation of further local mitigation measures as it will be dependent on exactly what impact is occurring and which habitat or species is being affected.</p> <p>We understand that local land managers include the RSPB and the National Trust who own and/or manage a large part of the relevant designated sites. We also understand that both of these organisations are engaged in the examination in relation to this matter.</p> <p>In relation to securing the required monitoring and mitigation measures, it is our understanding that the S106 will secure the necessary measures and their funding (as part of the Minsmere and Sandlings (north) Mitigation Measures; the Minsmere and Sandlings (north) Contingency Fund; the Minsmere and Sandlings (north) Recreational Monitoring Plan; the European Sites Mitigation Measures; the European Sites Access Contingency Fund and the European Sites Recreational Monitoring Plan). The implementation of these mitigation and monitoring measures will be overseen by the Ecology Working Group and the Environmental Review Group, both of these groups include representatives from ESC, SCC and NE. Whilst we are content with the principle of the mechanisms described for delivering this particular mitigation and monitoring, we have not yet seen the details for the mitigation and monitoring plans or the contingency funds. We therefore reserve the right to make further comments on this topic once this information is available.</p>
	<b>Response by Natural England for Deadline 2</b>	Where they relate to designated site mitigation, we would expect these measures to be captured in the Recreational Monitoring and Mitigation Plan (where we understand an updated will be submitted by the Applicant shortly) and managed strategically through the Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy by ESC and SCC. Our detailed comments on this are set out in our Written Representations (Our Ref: 350822, dated 2nd June) and SoCG.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	In the Deadline 2 response above, SZC Co. answered the point generically in relation to 'local mitigation measures'. However, having reviewed the responses from the councils and Natural England and revisited the original paragraphs, SZC Co. confirms that the 'local mitigation measures' referred to, in this context, are those measures included within the Minsmere and Sandlings North Recreational Displacement Monitoring and Mitigation Plan, submitted at Deadline 2 [ <a href="#">REP2-118</a> ], and any further measures provided through the Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy by ESC and SCC.
<b>The next set of questions address Tables 14.12 and 14.13 – summary of effects, construction and operation respectively</b>		
Bio.1.79	Natural England, SCC, ESC	Receptor – Sizewell Marshes SSSI – effect assessed as moderate adverse, significant (see also para 14.7.169), but with mitigation listed in table 14.12, stated to be minor adverse, not significant. Do NE, SCC and ESC agree?
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC has significant concerns about the conclusions presented in the application in relation to impacts on Sizewell Marshes SSSI, particularly with regard to the proposed habitat creation compensation measures. Details of these concerns are set out in paragraphs 8.31 to 8.36 of the LIR [REP1-045].
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC has significant concerns about the conclusions presented in the application in relation to impacts on Sizewell Marshes SSSI, particularly with regard to the proposed habitat creation compensation measures. Details of these concerns are set out in paragraphs 8.31 to 8.38 of the Local Impact Report (LIR) [REP1-049].
	<b>Response by Natural England for Deadline 2</b>	We do not agree with the conclusion drawn here by the applicant. This is an ongoing area of concern for Natural England and one which we have engaged with the Applicant on within the Statement of Common Ground and have provided a detailed response within our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June).  There are inherent difficulties associated with re-creating both fen meadow (outlined in our response to question BIO.1.86 and under issue 49 of our Relevant Representations)

ExQ1	Question to:	Question:
		<p>and wet woodland (outlined under issue 50 of our Relevant Representations). This is compounded by the significant information which remains outstanding from the applicant as to whether the sites proposed are suitable for this type of habitat re-creation.</p> <p>We also understand that neither the fen meadow nor wet woodland habitat will be in place and functioning ecologically in advance of any loss occurring, as has been accepted by the Applicant as a principle at Aldhurst Farm with respect to SSSI reedbed and ditch habitats which would be lost. As a result, even if the proposed compensation approach is eventually agreed between all parties, the extent of these nationally important habitats will not be maintained throughout the lifetime of the project should it be consented, and we draw the Examining Authority's attention to this point.</p> <p>Given this lack of confidence in the outcomes of any compensatory fen meadow and wet woodland creation/restoration, based on both lack of detail on area needed/to be provided and techniques/methods, it is not possible to conclude that the direct loss of habitats from Sizewell Marshes SSSI is not significant.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>The conclusion of no significant effect on Sizewell Marshes is predicated on the success of the compensatory fen meadow and wet woodland habitat creation.</p> <p>The compensatory habitat approach to these habitats is defined in the <b>Fen Meadow Strategy</b> <a href="#">[AS-209]</a> and the <b>Wet Woodland Strategy</b> <a href="#">[REP1-020]</a>. Both would be secured by requirement. Further evidence for successful fen meadow habitat creation was submitted at Deadline 2, in response to ExQ1 <b>Question Bio 1.86 Appendix 7H</b> <a href="#">[REP2-110]</a>. See also further responses by SZC Co. under <b>Bio 1.86</b> submitted at Deadline 2 <a href="#">[REP2-100]</a> below.</p> <p>Natural England state that ‘..neither the fen meadow nor wet woodland habitat will be in place and functioning ecologically in advance of any loss occurring, <i>as has been accepted by the Applicant as a principle at Aldhurst Farm</i> with respect to SSSI reedbed and ditch habitats which would be lost.’ By way of clarification, SZC Co. would like to state that whilst the reedbed and ditch habitats were delivered in advance at Aldhurst Farm, it was not possible to do so for all habitats, although SZC Co. does recognise the advantages of advanced habitat creation where this is feasible (hence the advanced delivery of habitat at Aldhurst Farm). In relation to fen meadow and wet woodland habitats, SZC Co is reliant</p>



ExQ1	Question to:	Question:
		<p>on compulsory acquisition powers sought in the Order to secure the land and undertake the works required to deliver the habitats (if the Applicant is not able to acquire the land by agreement). The success of fen meadow habitat creation is highly dependent on the right land conditions which are highly localised. Suitable land was not available to SZC Co. on the EDF Energy or elsewhere, which is why powers in the Order over appropriate land are required and why it is not possible to deliver in advance of the Order (although SZC Co. continues to seek to acquire by agreement).</p> <p>SZC Co.'s <b>Fen Meadow Strategy</b> <a href="#">[AS-209]</a> which has been reviewed and amended following discussions with ecological stakeholders including Natural England, defines a 10 year establishment period for the creation of fen meadow habitats. That such habitats take a long time to establish is not a matter of dispute between the relevant parties.</p> <p>In view of the urgent need for the Project, it would not be practical or appropriate to defer development in this way until the habitats are fully established.</p>
Bio.1.80	Natural England, SCC, ESC	<p>Receptor - Sizewell levels and Associated Areas CWS and Southern Minmere Levels CWS-direct land take habitat loss; moderate adverse, significant. No further mitigation is proposed.</p> <p>What is the view of NE, SCC and ESC?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC is disappointed that no further mitigation or compensation measures are proposed to address the significant impact identified on the Sizewell Levels and Associated Areas CWS and Southern Minmere Levels CWS. Whilst it is acknowledged that habitat creation across the wider Sizewell Estate post-construction is proposed which will result in an overall increase in the amount of semi-natural habitats available on the estate, this is not currently secured through requirements or obligations across the whole estate (only within the application red line boundary). Therefore, there appears to be a lack of certainty that this wider habitat creation can be adequately secured. In addition to this, these new habitats will not be available until later into the operational phase of the power station and therefore there will be a net loss of CWS habitats in the construction and early operation phases (while newly created habitats establish). Additional offsite measures (potentially through the Natural Environment Fund identified in the draft S106) are required to address this impact.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC anticipate that a key objective of the Ecology Working Group and the Environmental Review Group will be measures to secure habitat creation, monitoring and management. We also anticipate that the loss to biodiversity and significant impacts will arise if mitigation work does not start until after the construction period and would prefer to see contemporaneous activity</p> <p>We are disappointed that no further mitigation or compensation measures are proposed to address the significant impact identified on the Sizewell Levels and Associated Areas CWS and Southern Minmere Levels CWS. Whilst it is acknowledged that habitat creation across the wider Sizewell Estate post-construction is proposed which will result in an overall increase in the amount of semi-natural habitats available on the estate, this is not currently secured through requirements or obligations across the whole estate (only within the application red line boundary). Therefore, there appears to be a lack of certainty that this wider habitat creation can be adequately secured.</p> <p>In addition to this, these new habitats will not be available until later into the operational phase of the power station and therefore there will be a net loss of CWS habitats in the construction and early operation phases (while newly created habitats establish).</p> <p>Additional offsite measures (potentially through the Natural Environment Fund identified in the draft S106) are required to address this impact.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. County Wildlife Sites fall outside of the remit of Natural England to provide advice upon. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In response to the ESC and SCC's point regarding securing the habitat proposals outwith the proposed order limits, the proposed future management measures will be set out in an EDF estate-wide management plan, which will explain the long-term management of habitats within the EDF Energy estate beyond the proposed order limits (see also Deadline 2 response <b>Question HRA 1.8</b> [<a href="#">REP2-100</a>])</p>

ExQ1	Question to:	Question:
Bio.1.81	Natural England, SCC, ESC	Receptor – Suffolk Shingle, see also para 14.7.191, stockpiling and replacement of sand and shingle substrates. Moderate adverse effect, no further mitigation proposed. What is the view of NE, SCC and ESC?
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required. However, the Applicant draws attention to the answer to <b>Question Bio.1.32</b> in this chapter which addresses the re-establishment of the coastal habitats.
	<b>Response by East Suffolk Council for Deadline 2</b>	The ES identifies that the long-term presence of the power station sea defences will result in a Moderate Adverse, Significant impact on the Suffolk Shingle Beaches CWS, part of which is immediately in front of the development site. Sea level rise and coastal change is predicted to result in exposure of the hard defence in the operational lifetime of the power station with its presence meaning that there is no opportunity for any natural rollback of the CWS habitats. Despite this no additional compensation or offsetting measures are proposed to address this impact. Survey work has indicated that the vegetated shingle habitat is of national importance and therefore ESC is of the opinion that appropriate long-term mitigation/compensation measures must be provided.  ESC also notes that the change to the submission in relation to coastal defences moves the hard coastal defence feature closer to the sea, with the requirement for earlier recharge of the soft coastal defence then likely to be required. Dependent on the frequency of such recharge activity it is possible that vegetated shingle flora will never adequately re-establish on the reconstructed CWS area and therefore permanent loss of this part of the CWS will occur even earlier in the operational life of the power station. This will result in a permanent impact of at least Moderate Adverse, Significant level which is not mitigated or compensated for as part of the development proposals, we do not consider that this is acceptable.
	<b>Response by Suffolk County Council for deadline 2</b>	The ES identifies that the long-term presence of the power station sea defences will result in a Moderate Adverse, Significant impact on the Suffolk Shingle Beaches CWS, part of which is immediately in front of the development site. Sea level rise and coastal change is predicted to result in exposure of the hard defence in the operational lifetime of the power station with its presence meaning that there is no opportunity for any natural rollback of the CWS habitats. Despite this no additional compensation or offsetting measures are proposed to address this impact. Survey work has indicated that the vegetated shingle

ExQ1	Question to:	Question:
		<p>habitat is of national importance and therefore SCC considers that appropriate long-term mitigation/compensation measures must be provided.</p> <p>SCC also notes that the change to the submission in relation to coastal defences moves the hard coastal defence feature closer to the sea, with the requirement for earlier recharge of the soft coastal defence then likely to be required. Dependent on the frequency of such recharge activity it is possible that vegetated shingle flora will never adequately re-establish on the reconstructed CWS area and therefore permanent loss of this part of the CWS will occur even earlier in the operational life of the power station.</p> <p>This will result in a permanent impact of at least Moderate Adverse, Significant level which is not mitigated or compensated for as part of the development proposals, we do not consider that this is acceptable.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. County Wildlife Sites fall outside of the remit of Natural England to provide advice upon. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.</p>
	<b>Response by SZC Co. for Deadline 3</b>	Please see SZC Co's response to <b>Bio 1.32</b> for Deadline 2 and Deadline 3.
<b>The next set of questions addresses invertebrates, section 14.8.</b>		
Bio.1.82	The Applicant, Natural England	<p>[APP-224] para 14.8.4.</p> <p>The invertebrate assemblages referred to in this para are described as "similar" to those of national importance described in the previous para. Is the ExA correct to deduce the para 14.8.4 assemblages are NOT of national importance. In view of para 14.8.5 which draws attention to assemblages of county importance, is the ExA right to assume the 14.8.4 assemblages are also not of County importance?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Paragraph 14.8.4 of <b>Volume 2, Chapter 14</b> of the <b>ES</b> [ <a href="#">AS-033</a> ] notes the presence of similar important invertebrate assemblages present in the coastal zone and woodland

ExQ1	Question to:	Question:
		rides associated with sub-habitats and habitat resources within the broader term of 'dry sandy habitats'. The important invertebrates assemblages recorded in the coastal zone described in Paragraph 14.8.3 ('unshaded early successional mosaic', 'bare sand and chalk' and 'open short sward' invertebrate assemblages) are not all found in the open woodland rides (where an important assemblage associated with 'open short sward' habitat was not recorded).  The word 'similar' is used because while these specific assemblages are all found within dry sandy habitats, they differ in their species composition from area to area. The invertebrate assemblages associated with 'unshaded early successional mosaic' and 'bare sand and chalk' habitats recorded within the woodland rides are still considered of national importance (due to the quality of available habitat and the proportion of rare and notable species as described in <b>Volume 2, Appendix 14A.4</b> [ <a href="#">APP-231</a> ]).
	<b>Response by Natural England for Deadline 2</b>	Our reading of these paragraphs is that the invertebrates referred to in para 14.8.4 are of national importance.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.84	The Applicant, Natural England	[APP-224]-para 14.8.39. This states there is only a minor not significant effect but then that the effects of clearance and nocturnal lighting cannot be eliminated. Please will the Applicant explain the significance of the effect with the clearance and lighting. It is currently not clear. Can NE shed any light on this? Please will the Applicant also state which row(s) of Table 14.16 address this and what mitigation is put in place, if any.
	<b>Response by SZC Co. for Deadline 2</b>	The text explains that the effect of nocturnal lighting cannot be eliminated totally, i.e. there will be some effect of nocturnal lighting such as potential incidental mortality due to lighting being an attractant to nocturnal invertebrates. However due to mitigation, this effect, although not eliminated, is considered minor adverse and is considered not significant.  This is addressed in the row; ' <i>Assessment Compartments 1, 2, 3, 4/4a, 5, 8, 12 and 13 – invertebrate assemblage.</i> ' which references the Lighting Management Plan as part of tertiary mitigation measures which would minimise light spill onto surrounding habitats.

ExQ1	Question to:	Question:
		The relevant section of the Lighting Management Plan in relation to construction is secured by Requirement 9 of <b>draft DCO</b> (Doc Ref. 3.1(C)).
	<b>Response by Natural England for Deadline 2</b>	There is an incidental rate of mortality associated invertebrate assemblages and nocturnal lighting and vegetation clearance which the applicant has assessed as minor adverse and not significant for the aforementioned compartment. Natural England is satisfied with this assessment.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.86	The Applicant, Natural England	<p>[APP-224] – para 14.8.44 and elsewhere (e.g. para 14.8.50) which address some of the effects on invertebrate assemblies in Compartment 3 and the fen meadow strategy. This is Appendix 14C4, [APP-258]. Fen meadow recreation and a fen meadow strategy are important components of the Sizewell C project.</p> <p>Whilst [APP-258] examines potential sites and makes recommendations, the ExA notes that for one of the selected sites included in the Application, it says there would be water management difficulties and that the site is “less preferable” (Site 11, part of the Benhall proposal) and that in all cases the site recommendations are “subject to the results of further studies and detailed conceptualisation”. In the case of Pakenham (Site 54 and part of the change request) “there are significant issues relating to groundwater supply and to the poor condition of surface peats”.</p> <p>The ExA is also having difficulty seeing where in the document [APP-258] a strategy is set out. It appears rather to be a site selection report.</p> <p>Please will the Applicant say what further studies and conceptualisations have been carried out, where they may be found if they have been carried out, and what is the strategy. Please will the Applicant also submit a summary which should include , with hyperlinks to relevant documents in the Examination Library. If the summary could be limited to 2,000 words that would be helpful.</p>

ExQ1	Question to:	Question:
		<p>Please will Natural England give their view on the fen meadow strategy, its role within the Application both for invertebrates and as a whole, and on document [APP-238]. At for example paras 14.8.44 and 45 of [APP-224] the Applicant concludes that for Compartment 3 the loss of habitat including fen meadow is minor adverse and not significant as a result of the inclusion of a fen meadow strategy said to be set out at [APP-238]. There is a similar conclusion for Compartment 12 (where the land take is much less).</p> <p>Please will both the Applicant and Natural England give relevant examples of successful recreation of fen meadow habitats, comment on them explaining how they are relevant any difficulties found in the process, and how they were overcome (or not).</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p><i>Response to first para:</i> No response from the Applicant is required.</p> <p><i>Response to second para:</i> Although no response from the Applicant is required, the following clarification is made in respect of these observations: The comments referred to in the second paragraph were made in the context of the key characteristics for the potential sites, and that 'Ideally, the chosen site will not require significant engineering/construction activities' as indicated in <b>Section 1.2 of the Fen Meadow Compensation Study</b> [APP-258]. The <b>Fen Meadow Strategy</b>, provided in <b>Volume 2, Appendix 14C4</b> of the <b>ES</b>[AS-209] however indicates SZC Co's preparedness to undertake more invasive works than the concluding statement of <b>Section 1.2</b> of the <b>Fen Meadow Compensation Study</b> [APP-258] suggests.</p> <p><i>Response to third para:</i> The ExA is directed to the <b>Fen Meadow Strategy</b> [AS-209], which has been prepared to define SZC Co's commitment to provide appropriate compensation measures to mitigate for the loss of fen meadow habitat through the creation of compensatory fen meadow habitats, and the provision of a contingency fund.</p> <p><i>Response to fourth para:</i> Paragraphs 4.1.1 – 4.1.12 of the <b>Fen Meadow Strategy</b> [AS-209] detail:</p> <ul style="list-style-type: none"> <li>the studies undertaken to date to identify potential fen meadow compensation sites,</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>the further studies on-going on the fen meadow sites; and</li> <li>the development of a Fen Meadow Plan, which will be developed over a series of three reports, with the final Plan drawing upon 12 months of monitoring. The final plan will be submitted for approval, as detailed [Paragraph 4.1.11 in <a href="#">AS-209</a>].</li> </ul> <p><i>Response to fifth para:</i> No response from the Applicant is required.</p> <p><i>Response to sixth para:</i> This answer is provided in <b>Appendix 7H</b> of this chapter.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>This is an ongoing area of concern for Natural England and one which we have engaged with the Applicant on within the Statement of Common Ground and have provided a detailed response within our Written Representations (Our Ref: 350822, dated 2nd June).</p> <p>We welcome the submission of the Fen Meadow Strategy by the applicant since our Relevant Representations (Doc Ref. 6.14) where it is recognised that the fen meadow habitat within Sizewell Marshes SSSI is of National/High importance (para 3.1.4). It is also acknowledged that the conclusion reached in the ES that there would be no significant effect on this SSSI habitat is subject to the Fen Meadow Strategy being successfully delivered (para 3.1.3).</p> <p>We welcome the submission of the Fen Meadow Strategy by the applicant since our Relevant Representations (Doc Ref. 6.14) where it is recognised that the fen meadow habitat within Sizewell Marshes SSSI is of National/High importance (para 3.1.4). It is also acknowledged that the conclusion reached in the ES that there would be no significant effect on this SSSI habitat is subject to the Fen Meadow Strategy being successfully delivered (para 3.1.3).</p> <p>Having discussed this further with the applicant through focussed meetings and workshops, our advice on the Stage 4 pre-application consultation (2019) was 'We advise that the extent of compensatory habitat required is 9x that which would be destroyed by the development; this is considered a suitable multiplier given the complexity of habitat type to be lost, the risk and uncertainty involved in the habitat restoration being</p>



ExQ1	Question to:	Question:
		<p>successful and the time to fully functioning habitat...We understand that EDF Energy are currently undertaking further detailed feasibility studies for these compensation sites. Once these studies have been completed, we would be keen to provide further advice at the earliest opportunity' (Natural England comment reference 8).</p> <p>Contrary to our pre-application advice, a sufficient amount of compensatory fen meadow habitat was not proposed by the applicant within the DCO application as submitted (May 2020) and we raised this omission within our Relevant Representations (RR-EN010012, September 2020).</p> <p>Through the applicant's Proposed Changes application, an additional site (Pakenham) has now been proposed which, in addition to the Benhall and Halesworth sites, could potentially provide the full required amount of compensatory habitat (minimum of 4.5ha).</p> <p>However, we are unable to advise as to whether or not this is likely to be successfully delivered until we have been able to review the detailed site feasibility studies for all three sites (Benhall, Halesworth and Pakenham). We understand that the applicant proposes 'a 'Fen Meadow Plan' be prepared in accordance with this Fen Meadow Strategy and be subject to a DCO Requirement'. If this is the document which will contain the detailed site feasibility studies, then we advise that this should be provided now and not left to a requirement given the importance of that information in determining significance of impacts to a nationally important SSSI. This is therefore a significant omission which needs to be addressed through the submission of further information.</p> <p>In terms of the contingency measures to be put in place should the compensatory fen meadow habitat creation attempts fail, we advise that potential compensation sites further afield (i.e. not restricted to Suffolk) should be investigated. The SSSI habitat to be lost is important at a national level and, if necessary, the compensation options should therefore be explored at that scale to ensure the overall amount of this habitat type is not reduced nationally.</p>

ExQ1	Question to:	Question:
		<p>In regard to relevant examples of fen meadow recreation it must be acknowledged that the feasibility of re-creating fen meadow is not well evidenced with only a handful of successful examples within published literature (Larmers et al. 2002; McBride et al. 2011; Larmers et al. 2015; Klimkowska et al. 2019).</p> <p>Creating compensatory habitat of the same quality to that which will be destroyed will therefore be extremely difficult, if not impossible. Holistic headwater seepage, floodplain and river restoration is likely to be the most successful and sustainable approach to providing compensatory fen meadow habitat at the sites which have been proposed by the Applicant. Even if successful, it should be acknowledged that these sites are functionally removed from Sizewell Marshes SSSI which is a limitation of this approach. Although this particular feature of the SSSI may be re-created there, the complex ecological interactions with other features which will be lost at Sizewell Marshes would not be.</p> <p>In regard to invertebrate our advice is that the mosaic habitat that supports the invertebrate assemblage at Sizewell Marshes SSSI is an important objective of this mitigation package. Creating invertebrate rich wet woodland close to the M22 fen meadow habitats will in part replicate the existing situation at Sizewell. Shrub and ground flora layers of alder-sedge (<i>Alnus glutinosa</i> – <i>Carex paniculata</i>) woodland (NVC W5) will often reflect the nearby open habitat stands so this can add diversity.</p> <p>A key point to highlight note is that high quality wet woodland will develop in the same situations as high-quality fen meadow (i.e. the absence of elevated nutrients and permanently high water table but without cutting or grazing). Consequently, many of the same activities are likely to be required at these sites including topsoil removal if enriched.</p> <p>Given the rarity and continued losses of M22 fen meadow in the UK – the Guidelines for Grassland SSSI Selection report less than 10000 ha (the true figure for England is likely to be less than 5000 ha) – and the known difficulty of restoring species-rich fen/fen meadow habitat, we advise that the maximum multiplier needs to be applied here, i.e. area to be lost × 9. This will result in compensation areas of either 4.5 ha, 6.3 ha, or more, depending on severity and potential long-term impact of temporary land-take.</p>

ExQ1	Question to:	Question:
		<p>Given the hydrological complexity of high value wetland habitats, it is anticipated that a larger extent of wetland restoration/compensation would be required in order to provide the conditions required specifically by the M22 fen meadow. Restoration will likely give rise to areas of wetter conditions and drier conditions that do not support M22, given natural hydrological, topographical and substrate variation within sites.</p> <p>In particular, the stated desire to avoid engineering/groundworks is likely to significantly reduce the likely success of restoration works, given the published literature on fen restoration, including the findings recently published based on a review of European restoration projects, which suggested that both topsoil removal and re-wetting/hydrological manipulation were necessary to restore functioning fen habitat.</p> <p>Given this lack of confidence in the outcomes of any compensatory fen meadow restoration, based on both lack of detail on area needed/to be provided and techniques/methods, it is not possible to conclude that the loss of fen meadow from Sizewell Marshes SSSI is not significant.</p> <p>Klimkowska A, Goldstein K, Wyszomirski T, Kozub Ł, Wilk M, Aggenbach C, et al. (2019) Are we restoring functional fens? – The outcomes of restoration projects in fens re-analysed with plant functional traits. PLoS ONE 14(4): e0215645.  <a href="https://doi.org/10.1371/journal.pone.0215645">https://doi.org/10.1371/journal.pone.0215645</a></p> <p>Lamers, L. P., Smolders, A. J., &amp; Roelofs, J. G. (2002). The restoration of fens in the Netherlands. <i>Hydrobiologia</i>, 478(1), 107-130.</p> <p>Lamers, L. P., Vile, M. A., Grootjans, A. P., Acreman, M. C., van Diggelen, R., Evans, M. G., ... &amp; Smolders, A. J. (2015). Ecological restoration of rich fens in Europe and North America: from trial and error to an evidence-based approach. <i>Biological Reviews</i>, 90(1), 182-203.</p> <p>McBride, A. Diack, I. Droy, N Hamill, B. Jones, P. Schutten, J. Skinner, A. and Street. M. (2011) <i>The Fen Management Handbook</i>. Scottish Natural Heritage, Perth.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>As noted above under the supplementary response by SZC Co. to <b>Bio 1.79</b> at Deadline 3, the conclusion of no significant effect on Sizewell Marshes is predicated on the success of the compensatory fen meadow and wet woodland habitat creation.</p> <p>Further evidence for successful fen meadow habitat creation was submitted at Deadline 2, in SZC Co's response to ExQ1 <b>Question Bio 1.86</b> [<a href="#">REP2-100</a>] <b>Appendix 7H</b> [<a href="#">REP2-110</a>].</p> <p>SZC Co. has committed to the preparation of a draft Fen Meadow Plan (see also Natural England response above) in accordance with the <b>Fen Meadow Strategy</b> [<a href="#">AS-209</a>], to be submitted during the examination, which will provide further detail of the proposals. The draft Fen Meadow plan will provide proposals for the each of the sites, informed by baseline data to that point. Baseline hydrological and ecological reports for the three sites are submitted to examination at Deadline 3.</p> <p>SZC Co. considers that the draft Fen Meadow Plan will be sufficient for relevant parties and the Secretary of State to understand the proposals at each site and the extent to which the impacts to fen meadow habits on Sizewell Marshes SSSI will be fully compensated. Further, the final fen meadow plan will be in general accordance with both the Fen Meadow Strategy and the draft Fen Meadow Plan, must be approved by East Suffolk Council in consultation with Natural England under requirement 14A of the Draft DCO before any vegetation clearance of the SSSI is carried out.</p> <p>Natural England state <i>'the stated desire to avoid engineering/groundworks is likely to significantly reduce the likely success of restoration works, given the published literature on fen restoration, including the findings recently published based on a review of European restoration projects, which suggested that both topsoil removal and re-wetting/hydrological manipulation were necessary to restore functioning fen habitat.'</i> SZC Co recognises that topsoil removal is likely to be required (see <b>response to Question ExQ1 Bio 1.86</b> [<a href="#">REP2-100</a>] <b>Appendix 7H</b> [<a href="#">REP2-110</a>]) and the draft Fen Meadow Plan will be fully reflective of the need for this management intervention.</p>
Bio.1.87	The Applicant, Natural England	<p>[APP-224] – para 14.8.58.</p> <p>This is one of a number of paragraphs which, after acknowledging a "a time-lag between the loss of existing high-quality habitat from this compartment and newly created acid grassland habitats reaching optimum condition" to perform their function states that "this residual impact is discussed further in Table 14.16". However turning to Table 14.16, it</p>

ExQ1	Question to:	Question:
		<p>reiterates the words above in inverted commas and then proposes a mitigation plan for larvae of Norfolk Hawker and other macro-invertebrates which "will be developed".</p> <p>Please will the Applicant and Natural England both explain and comment on the discussion, the likelihood of developing a plan which is appropriate and successful, the deadline for its development and how it is to be secured in the DCO. How should the SofS take the proposal into account in arriving at their decision? Please deal with all applications of the discussion and occurrences of the time lag.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>As considered in <b>Question Bio. 1.90</b> of this chapter, the word '<i>discussed</i>' in context of signposting the ExA to <b>Table 14.16</b> was unsuitable and should have read '<i>This residual effect is summarised in <b>Table 14.16</b></i>'.</p> <p>The presence of a time-lag between loss of existing dry sandy habitat and newly created acid grassland habitats reaching optimum condition for invertebrates does not change the assessment of the effect of land take on the invertebrate assemblages within these habitats but gives context to the remaining minor adverse effect (not significant).</p> <p>The reference to the Norfolk Hawker mitigation plan pertains to Assessment Compartments 1 and 3 where the Sizewell Drain is due to be realigned and is not relevant to Assessment Compartments that do not contain habitat for this species. The <b>mitigation plan for fish and aquatic invertebrates</b> (Doc Ref. 8.11 (B)), including Norfolk Hawker is appended to the <b>CoCP</b> and is secured by Requirement 2 of <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>The Applicant acknowledges that for clarity, row 2 in <b>Table 14.16</b> of <a href="#">[AS-033]</a> should have been split into multiple lines between habitats as opposed to a catch all for instances where the effect of habitat loss on invertebrate assemblages is considered minor adverse (not significant).</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>We believe the ExA may be referring to para 14.8.57 in regard to time-lag.</p> <p>As discussed in our answer to BIO1.79 and referred to in our Written Representations (Our Ref: 350822, dated 2nd June) under issues 48-50. We reiterate it is very disappointing that compensatory habitat for wet woodland and fen meadow will not be in place and functioning ecologically in advance of any loss occurring, as has been accepted by the</p>

ExQ1	Question to:	Question:
		<p>Applicant as a principle at Aldhurst Farm with respect to SSSI reedbed and ditch habitats which would be lost. As a result, even if the proposed compensation approach is eventually agreed between all parties, the extent of this nationally important habitat will not be maintained throughout the lifetime of the project should it be consented, and we draw the Examining Authority's attention to this point.</p> <p>We also understand that the applicant has recently submitted an updated version of the Terrestrial Ecology and Monitoring and Mitigation Plan at deadline 1 which we will be reviewing and providing further comment.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.88	Natural England, The Applicant	<p>[APP-224]-paras 14.8.54 and 55, Compartments 4 and 4a.</p> <p>The footprint of power station would more or less cover Compartment 4, possibly 4a as well (the compartment plans at [APP-231] do not show the footprint). Please will NE give their view on how the SofS should take into account the loss of assemblages of high conservation value and other assemblages of national importance referred to. The Applicant may also wish to comment.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant believes that the availability of other similar habitats within the wider SSSI which will not be subject to landtake as well as the compensatory habitats being developed (i.e. the <b>Fen Meadow Strategy</b> [<a href="#">AS-209</a>] and the <b>Wet Woodland Strategy</b> [<a href="#">REP1-020</a>]) mean that the SoS can be confident that the same assemblages will be supported in wider site and that there would be no local extinctions of individual species. In the longer term, the strategies listed above should also lead to similar assemblages being established at the habitat compensation sites.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>We would direct the Examining Authority to our responses in our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30<sup>th</sup> Sep 2020) and Written Representations (Our Ref: 350822, dated 2<sup>nd</sup> June) under issue 50.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
Bio.1.89	Natural England, SCC	[APP-224] para 14.8.67. Please would NE and SCC give their view on the effect on invertebrate assemblages in Compartment 5.
	<b>Response by SZC Co. for Deadline 2</b>	No response from the Applicant is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	Whilst ESC defers to Natural England's expertise in relation to the assessment of impacts on invertebrates, ESC is concerned that the impacts arising from the direct loss of habitats in Compartment 5 have not been fully mitigated. [APP-224] paragraphs 14.8.66 and Table 14.16 refer to reinstatement of coastal habitats following the construction of the HCDF, however as set out in our answers to questions BIO.1.32 and BIO.1.81 ESC has significant concerns about the likely success and longevity of these habitats and therefore their ability to support the invertebrate assemblage currently present in Compartment 5.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC defers to Natural England's expertise in relation to the assessment of impacts on invertebrates, but we would like to note our concern that the impacts arising from the direct loss of habitats in Compartment 5 have not been fully mitigated. [APP-224] para. 14.8.66 and Table 14.16 refer to reinstatement of coastal habitats following the construction of the HCDF, however as set out in our answers to questions BIO.1.32 and BIO.1.81 we have significant concerns about the likely success and longevity of these habitats and therefore their ability to support the invertebrate assemblage currently present in Compartment.  It is SCC's understanding that NE are currently consulting with invertebrate specialists and we are, of course, interested in their findings.
	<b>Response by Natural England for Deadline 2</b>	Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. As the invertebrates in question are not a licensable species nor a notified feature of a statutory protected site impacts and

ExQ1	Question to:	Question:
		mitigation here would typically be assessed by the local planning authority. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	Please see SZC Co's response to Bio 1.32 for Deadline 2 and Deadline 3. The invertebrate species of compartment 5 are dependent on the successful establishment of the coastal vegetation in these areas. The relevant invertebrate species are expected to re-colonise the re-established habitats, from unaffected populations in adjacent areas of vegetation, in the same way as when the new coastal habitats on the Sizewell B frontage were re-created.
Bio.1.90	The Applicant, Natural England, SCC	[APP-224]- paras 14.8.70 – discussion in Table 14.16. The residual effects of lighting on Compartment 5 – the shingle beach - are said to be discussed in Table 14.16. However the ExA reads only six words stating that no additional mitigation is required and that the effect remains minor adverse not significant. This is similar at para 14.8.31 in relation to Compartment 1, 14.8.39 re Compartment 2, 14.8.90 re Compartment 13 and elsewhere. Please will the Applicant explain why the ExA is referred to this? Nothing additional is proposed. It appears that there is nothing to be done, which does not necessarily rule out the grant of a DCO. Please will NE and SCC state what they consider is required, if anything and whether that is a pre-condition for a DCO.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant acknowledges that the use of the word ' <i>discussed</i> ' is not aligned with the content in <b>Table 14.16</b> of [AS-033], which brings together the residual impacts and effects throughout <b>section 14.8c</b> , and 'summarised' would have been a more appropriate word. Therefore, paragraph 14.8.70 of [AS-033], along with the others highlighted should read: "However, the effect of incidental mortality, through habitat clearance and nocturnal lighting, cannot be completely reduced through mitigation measures so this is considered a residual effect, which is summarised in <b>Table 14.16</b> ."
	<b>Response by East Suffolk Council for Deadline 2</b>	Whilst ESC defers to Natural England's expertise in relation to the assessment of impacts on invertebrates, ESC's understanding is that the Applicant's assessment has concluded that even with the implementation of all reasonable, available mitigation measures, incidental mortality of species through nocturnal lighting cannot be reduced to negligible but that the residual effect is considered to be Minor Adverse, Not Significant. Other than controls over the type, location and timing of use of lighting (all of which can be



ExQ1	Question to:	Question:
		implemented through the relevant Lighting Management Plan), ESC are not aware of any other direct mitigation measures which could be implemented to reduce the residual impact further.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC's understanding is that the Applicant's assessment has concluded that the even with the implementation of all reasonable, available mitigation measures, incidental mortality of species through nocturnal lighting cannot be reduced to negligible but that the residual effect is considered to be Minor Adverse, Not Significant. Other than controls over the type, location and timing of use of lighting (all of which can be implemented through the relevant Lighting Management Plan), we are not aware of any other direct mitigation measures which could be implemented to reduce the residual impact further.</p> <p>SCC would defer to Natural England's expertise in relation to the assessment of impacts on invertebrates, but we would stress the importance of commencing any additional necessary mitigation works as soon as possible in order to reduce negative impacts and not to wait until the post construction phase.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve protected species for which Natural England will assess via its licensing process. As the invertebrates in question are not a licensable species nor a notified feature of a statutory protected site the impacts and mitigation here would typically be assessed by the local planning authority. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. confirms that the responses provided by the councils above are correct in their interpretation of the approach used in the assessment and SZC Co. also confirms that there are no additional measures which could be implemented to reduce the impact further.</p>

ExQ1	Question to:	Question:
Bio.1.93	The Applicant, Natural England	[APP-224] paras 14.8.102 and 103, monitoring during operation. What is to happen if the assemblages do not become established to the appropriate extent? Where is that secured? Please will NE state whether they are content with the proposals.
	<b>Response by SZC Co. for Deadline 2</b>	The approach to monitoring of habitat establishment and colonisation by invertebrates is described in <b>Section 4.2</b> and <b>Table 4.1</b> of the <b>Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)</b> [REP1-016], submitted at Deadline 1 and secured under Requirement 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).
	<b>Response by Natural England for Deadline 2</b>	In addition to the reedbed, ditch and acid grassland habitats created within Aldhurst Farm, the fen meadow and wet woodland habitats which will also be directly lost from Sizewell Marshes SSSI are also important for the nationally important SSSI invertebrate assemblage. The SSSI wet woodland compensation plan and SSSI fen meadow compensation plan which have not yet been provided by the Applicant for review will need to include consideration of these habitats in terms of provisions for the SSSI invertebrate assemblage. This issue therefore remains outstanding at this time (Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June) under issues 48-50.). We understand that The Applicant has recently submitted an updated version of the Terrestrial Ecology and Monitoring and Mitigation Plan (TEMMP) which should encompass the above points as raised and we will review and provide further advice on this in due course.
	<b>Response by SZC Co. for Deadline 3</b>	The measures are included in the <b>Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)</b> [REP1-016], submitted at Deadline 1, as stated in the Deadline 2 response above and no further response from SZC Co. is required at this stage.
<b>The next set of questions addresses fish, section 14.9.</b>		
<b>The next set of questions addresses amphibians, section 14.10.</b>		
Bio.1.96	The Applicant, Natural England	[APP-224] – para 14.10.37. Botanical modelling. Is NE satisfied with the modelling proposed, for both flood risk and vegetation changes? Please will the Applicant indicate where this is secured.
	<b>Response by SZC Co. for Deadline 2</b>	' <i>Botanical modelling</i> ' should have read ' <i>Botanical monitoring</i> ' at paragraph 14.10.37 of <b>Volume 2, Chapter 14</b> of the <b>ES</b> [AS-033]. The approach to botanical monitoring of the

ExQ1	Question to:	Question:
		<p>natterjack toad habitats as well as the monitoring proposed specifically for natterjack toad population is described in <b>Section 4.4</b>. The approach to botanical monitoring of the natterjack toad habitats as well as the monitoring proposed specifically for natterjack toad population is described in <b>Section 4.4</b> and <b>Table 4.3</b> of the <b>Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)</b> [<a href="#">REP1-016</a>], submitted at Deadline 1 and secured under Requirement 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>Hydraulic modelling has been completed as part of the development of the <b>Main Development Site Flood Risk Assessment</b> [<a href="#">AS-018</a>] and <b>Main Development Site Flood Risk Assessment Addendum</b> [<a href="#">AS-157</a>].</p>
	<b>Response by Natural England for Deadline 2</b>	As these measures are proposed to mitigate impacts on licensable protected species these will be assessed by Natural England through our licensing process. For the progression of this issue the applicant must submit draft protected species licence applications to Natural England for review. If agreed Natural England may provide LoNIs to ensure the ExA has the required certainty in this regard. Further engagement on this issue will therefore be undertaken as part of the licensing process.
	<b>Response by SZC Co. for Deadline 3</b>	The measures are included in the <b>Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)</b> [ <a href="#">REP1-016</a> ], submitted at Deadline 1, as stated in the Deadline 2 response above. SZC Co also acknowledges that monitoring requirements are likely to be attached to the protected species licence and SZC Co confirms that it is following the process outlined by Natural England in its response for Deadline 2 above, for this and other relevant protected species.
Bio.1.97	The Applicant, Natural England	[APP-224] – para 14.10.44 – natterjack toad monitoring programme. Where is this secured? For how long will monitoring continue? Is NE content the period is appropriate?
	<b>Response by SZC Co. for Deadline 2</b>	<p>The natterjack toad monitoring programme is described in the <b>Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)</b> [<a href="#">REP1-016</a>], submitted at Deadline 1 and secured by Requirement 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) (see also <b>Question Bio 1.96</b> of this chapter).</p> <p>In the event any further monitoring is required, over and above that defined in the <b>TEMMP</b> [<a href="#">REP1-016</a>] (see <b>Table 4.3</b>), by the terms of the Protected Species Licence, then the additional monitoring is secured via the licence conditions.</p>

ExQ1	Question to:	Question:
		Monitoring will secure for the construction period and for 5 years in the Sizewell C operational phase, which could be extended if required by the Environment Review Group. A draft licence was submitted as part of the DCO application as <b>Volume 2, Appendix 14C7B</b> of the <b>ES</b> [APP-252] and updated as part of the <b>ES Addendum</b> as <b>Appendix 2.9.C3</b> and <b>2.9.C4</b> [AS-209]. However, the draft licence has been updated to include improved hibernation and resting site features, developed following engagement with Natural England which have also been designed with further consideration given to the AONB and landscape setting. The updated draft licence will be submitted to Natural England and submitted to examination at Deadline 3.
	<b>Response by Natural England for Deadline 2</b>	As these measures are proposed to mitigate impacts on licensable protected species these will be assessed by Natural England through our licensing process. For the progression of this issue the applicant must submit draft protected species licence applications to Natural England for review. If agreed Natural England may provide LoNIs to ensure the ExA has the required certainty in this regard. Further engagement on this issue will therefore be undertaken as part of the licensing process
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required at this stage.
<b>The next set of questions addresses reptiles, section 14.11.</b>		
Bio.1.98	The Applicant, Natural England	[APP-224] – para 14.11.23. This paragraph and e.g. 14.11.34 refer to a Reptile Mitigation Strategy at Appendix 14C2, which is [APP-255], a set of figures.  Please will the Applicant explain the strategy and how it is secured. Please will NE comment whether they are satisfied with [APP-255] as a suitable strategy.
	<b>Response by SZC Co. for Deadline 2</b>	<b>Volume 2, Appendix 14C2</b> [APP-252] contains two reports; the <b>Reptile Mitigation Strategy (Volume 2, Appendix 14C2A)</b> [APP-252] and the <b>Reptile Method Statement (Volume 2, Appendix 14C2B)</b> [APP-252]. There are a set of figures which are associated with these documents, also located in <b>Appendix 14C2</b> .

ExQ1	Question to:	Question:
		<p>The <b>Reptile Mitigation Strategy</b> [<a href="#">APP-252</a>] summarises the potential impacts of the development on reptiles (<b>Volume 2, Appendix 14C2A Section 1.3</b>), as set out in <b>Volume 2, Chapter 14, Section 14.11</b> [<a href="#">AS-033</a>], namely;</p> <ul style="list-style-type: none"> <li>• Land take resulting in habitat loss</li> <li>• Habitat fragmentation</li> <li>• Incidental mortality of species</li> <li>• Disturbance effect on species populations</li> </ul> <p>The mitigation measures are set out in <b>Volume 2, Appendix 14C2A, Section 1.4</b> [<a href="#">APP-252</a>] which involve:</p> <ul style="list-style-type: none"> <li>• Primary mitigation measures - Preparation and management of receptor sites to receive translocated reptiles.</li> <li>• Tertiary measures – Catching and translocating reptiles, measures to avoid incidental mortality and monitoring pre, during and post-construction.</li> </ul> <p>Reptile receptor sites, amounting to 130ha, have been gradually established from 2014 across the EDF Energy estate. These have been managed to establish the habitats and following a reptile habitat appraisal undertaken in 2020, 45.9ha is considered optimal to reptiles.</p> <p>The <b>Reptile Mitigation Strategy</b> [<a href="#">APP-252</a>] also sets out receptor site management guidance (<b>Volume 2, Appendix 14C2A Section 1.6</b>) and success criteria (<b>Volume 2, Appendix 14C2A Section 1.7</b>). The Reptile Mitigation Strategy is being updated and the final version (subject to agreement with the ERG) is now referenced in the updated <b>CoCP</b> (Doc Ref. 8.11(B)), submitted at Deadline 2. The <b>CoCP</b> is secured by Requirement 2.</p> <p>The strategy has been consulted on with ecological stakeholders and the statutory ecological stakeholders are broadly supportive of the approach.</p> <p>The commitments made in relation to monitoring of sites, habitats and species and also the monitoring of the success of mitigation measures such as habitat establishment and the reptile translocation are described in the <b>Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)</b> [<a href="#">REP1-016</a>], submitted at Deadline 1 and secured under Requirement 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) (see also the answer to <b>Question Bio 1.101</b> in this chapter).</p>

ExQ1	Question to:	Question:
	<b>Response by Natural England for Deadline 2</b>	Natural England will only be providing detailed advice on species where they are licensable or a notified feature of a statutory protected site. Impacts and mitigation regarding non-licensable reptile species would typically be assessed by the local planning authority. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	To supplement the original response provided at Deadline 2, SZC Co, confirms that the proposed future management measures, including the reptile habitats, will be set out in an EDF estate-wide management plan, which will explain the long-term management of habitats within the EDF Energy estate beyond the proposed order limits (see also Deadline 2 response <b>HRA 1.8</b> ).
Bio.1.99	The Applicant, Natural England	<p>[APP-224] – para 14.11.30.</p> <p>Given that in the baseline the adder is described as “most under threat in the UK particularly from habitat loss and isolation of populations” (para 14.11.8) and that all four species (adder, grass snake, lizard and slow worm) are protected under Sch. 5 WCA 1981 and s.41 NERC Act 2008 (para 14.11.9), and that the site and its ZoI constitutes a “Key Reptile Site” (para 14.11.10), and also the statement at para 14.11.28 that for adders “Inbreeding can make them genetically vulnerable to environmental change and disease so linking habitats is crucial to their conservation” the ExA notes the conclusion at para 14.11.30 that “Overall, it is difficult to accurately quantify the magnitude of this impact given the temporary impact on dispersal to the north from the construction site is off-set by increased connectivity to the south and south-west from the habitat creation. <i>Habitat fragmentation is considered to have a low impact on the reptile assemblage, resulting in a minor adverse effect, which is considered to be not significant</i>” (emphasis added).</p> <p>Please can the Applicant explain. Please will Natural England also comment and state their view of the significance and importance of any issues, such as Sch. 5 WCA and s.41 NERC Act 2006. Will the gene pool in the to be created reptile habitat to the south of the site (para 14.11.29, summary of primary mitigation) be different?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Paragraphs 14.11.26 – 14.11.30 of <b>Volume 2, Chapter 14</b>, of the <b>ES</b> [AS-033] assess the effect of habitat fragmentation (including connectivity) on the reptile assemblage. Fragmentation is expected during construction with the temporary construction area causing a temporary east-west barrier to reptiles, limiting north-south reptile movements.</p>

ExQ1	Question to:	Question:
		<p><b>Volume 2, Chapter 14</b>, of the <b>ES</b> [<a href="#">AS-033</a>] provides an overview of issues which arise from barriers to dispersal, such as population isolation and inbreeding, particularly in adders (paragraph 14.11.28). However the habitat to the south and west of the site that has been developed for translocation (approximately 110ha) and has been managed to establish and mature (see also answer to <b>Question Bio 1.98</b> of this chapter) is situated adjacent to retained suitable reptile habitat on Sizewell Marshes SSSI and Leiston Common. This extent of existing and new reptile habitats is considered to be of sufficient extent and connectivity that the incidence of issues like inbreeding, if they arise present, are of low impact.</p> <p>At the end of construction, once the temporary construction area is removed, the retained and created landscape to the south-west of the site would be reconnected with the extensive reptile habitats to the north-east of the site and this would be enhanced through landscape scale habitat creation including new acid grasslands, woodlands and scrub areas on the former temporary construction area. The approach to habitat creation across the temporary construction area is defined in the <b>oLEMP</b> [<a href="#">REP1-010</a>] and secured by Requirement 14 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>These extensive habitat creation approaches will reconnect reptile populations and in the operational phase of the development, landscape scale habitat creation would have a moderate beneficial effect on the reptile assemblage, which is considered to be significant (paragraph 14.11.43).</p>
	<b>Response by Natural England for Deadline 2</b>	Natural England will only be providing detailed advice on species where they are licensable or a notified feature of a statutory protected site. Impacts and mitigation regarding non-licensable reptile species would typically be assessed by the local planning authority. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
Bio.1.100	The Applicant, Natural England	<p>[APP-224] para 14.11.47.</p> <p>This refers to enhancement and states that due to the primary mitigation in general, no additional enhancement is proposed. Bearing in mind ss.40 and 41(3) of NERC Act 2006 and s.28G W&amp;C Act 1981 please will the Applicant and NE both comment on the appropriateness of no additional enhancement.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>Although '<i>no enhancement</i>' is proposed within the EIA definition, it should be noted that the primary mitigation includes the creation of extensive reptile receptor sites (see <a href="#">AS-033</a>, paragraph 14.4.11) and that those sites, since initial establishment, are managed on an ongoing basis to enhance them for reptiles. For example, additional heathland areas are being initiated within the established dry grasslands in the Studio Field area in Summer 2021 to enhance the habitats. The phrase '<i>no additional enhancement</i>' should not be taken to mean that the reptile habitats are not being further optimised for reptiles. In addition and since the ES was written, it has been agreed that some of the removed tree stumps which will be salvaged from the felling and clearance of Coronation Wood (see response to <b>Question Bio 1.68</b> in this chapter) will be used to enhance the reptile mitigation areas which have been already created. The tree stumps will be strategically positioned within the areas of habitat which have been created to provide additional hibernation opportunities for reptiles over and above the hibernacula which have already been created.</p> <p>In light of the mitigation identified above and in [<a href="#">AS-033</a>] the conservation status would be maintained.</p>
	<b>Response by Natural England for Deadline 2</b>	Natural England will only be providing detailed advice on species where they are licensable or a notified feature of a statutory protected site. Impacts and mitigation regarding non-licensable reptile species would typically be assessed by the local planning authority. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>The next set of questions addresses ornithology, section 14.12.</b>		
Bio.1.103	The Applicant, Natural England	<p>[APP-224] – Table 14.24.</p> <p>The penultimate row refers to:</p> <p>Zone of Physical Change – a 2 km area around site.</p> <p>Displacement Zone – an 8 km area around site.</p> <p>Buffer Zone – an 8 km area around settlements within the Displacement Zone.</p>



ExQ1	Question to:	Question:
		<p>Please will the Applicant confirm that the Zones have <i>radii</i> of 2, 8 and 8 kms. Or are they zones of 2, 8 and 8 square kms? In either case, where are they shown?</p> <p>Please will NE comment on which is appropriate in their view.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>These are described in paragraphs 2.2.8 to 2.2.9 and shown on <b>Figures 001</b> and <b>002</b> of <b>Annex E</b> to the <b>Shadow HRA Report</b> [<a href="#">APP-148</a>].</p> <ul style="list-style-type: none"> <li>• The Zone of Physical Change is defined by a 2km buffer around the main development site (the area between the main development site boundary and a 2km offset from the main development site boundary).</li> <li>• The Displacement Zone is defined by 8km buffer around main development site (the area between the Zone of Physical Change and an 8km offset from the main development site boundary).</li> <li>• The Buffer Zone is defined by 8km buffer around settlements within the Displacement Zone (the area between the Displacement Zone and an 8km offset from settlements within the Displacement Zone).</li> </ul> <p>The Zones are nor radii of 2, 8 and 8kms or zones of 2, 8 and 8 square kms.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>[APP-224] – Table 14.24.</p> <p>The penultimate row refers to:</p> <p>Zone of Physical Change – a 2 km area around site.</p> <p>Displacement Zone – an 8 km area around site.</p> <p>Buffer Zone – an 8 km area around settlements within the Displacement Zone.</p> <p>Please will the Applicant confirm that the Zones have radii of 2, 8 and 8 kms. Or are they zones of 2, 8 and 8 square kms? In either case, where are they shown?</p> <p>Please will NE comment on which is appropriate in their view.</p> <p>We are satisfied with the use of radii used for displacement of recreational users instead of square kms.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
Bio.1.108	The Applicant, Natural England	<p>[APP-224] paras 14.12.25 and 14.12.39; also paragraph 14.12.166. Marsh harrier.</p> <p>(a) Notwithstanding the provision of habitat referred to in para 14.12.24, and the conclusion of no significant effect in para 14.12.25 the Applicant proposes further marsh harrier foraging habitat at Westleton. What is the effect on the assessment of effect at para 14.12.25 and why has it been omitted? Please will NE also comment.</p> <p>(b) When we get to para 14.12.39 and the discussion of wintering marsh harrier, additional marsh harrier habitat is described, but evidently not the habitat at Westleton. Please will the Applicant clarify what is being referred to and why it is not referred to at para 14.12.25.</p> <p>(c) Please will the Applicant set out a short statement of the totality of new marsh harrier habitats already created, or to be created with cross-references to the paragraphs of Chapter 14 [APP-224] where they are referred to and a conclusion as to their function and result in mitigating effects. This should deal with conclusions not only under EIA but also under HRA.</p> <p>(d) When we get to inter-relationship effects from construction at paragraph 14.12.166 the report states: <i>"The main interrelationship effect identified is that some of the habitat creation that has already been undertaken or is in the process of being undertaken may be compromised initially by noise disturbance during the first two phases of the construction programme. This may prevent usage by breeding and foraging bird species temporarily for the first two to three years of construction"</i>. Whilst this is concluded to be a minor adverse not significant effect, please will the Applicant spell out the reasoning in relation to the marsh harrier.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The following responses are provided in relation to each of the points raised by the ExA:</p> <p>(a) <u>Marsh harrier foraging habitat in EIA context:</u></p> <p>The potential for providing compensatory habitat at Westleton is not related to the issues considered in paragraphs 14.12.24 and 14.12.25 of <b>Volume 2, Chapter 14</b>, of the <b>ES</b> [AS-033]. These paragraphs concern the loss of wetland habitat in the Sizewell Marshes SSSI and the mitigation provided in relation to the wider marsh harrier population by the wetland habitats created at Aldhurst Farm.</p>

ExQ1	Question to:	Question:
		<p>(b) <u>Wintering marsh harrier and additional foraging habitat:</u></p> <p>The additional foraging habitat referred to in paragraph 14.12.39 of <b>Volume 2, Chapter 14</b>, of the <b>ES</b> [AS-033], which would become available to wintering marsh harrier (as well as breeding marsh harriers), is the 48.7ha of compensatory foraging habitat within the EDF Energy estate, which is located in the northern part of the EDF Energy estate. Details of this foraging habitat are provided above in the response to <b>Bio.1.107</b>, as well as in the response to <b>Bio 1.48</b>, and are as shown in <b>Figures 6.3 – 6.5</b> in the <b>Shadow HRA Report</b> [APP-145].</p> <p>This habitat is not referred to in paragraph 14.12.25 of <b>Volume 2, Chapter 14</b>, of the <b>ES</b> [AS-033] because it is Aldhurst Farm which provides the specific mitigation for the loss of wetland habitat in the Sizewell Marshes SSSI, as explained in the responses to <b>Questions Bio 1.105</b> and <b>Bio 1.107</b> in this chapter and this is also relevant to wintering (as well as breeding) marsh harriers.</p> <p>(c) <u>Totality of new marsh harrier habitat to be created:</u></p> <p>(ii) <i>Compensatory foraging habitat within the EDF Energy estate</i></p> <p>The key area of habitat creation for marsh harrier is the 48.7ha of compensatory foraging habitat within the EDF Energy estate, located immediately adjacent to the north-east of the main development site (and detailed in the responses to <b>Questions Bio 1.48</b> and <b>Bio.1.107</b> in this chapter). The location of this area is shown in <b>Figures 6.3 – 6.5</b> in the <b>Shadow HRA Report</b> [APP-146].</p> <p>This compensatory habitat is aimed specifically at increasing the foraging resource available to marsh harrier during construction, via habitat management, that will increase both the abundance and availability of a range of potential prey species.</p> <p>The requirement for this area of compensatory foraging habitat arises from the conclusion in <b>Section 8.8 d) v.</b> (at paragraph 8.8.557) of the <b>Shadow HRA Report</b> [APP-145] that the possibility of an adverse effect on the Minsmere-Walberswick SPA breeding marsh harrier population resulting from noise and visual disturbance associated with the construction activities at the main development site cannot be discounted. This potential effect arises from predictions of the 'loss' of wetland foraging resource during the construction period to SPA marsh harrier due to displacement and a possible barrier effect (which is assumed to prevent access to the</p>

ExQ1	Question to:	Question:
		<p>entire Sizewell Marshes SSSI). It is considered that the assessment is highly precautionary in predicting the extent of the foraging resource which would be 'lost' (both in terms of the area affected and the assumed duration over the entire construction period, with predictions based on modelled noise levels for the worst-case phases of construction which will not actually extend over the full (approximately) 10 year period). The predicted displacement and barrier effect occur on habitats which are functionally linked to the SPA, as opposed to any habitats within the SPA (or Ramsar site) itself.</p> <p>It is considered that this 48.7ha area of compensatory foraging habitat will be sufficient to compensate for the potential loss of foraging resource which is predicted to occur. The justification for this is set out in paragraphs 8.8.245 – 8.8.260 in the <b>Shadow HRA Report</b> [<a href="#">APP-145</a>])</p> <p>(ii) <i>Westleton</i></p> <p>As described in the response at (a) above, the marsh harrier compensatory foraging habitat created within the EDF Energy estate is considered sufficient to compensate for the potential loss of foraging resource to the Minsmere-Walberswick SPA (and Ramsar site) population. The Westleton site would only form part of the habitat compensation proposals and only in the shadow HRA context, if the Secretary of State determines that additional habitat is required to compensate for the potential habitat loss. If the SoS agrees with the Applicant that the permanent marsh harrier foraging habitat within the EDF Energy estate is sufficient compensation, it would follow that the area of additional land at Westleton is not required. In those circumstances the Applicant would expect the SoS to omit Work No. 8 (Marsh Harrier Habitat, Westleton) from the DCO and not to include powers for the compulsory acquisition of that land. The Westleton site would not be required in any circumstance related to the EIA and the landtake impacts of wetlands from Sizewell Marshes and related impacts on marsh harriers. The compensatory habitats for those impacts are provided by the new Aldhurst Farm wetlands explained immediately below and in responses to <b>Questions Bio 1.105</b> and <b>1.107</b> in this chapter.</p> <p>(iii) <i>Aldhurst Farm</i></p> <p>See response to <b>Questions Bio 1.105</b> and <b>1.107</b> in relation to Aldhurst Farm. The new Aldhurst Farm wetlands lie to the south of the proposed temporary construction area and are not part of the marsh harrier habitat compensation area in the HRA</p>

ExQ1	Question to:	Question:
		<p>context. This is because marsh harriers nesting in the SPA at Minsmere would have to overfly the 'barrier' formed by the TCA to forage at Aldhurst Farm. However, the new Aldhurst Farm reedbeds have supported breeding marsh harriers since 2019 and so the new habitats have helped to increase the local population. This is likely to increase the resilience of the local population to any possible adverse impacts of construction of Sizewell C. In the EIA context, the Adlhurst Farm wetlands can be regarded as providing successful compensatory habitats for marsh harriers as a species.</p> <p>(d) <u>Interrelationship effects and construction noise disturbance:</u></p> <p>In relation to marsh harrier, the issue of potential noise disturbance compromising the benefits from habitat creation is relevant to the 48.7ha area of compensatory foraging habitat immediately adjacent to the north east of the main development site.</p> <p>During phase 1 and (to a much lesser extent) phase 2 of the construction period there is limited encroachment of the modelled 70dB L<sub>Amax</sub> noise contour onto this area of compensatory habitat (see <b>Figures 8.3</b> and <b>8.4</b> of the <b>Shadow HRA Report</b> [APP-147]). The 70dB L<sub>Amax</sub> noise contour represents the threshold noise level above which displacement of foraging marsh harrier may occur.</p> <p>As a consequence of this, construction noise for the north-east part of the main development site was examined in more detail by considering the different construction phases within a series of narrower timescales. This more detailed investigation demonstrated that the maximum extent of encroachment of the 70dB L<sub>Amax</sub> noise contour onto the area of compensatory habitat was considerably less than as estimated in <b>Figure 8.3</b> of the <b>Shadow HRA Report</b> [APP-147], whilst the duration of any significant encroachment (e.g. &gt; 2ha of the total area) was for a relatively short part of phases 1 and 2 of the construction period. This detailed investigation of the predicted noise emissions on the area of compensatory habitat is described in paragraphs 8.8.188, 8.8.189, and 8.8.195 – 8.8.197 of the <b>Shadow HRA</b> [APP-145], with the maximum predicted extent of encroachment of the 70dB L<sub>Amax</sub> noise contour onto this area shown in <b>Figure 8.9</b> of the <b>Shadow HRA Report</b> [APP-147].</p> <p>The conclusion of a minor adverse, not significant, effect for marsh harrier in the ES in relation to these interrelationship effects is on the basis of these more detailed investigations of potential noise disturbance.</p>

ExQ1	Question to:	Question:
	<b>Response by Natural England for Deadline 2</b>	<p>a) As we understand it the habitat at Westleton has been secured as a contingency should the proposed habitat compensation area adjacent to the MDS be deemed insufficient. As we are yet to see detailed plans for either of these areas, we are unable to comment further at this time.</p> <p>Please see are full detailed comments under issue 27 within our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June) and Statement of Common Ground.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In response to Natural England's points made on the two sites, SZC Co makes the following comments:</p> <ul style="list-style-type: none"> <li>Marsh Harrier habitat compensation area on the EDF Energy estate – an updated habitat report and detailed habitat plan (which includes the new wetland component) was submitted at Deadline 2 <a href="#">[REP2-119]</a>.</li> <li>Westleton site - Given that SZC Co does not consider that this area is likely to be required, a detailed habitat proposal plan had not originally been prepared. However, in order to assist the ExA, SZC Co has prepared a habitat plan for this location, which is submitted at Deadline 3 (Doc Ref. 9.35).</li> </ul>
Bio.1.110	The Applicant, Natural England	<p>[APP-224] para 14.12.91.</p> <p>(a) marsh harrier - effects of noise and visual disturbance are stated to "conceivably affect the overall breeding productivity". Please will the Applicant explain whether this is a significant effect; if so, how significant; and any mitigation (primary, secondary or tertiary) which is proposed.</p> <p>(b) The ExA notes para 14.12.100 where measures to alleviate a significant moderate adverse effect on breeding marsh harrier are described, leading to the conclusion that there is a minor adverse non-significant effect. Is the ExA correct to conclude this is the statement and mitigation in question?</p> <p>(c) In that paragraph it is noted that NE confirmed in August 2015 that the mitigation was "likely to be acceptable "in principle"" subject to it providing appropriate prey abundance. Is Natural England now able to remove the caveat of "in principle" and is it satisfied the prey will be adequately abundant?</p>

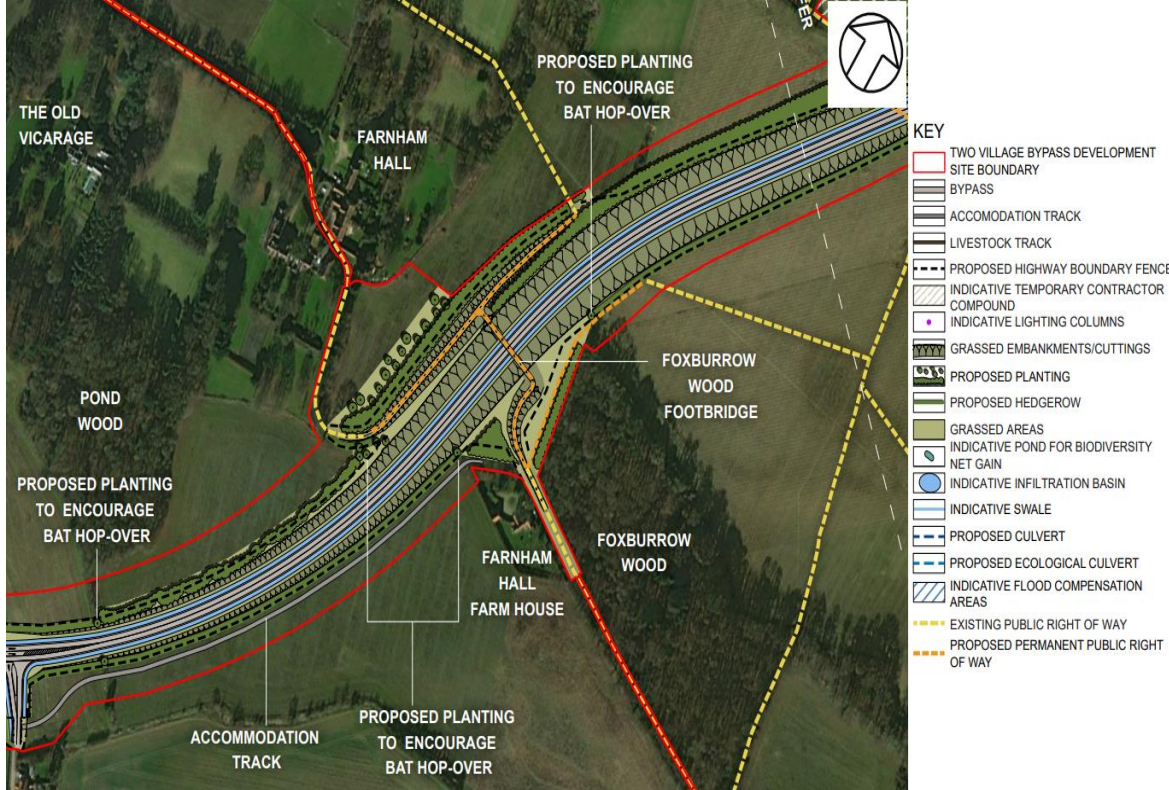
ExQ1	Question to:	Question:
		<p>(d) The paragraph refers the reader to “e.g. see Figure 14B2.1 and Ornithology Synthesis Report Appendix B2” which is [APP-251]. The ExA cannot find any document with “Figures 14B” in its title (unlike [APP-249] which includes “Figures 14A”).</p> <p>However, the Ornithology Synthesis Report Appendix B2 has an integral set of appendices which include Appendix 14B2.1 in which (notwithstanding that the contents section of Appendix 14B2 states that there are no Figures provided) Figures - including a Figure 14B2.1 – can be found. It shows a “harrier habitat improvement area”. Please can the Applicant confirm that (a) that is the Figure 14B2.1 being referred to at para 14.12.100 and (b) that it is an area for the marsh harrier (as opposed to the hen harrier).</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>The following responses are provided in relation to each of the points raised by the ExA:</p> <p>(a) <u>Effects of noise and visual disturbance on marsh harrier breeding productivity:</u></p> <p>The statement in <b>Volume 2, Chapter 14</b>, paragraph 14.12.91 [<a href="#">AS-033</a>]: ‘<i>given the long-term duration (approximately 9-12 years) of the construction period, it is acknowledged that over this time period the potential loss of approximately 20% of foraging resource within 4km of Minsmere could conceivably affect the overall breeding productivity</i>’, refers to a potential disturbance effect on marsh harrier associated with Minsmere to Walberswick SPA in the absence of compensatory habitats. The significance of the effect and any mitigation is clarified in the response to (b) below.</p> <p>(b) <u>Clarification on effect level and mitigation:</u></p> <p><b>Volume 2, Chapter 14</b>, paragraph 14.12.100 [<a href="#">AS-033</a>] outlines compensatory habitat measures to improve foraging for marsh harriers comprising a 48.7ha area to the north of the construction area, which is adjacent to the SPA and is described further in <b>Bio 1.48</b> and <b>Bio 1.107</b>. As marsh harrier display substantial plasticity in foraging behaviour and can adapt to both changes in prey availability and habitat quality without showing marked reductions in breeding productivity (paragraph 14.12.91), and with the establishment of the 48.7ha area of compensatory foraging habitat, the effect of disturbance/displacement on marsh harrier is considered minor adverse, and not significant. Therefore, the ExA conclusion is correct.</p> <p>(c) <u>In principle” acceptance of mitigation by NE:</u></p>

ExQ1	Question to:	Question:
		<p>The response is required from Natural England and the Applicant has no response to make to this part of the question.</p> <p>(d) <u>Marsh harrier compensation habitat and Figure 14B2.1:</u></p> <p>The Applicant can confirm that:</p> <p>(a) <b>Figure 14B2.1</b> in <b>Appendix 14.B2, Annex 14B2.1</b> of the Ornithology Synthesis Report [<a href="#">APP-251</a>] is the figure referred to in paragraph 14.12.100 of the <b>Volume 2, Chapter 14</b> of the <b>ES</b> [<a href="#">AS-033</a>].</p> <p>(b) For clarity, this figure shows the area of compensatory foraging habitat for marsh harrier (and not hen harrier). It should be noted that the marsh harrier habitat compensation area within the EDF Energy estate will be further enhanced by the inclusion of a new wetland, included in the Accepted Changes (April 2021) and this is further described under <b>Question Bio 1.107</b> in this chapter.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>b) Natural England is yet to see detailed plans for the revised marsh harrier compensation area (to include the wetland component) and therefore cannot remove the caveat of 'in principle' at this time.</p> <p>Our position has progressed on this issue in terms of the Habitat Regulation Assessment where the tests are more stringent for compensation than they are for mitigation which was previously proposed.</p> <p>For our full detailed comments can be found under issue 27 within our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June) and Statement of Common Ground.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In the context of Natural England's response, the Deadline 3 response to <b>Bio 1.108</b> above, regarding the provision of habitat plans, is directly relevant here.</p>
<b>The next set of questions address bats on the Main Site, section 14.13 of [APP-224]</b>		
<b>Part 3 -Biodiversity and ecology (terrestrial) - Northern Park and Ride</b>		
<b>Part 4- Biodiversity and ecology (terrestrial) – Southern Park and Ride</b>		
<b>Part 5- Biodiversity and ecology (terrestrial) - Two Village Bypass</b>		



ExQ1	Question to:	Question:
Bio.1.134	The Applicant, Natural England	[APP-425] – para 7.4.7 – baseline description. Is it correct to say that Foxburrow Wood CWS is a site of international importance under CIEEM / high importance under EIA-specific methodology? Please explain why, if it is.
	<b>Response by SZC Co. for Deadline 2</b>	The reference to ' <i>international importance under CIEEM / high importance under EIA-specific methodology</i> ' is referring to the Alde-Ore Estuary SPA, SAC, Ramsar and SSSI. To clarify, Foxburrow Wood is considered to be of ' <i>national</i> ' importance.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC does not consider that Foxburrow Wood CWS is of 'International' importance under the CIEEM guidelines. As a CWS we considered it to be of 'County' level importance for the purposes of EIA. The reference to 'International' level importance in paragraph 7.4.7 [APP-425] appears to relate to the other sites referenced which are of 'International' importance (other than the SSSI which is of 'National' importance).
	<b>Response by Natural England for Deadline 2</b>	Ancient woodland such as that found at Foxburrow Wood CWS is of <b>national</b> importance under CIEEM guidelines and of <b>high</b> importance under EIA-specific methodology.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.135	The Applicant, Natural England	[APP-425] – para 7.4.45 – this states: " <i>... numerous recent water vole field signs, including burrows, droppings, latrines and feeding signs were found along the River Alde and a connected ditch to the north of the River Alde within the site, indicative of a low population within this length of the River Alde ...</i> ". Please will the Applicant explain how this is indicative of "low population". NE may also wish to comment or help.
	<b>Response by SZC Co. for Deadline 2</b>	Targeted water vole surveys were undertaken on the River Alde in 2019. The results, shown on <b>Volume 5 Figure 7.15</b> [APP-427] and described in <b>Volume 5, Appendix 7A</b> paragraph 1.5.70 [APP-426], were considered to show a low population estimate. This is based on guidance set out in the Water Vole Mitigation Handbook which gives an indication of relative population size using the number of latrines recorded per 100m. The guidance suggests that 2 or less latrines per 100m constitutes a low water vole population in the first half of the survey season (mid-April to June) and 5 or less latrines in the second half of the survey season (July to September).

ExQ1	Question to:	Question:
		<p><b>Volume 5, Figure 7.15</b> [APP-427] shows a total of 5 latrines recorded over the whole survey season across a 337m stretch of the River Alde. This equates to less than 2 per 100m which is indicative of a low population, as per the Water Vole Mitigation Handbook. In addition to this, the lack of presence in the majority of the waterbodies surrounding the River Alde can also indicate a low water vole population within the survey area.</p> <p>The phrase uses in para 7.4.45 '<i>numerous recent water vole field signs...</i>' is somewhat loosely worded but relates to the totality of the overall survey across the survey area, rather than the <u>density</u> of field signs, described at <b>Volume 5, Appendix 7A</b> of the <b>ES</b> [APP-426] paragraph 1.5.70.</p>
	<b>Response by Natural England for Deadline 2</b>	As these measures are proposed to mitigate impacts on licensable protected species these will be assessed by Natural England through our licensing process. For the progression of this issue the applicant must submit draft protected species licence applications to Natural England for review. If agreed Natural England may provide LoNIs to ensure the ExA has the required certainty in this regard. Further engagement on this issue will therefore be undertaken as part of the licensing process.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.142	The Applicant, SCC, Natural England	[APP-425] – paras 7.6.131 & 132 – lowland mixed deciduous woodland fragmentation. These paragraphs suggest fragmentation is offset by more planting. Does not the location of the planting play an equal or greater role? Please comment and state where the new planting is located and any change in the assessment of effects, referring to Figures in the ES (and of course their EL numbers).
	<b>Response by SZC Co. for Deadline 2</b>	<p>Please refer to the <b>two village bypass oLEMP</b> [AS-263] for further details of the landscape design and the locations for the proposed planting. The illustrative Masterplan of the two village bypass [AS-197] shows scattered trees and broadleaved planting to be created in the vicinity of the areas of deciduous woodland blocks distributed along the scheme corridor.</p> <p>Planting has been incorporated into the design to reduce fragmentation effects and as noted within the documentation and figure cited above, its location has been selected based on where fragmentation effects have been identified. The assessment has considered the location of this planting and the landscape design.</p>

ExQ1	Question to:	Question:
		<p>Plate <b>Error! No text of specified style in document.</b>-1: Extract from the illustrative Masterplan of the two village bypass <a href="#">[AS-197]</a></p> 
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>The ExA are correct in identifying that new planting will only address fragmentation impacts if it is located in the correct location(s). Whilst to a degree the new planting proposed (as shown in Figures 2.1 to 2.4 in Volume 5 Two Village Bypass Chapter 2 Description of Two Village Bypass Figures 2.1 - 2.6 [APP-413]) will help reduce fragmentation related impacts, we do not consider that it will directly replace the connectivity which will be lost. As shown on the drawings, the planting will largely follow the new road corridor and will therefore mostly be perpendicular to the existing woodland and hedgerow that will be lost. Therefore, whilst the total amount of planting is greater than that proposed to be lost, it will not necessarily provide the same connectivity as is</p>

ExQ1	Question to:	Question:
		currently present in the landscape (e.g., between Foxburrow Wood CWS and Pond Wood CWS and at Whin Covert). Such loss of connectivity would be potentially particularly significant for bats (see also ESC's answer to BIO.1.144) and other non-flying terrestrial protected and/or UK Priority mammal species such as badger and hedgehog.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>The ExA are correct in identifying that new planting will only address fragmentation impacts if it is located in the correct location(s). Whilst to a degree the new planting proposed (as shown in Figures 2.1 to 2.4 in Volume 5 Two Village Bypass Chapter 2 Description of Two Village Bypass Figures 2.1 - 2.6 [APP-413]) will help reduce fragmentation related impacts, we do not consider that it will directly replace the connectivity which will be lost. As shown on the drawings, the planting will largely follow the new road corridor and will therefore mostly be perpendicular to the existing woodland and hedgerow that will be lost. Therefore, whilst the total amount of planting is greater than that proposed to be lost, it will not necessarily provide the same connectivity as is currently present in the landscape (e.g., between Foxburrow Wood CWS and Pond Wood CWS and at Whin Covert). Such loss of connectivity would be potentially particularly significant for bats (see also SCC's answer to BIO.1.144) and other non-flying terrestrial protected and/or UK Priority mammal species such as badger and hedgehog.</p> <p>The loss of and fragmentation of ecological connectivity constitutes one of the important negative impacts upon biodiversity. This also emphasises the importance of on-going monitoring and robust management decision-making abilities of any future Ecology Working Group and Environmental Review Group.</p>
	<b>Response by Natural England for Deadline 2</b>	Within Natural England's Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th September 2020), we provided some general advice on the consideration of Section 41 priority habitats and species and regional and local sites of ecological importance (e.g. County Wildlife Sites) (Natural England issue reference 22, pp. 69-71). However, as highlighted in that response, we will only be providing detailed advice on statutory protected sites or where impacts may involve licensable protected species for which Natural England will assess via its licensing process. In this matter Natural England defers to East Suffolk Council and Suffolk County Council.
	<b>Response by SZC Co. for Deadline 3</b>	The approach to connectivity for bats across the new road corridors is addressed in SZC Co.'s response to <b>Bio 1.144</b> at Deadline 2.

ExQ1	Question to:	Question:
Bio.1.144	The Applicant, Natural England, SCC	<p>[APP-425] – para 7.6.154 – habitat loss and fragmentation, bats.</p> <p>Road crossing points for bats are mentioned. It has been widely reported that the bat hop-overs (which are often said to resemble 11kv transmission lines) on the A11 near Thetford are ineffective. Please will the Applicant point the ExA to where in the ES the measures are described and any evidence in the ES of their demonstrable success elsewhere. Is the “not significant” assessment justified?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The structures described as resembling 11kv transmission lines on the A11 near Thetford are ‘Bat gantries’, which can be ineffective. These structures are not proposed in the construction or operational phases for the two village bypass or the Sizewell link road. Bat ‘hop-overs’ are proposed and are advocated as a simple method to guide bats safely across roads<sup>8 9</sup>. The aim of hop-overs is to maintain existing bat commuting routes and to increase or keep the bats at height above the traffic when they cross the road.</p> <p>A hop-over consist of tall trees, preferably deciduous trees, as close to the road margins as possible (with due consideration for vehicle safety) on either side of a road to narrow the gap in the bat commuting route which is created by the new road. In ideal circumstances and in the longer term, the canopy meets over the road to create a continuous canopy. This approach is more viable for single carriageway roads (as in the proposed two village bypass and the Sizewell link road) rather than dual carriageways.</p> <p>Planters containing trees are proposed to maintain connectivity at night during the construction period.</p>

<sup>8</sup> Limpens HJGA, Twisk P, Veenbaas G. 2005. Bats and road construction. Brochure about bats and the ways in which practical measures can be taken to observe the legal duty of care for bats in planning, constructing, reconstructing and managing roads. Dutch Ministry of Transport, Public Works and Water Management Directorate-General for Public Works and Water Management, Road and Hydraulic Engineering Institute, Delft, the Netherlands and the Association for the Study and Conservation of Mammals, Arnhem, the Netherlands.

<sup>9</sup> Stratmann B 2006. Zur Kollisionswahrscheinlichkeit fliegender oder jagender Fledermäuse bei der Querung von Verkehrswegen. Nyctalus 11, pp. 268-276.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC's understanding is that the proposed 'bat hop overs' would take the form of allowing canopy vegetation to close over the road rather than being physical structures. This is described in paragraph 7.6.154 of [APP-425]. ESC does not consider that relying on vegetation growth in this way as mitigation for the loss of connectivity for bats is acceptable (particularly given the time it would take for trees to grow to such a size) and it does not seem practical (or safe) from a highway perspective either. It therefore seems unlikely to be sufficient to maintain the required landscape connectivity and justify the "Not Significant" ES conclusion.</p> <p>As recognised by the ExA, the available evidence on the use of bat gantries (which are often structures with strung wires across the carriageway) suggests that they are unlikely to be a successful mitigation measure (details on studies supporting this conclusion are available here: <a href="https://www.conservationevidence.com/actions/978">https://www.conservationevidence.com/actions/978</a> (accessed 07/05/2021)). ESC considers that better connectivity for bats across the carriageway would be achieved by construction of the proposed footbridge as a 'green bridge' which would include vegetation planting both on the bridge itself and connected to existing vegetation corridors at each end (including linking to Foxburrow Wood CWS). Whilst ESC acknowledges that the published evidence of the use of green bridges by bats is limited (details available here: <a href="https://www.conservationevidence.com/actions/979">https://www.conservationevidence.com/actions/979</a> (accessed 07/05/2021)), nevertheless ESC considers it to be much more likely to be successful mitigation than bat gantry type structures.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC's understanding is that the proposed 'bat hop overs' would take the form of allowing canopy vegetation to close over the road rather than being physical structures. This is described in paragraph 7.6.154 of [APP-425]. We do not consider that relying on vegetation growth in this way as mitigation for the loss of connectivity for bats is acceptable (particularly given the time it would take for trees to grow to such a size) and it does not seem practical (or safe) from a highway perspective either. It therefore seems unlikely to be sufficient to maintain the required landscape connectivity and justify the "Not Significant" ES conclusion.</p> <p>As recognised by the ExA the available evidence on the use of bat gantries (which are often structures with strung wires across the carriageway) suggests that they are unlikely to be a successful mitigation measure (details on studies supporting this conclusion are available here: <a href="https://www.conservationevidence.com/actions/978">https://www.conservationevidence.com/actions/978</a> (accessed 07/05/2021)). SCC considers that better connectivity for bats across the carriageway</p>

ExQ1	Question to:	Question:
		would be achieved by construction of the proposed footbridge as a 'green bridge' which would include vegetation planting both on the bridge itself and connected to existing vegetation corridors at each end (including linking to Foxburrow Wood CWS). Whilst we acknowledge that the published evidence of the use of green bridges by bats is limited (details available here: <a href="https://www.conservationevidence.com/actions/979">https://www.conservationevidence.com/actions/979</a> (accessed 07/05/2021)), nevertheless we consider it to be much more likely to be successful mitigation than bat gantry type structures.
	<b>Response by Natural England for Deadline 2</b>	As these measures are proposed to mitigate impacts on licensable protected species these will be assessed by Natural England through our licensing process. For the progression of this issue the applicant must submit draft protected species licence applications to Natural England for review. If agreed Natural England may provide LoNIs to ensure the ExA has the required certainty in this regard. Further engagement on this issue will therefore be undertaken as part of the licensing process.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes Natural England's comments and confirms that it is following the process outlined by Natural England in its response for Deadline 2 above, for bats and other relevant protected species. SZC Co also notes and agrees with the councils' point that 'bat gantries' are unlikely to be successful and notes the limited evidence that bats would use green bridges.
Bio.1.147	The Applicant	<p>[AS-184] Similarly, at section 5.2 b)i)c), paras 5.2.27 and following, additional floodplain mitigation is described.</p> <p>Bearing in mind the statement at para 5.2.29 that the original ES stated that there was no significant effect on floodplain grasslands, and the tests for requirements in a DCO please will the Applicant indicate how the changes are incorporated and secured in the DCO.</p> <p>Please will Natural England, ESC and SCC explain the justification for their incorporation bearing in mind the same matters.</p>
	<b>Response by SZC Co. for Deadline 2</b>	The introduction of floodplain grassland mitigation was introduced to address a concern from ecological stakeholders that the landtake of floodplain grasslands was not being mitigated, irrespective of the conclusion in the original ES that there was no significant effect on floodplain grasslands. The determination of no significant effect was based on the fact that the grasslands subject to landtake are of very poor quality (in ecological



ExQ1	Question to:	Question:
		<p>terms), being of improved pasture of the 'MG7 community' of the National Vegetation Classification.</p> <p>The new floodplain grassland mitigation is secured via way of its inclusion in the <b>two village bypass oLEMP</b> [<a href="#">AS-263</a>], which is secured by Requirement 22A of the <b>Draft DCO</b> (Doc Ref. 3.1(C)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>As set out in paragraph 8.119 of the LIR [REP1-045 ], ESC welcomes that the impact of the loss of this habitat is now fully acknowledged in the ES. Flood plain grazing marsh is a UK Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) and therefore impacts on it must be appropriately addressed following the mitigation hierarchy. However, we remain concerned that whilst the mitigation proposed could result in a qualitative improvement in the remaining flood plain grazing marsh habitat, there will still be a net loss of area of this habitat type. As set out in LIR paragraph 8.111, we are also concerned that whilst it is proposed to secure this qualitative improvement through a Landscape and Ecology Management Plan (LEMP), no such document has yet been submitted into the Examination and therefore interested parties are not able to comment on it in more detail.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>As set out in paragraph 8.119 of the Local Impact Report [REP1-049], SCC welcomes that the impact of the loss of this habitat is now fully acknowledged in the Environmental Statement. Flood plain grazing marsh is a UK Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) and therefore impacts on it must be appropriately addressed following the mitigation hierarchy. However, we remain concerned that whilst the mitigation proposed could result in a qualitative improvement in the remaining flood plain grazing marsh habitat, there will still be a net loss of area of this habitat type. As set out in LIR paragraph 8.111, we are also concerned that whilst it is proposed to secure this qualitative improvement through a Landscape and Ecology Management Plan (LEMP), no such document has yet been submitted into the examination and therefore interested parties are not able to comment on it in more detail.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>An Outline Landscape and Ecology Management Plan (oLEMP) for the Two Village Bypass was submitted with the change request application in January 2021 [<a href="#">AS-263</a>] and an updated version is due to be submitted at Examination at Deadline 5.</p>



ExQ1	Question to:	Question:
Bio.1.149	The Applicant, Natural England, SCC and ESC and Highways England	<p>[AS-263] (Two village by-pass oLEMP "TVB oLEMP") para 1.1.6 – this says the oLEMP and LEMP will be "managed by SZC Co for a total of five years or until adoption by the Highways Authority". Presumably the ExA should read Undertaker for SZC Co but please will the Applicant confirm. Please specify from when the five years commences. Is the proposed period the longer of five years or date of adoption? If not, please will the Applicant explain why it is acceptable to cease management prior to adoption. Is the reference to adoption to be construed as adoption of the bypass? What is to occur in the (presumably highly unlikely but, under a normal s.38 agreement, possible) refusal to adopt.</p> <p>Please will Natural England, SCC, Highways England and ESC also comment.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The current wording at Paragraph 1.1.6 of <b>two village bypass oLEMP</b> [AS-263] states: <i>"The <b>oLEMP</b> and subsequent LEMP would be managed by SZC Co. for a total of five years, or until adoption by the Highways Authority."</i></p> <p>The ExA is correct in its interpretation and to address the period of management, SZC Co. propose the following simpler wording replaces the existing wording in both the <b>two village bypass oLEMP</b> [AS-263] and the <b>Sizewell link road oLEMP</b> [AS-264]:</p> <p><i>"The <b>oLEMP</b> and subsequent LEMP will be managed by the Undertaker until any such time as the road is adopted by the Highways Authority."</i></p> <p>At this point the local highways authority would then be responsible for the ongoing maintenance of the landscape, who are expected to continue to manage the areas in line with the LEMP. In the event there were to be a refusal to adopt the road, the LEMP would be managed by the Undertaker.</p> <p>The oLEMPs [AS-263 and AS-264] will be updated to include the replacement sentence above and resubmitted at an appropriate deadline.</p> <p>This answer is also directly applicable to <b>Question Bio 1.164</b> for the <b>Sizewell link road oLEMP</b> [AS-264] and both documents would be updated in parallel as relevant.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Whilst ESC defers to SCC, as highway authority, on the point of adoption, ESC is concerned that as presented there may either be a gap between management by the undertaker ceasing and management by the highway authority commencing, or that there may be areas within the scheme which it is not appropriate or possible for the highway</p>

ExQ1	Question to:	Question:
		authority to adopt. Given that achieving appropriate levels of ecological mitigation in part relies on long term beneficial management of the landscape planting this matter must be addressed as part of the examination.
	<b>Response by Highways Agency for Deadline 2</b>	The section of the A12 where the proposed bypass will be situated is not the responsibility of Highways England and therefore this is not a matter for us to comment on.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC as Local Highway Authority has on occasion reached an agreement with applicants that a management/maintenance period for landscaping commences on completion and lasts for five years irrespective of the date of adoption as part of the highway maintainable at public expense. This can either be through the Highways Act (1980) s278 / s38 agreement or a licence through Section 142 of the same act. See <a href="https://www.legislation.gov.uk/ukpga/1980/66/contents">https://www.legislation.gov.uk/ukpga/1980/66/contents</a>
	<b>Response by Natural England for Deadline 2</b>	Natural England is not best placed to comment on this issue. In this matter Natural England defers to East Suffolk Council, Suffolk County Council and Highways England.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. will continue to work with the Local Highway Authority to reach agreement on the future management of habitats outlined in the Sizewell link road and two village bypass OLEMPs [AS-263 and AS-264]. SZC Co. is also continuing engagement with the Local Highway Authority on the timing and process of adopting highways to ensure that any highways are managed appropriately.
<b>Part 6 - Biodiversity and ecology (terrestrial) - Sizewell Link Road</b>		
Bio.1.164	The Applicant, Natural England, SCC and ESC	[AS-264] (Sizewell Link Road oLEMP "SLR oLEMP") para 1.1.6 – this says the oLEMP and LEMP will be "managed by SZC Co for a total of five years or until adoption by the Highways Authority". Presumably the ExA should read Undertaker for SZC Co but please will the Applicant confirm. Please specify from when the five years commences. Is the proposed period the longer of five years or date of adoption? If not, please will the Applicant explain why it is acceptable to cease management prior to adoption. Is the reference to adoption to be construed as adoption of the bypass? What is to occur in the (presumably highly unlikely but, under a normal s.38 agreement, possible) refusal to adopt.

ExQ1	Question to:	Question:
		Please will Natural England, SCC and ESC also comment.
	<b>Response by SZC Co. for Deadline 2</b>	The ExA is directed to the answer to <b>Question Bio 1.149</b> in this chapter for the two village bypass, which is directly applicable here for the Sizewell link road. The same approach would be used in any updates to both documents.
	<b>Response by East Suffolk Council for Deadline 2</b>	Whilst ESC defers to SCC, as local highway authority, on the point of adoption, ESC is concerned that as presented there may either be a gap between management by the undertaker ceasing and management by the highway authority commencing, or that there may be areas within the scheme which it is not appropriate or possible for the highway authority to adopt. Given that achieving appropriate levels of ecological mitigation in part relies on long term beneficial management of the landscape planting this matter must be addressed as part of the examination.
	<b>Response by Suffolk County Council for Deadline 2</b>	If the SLR is not adopted as highway maintainable at public expense the LHA would not adopt any landscaped areas. For response on maintenance see our response to BIO.1.149 above. Refer to the LIR [REF1-049] paras 16.70 on SCC's stance on the SLR.
	<b>Response by Natural England for Deadline 2</b>	Natural England is not best placed to comment on this issue. In this matter Natural England defers to East Suffolk Council, Suffolk County Council and Highways England.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. will continue to work with the Local Highway Authority to reach agreement on the future management of habitats outlined in the Sizewell link road and two village bypass OLEMPs [AS-263 and AS-264]. SZC Co. is also continuing engagement with the Local Highway Authority on the timing and process of adopting highways to ensure that any highways are managed appropriately.
<b>Part 7 -Biodiversity and ecology (terrestrial) - Yoxford Roundabout</b>		
<b>Part 8 - Biodiversity and ecology (terrestrial) - Freight Management Facility ("FMF")</b>		
Bio.1.172	The Applicant, SCC, ESC	[APP-523] – para 7.5.7. Are the geo-cellular water storage structures properly described as Tertiary Mitigation? The ExA would like to receive submissions from the Applicant and the two host authorities

ExQ1	Question to:	Question:
		<p>on this and whether it matters. The Applicant sets considerable store on good design and providing Primary and Tertiary mitigation, and thus not needing to provide (and draw attention to) Secondary Mitigation. Tertiary Mitigation is the steps which are required regardless of EIA, due to legal requirements or standard sectoral best practices.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>This is an error. This should not be included within the tertiary mitigation section of <b>Volume 8, Chapter 7</b> of the <b>ES</b> [APP-523] and should be included within the 7th bullet point of Paragraph 7.5.4 where primary mitigation is listed.</p> <p>Across the ES, the geo-cellular storage system is considered to be primary mitigation and is detailed as this within paragraph 12.5.5 of <b>Volume 8, Chapter 12</b> of the <b>ES</b> [AS-536] as it forms part of the Sustainable Drainage System which is secured via draft Requirement 20. This is supported by Table 3.3 of the Associated development Design Principles (Doc Ref. 8.3(A)) which describes the primary mitigation (embedded mitigation) that has informed the assessment of the likely significant environmental effects of the Sizewell C Project in the Environmental Impact Assessment (EIA) process.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>ESC defers matters related to drainage design to SCC as the Lead Local Flood Authority. However, ESC's understanding is that the water storage structures described are intended to intercept surface water runoff and prevent any potential pollution incident (from a fuel spill etc.) from reaching more ecologically sensitive areas. Should such an event occur, and damage be done there could be the potential for a breach of relevant legislation and therefore this could explain why the measures have been listed as Tertiary Mitigation. ESC also note that similar measures are listed under Primary Mitigation (paragraph 7.5.4) in the same chapter [APP-523]. ESC therefore defers to the Applicant to explain the rationale behind the content of these sections.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>As the Lead Local Flood Authority, SCC would not consider these drainage features to be Tertiary mitigation as they would not be required due to other legislative requirements (at least in the context of flood and drainage matters within our remit). As far as we are aware, the objectives towards which they contribute, namely the prevention of increased flood risk and the provision of pollution control, are matters of planning policy and not legislation external to the planning system.</p> <p>SCC would consider these measures to be Primary Mitigation measures, and we note that similar measures are listed under Primary Mitigation (paragraph 7.5.4) in the same chapter.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 9 - Biodiversity and ecology (terrestrial) - Rail</b>		
<b>The following questions are all addressed to Natural England, and in some cases to other parties. They address all or more than one of the Main Site and Associated Sites</b>		
Bio.1.186	Natural England, The Applicant	<p>[RR-0878] para 2.3 and Advice Note 11, Annex C, Wildlife Licensing. Please will Natural England clarify whether it has issued any Letters of No Impediment (LONI). If it has, which letters are yet to be issued? Which applications has the Applicant made?</p> <p>The Applicant has referred to protected species licensing in [APP-153].</p> <p>It would be helpful if it would add to that document (in all of tables 1.1-1.8) so as to summarise which Relevant Protected Species Licences will need to be sought for each site.</p> <p>If possible, please can this be addressed as a discrete item in the SoCG between Natural England and the Applicant.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>A number of draft protected species licenses and non-licensable method statements have already been produced and were included within the May 2021 DCO application. The draft licenses will be updated as relevant to include 2021 survey data (for example for great crested newts and bat roosts) and submitted to Natural England in Summer 2021:</p> <p><b><u>Main development site:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• Deptford Pink included at <b>Appendix 2.9.C1</b> of the <b>ES Addendum</b> [<a href="#">AS-209</a>];</li> <li>• Badger included at <b>Volume 2, Appendix 14C3B</b> of the <b>ES</b> [<a href="#">APP-225</a>]</li> <li>• Natterjack Toad included at <b>Appendix 2.9.C3</b> and <b>2.9.C4</b> of the <b>ES Addendum</b> [<a href="#">AS-209</a>];</li> <li>• Water Vole included at <b>Appendix 2.9.C5</b> of the <b>ES Addendum</b> [<a href="#">AS-209</a>]; and</li> <li>• Otter included at <b>Volume 2, Appendix 14C10</b> of the <b>ES</b> [<a href="#">APP-252</a>].</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Great Crested Newt included at <b>2.9.C2</b> of the <b>ES Addendum</b> [<a href="#">AS-209</a>];</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Reptile included at <b>Volume 2, Appendix 14C2B</b> of the <b>ES</b> [<a href="#">APP-252</a>].</li> </ul> <p><b><u>Northern park and ride:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• Great Crested Newt included at <b>Volume 3, Appendix 7A5</b> of the <b>ES</b> [<a href="#">APP-364</a>].</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Bat included at <b>Volume 3, Appendix 7A6A</b> of the <b>ES</b> [<a href="#">APP-364</a>]; and</li> <li>• Reptile included at <b>Volume 3, Appendix 7A6B</b> of the <b>ES</b> [<a href="#">APP-364</a>].</li> </ul> <p><b><u>Southern park and ride:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Bat included at <b>Volume 4, Appendix 7A5A</b> of the <b>ES</b> [<a href="#">APP-395</a>]; and</li> <li>• Reptile included at <b>Volume 4, Appendix 7A5B</b> of the <b>ES</b> [<a href="#">APP-395</a>].</li> </ul> <p><b><u>Two village bypass:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• Badger included at <b>Volume 5, Appendix 7A5A</b> of the <b>ES</b> [<a href="#">APP-426</a>]; and</li> <li>• Water Vole included at <b>Volume 5, Appendix 7A5B</b> of the <b>ES</b> [<a href="#">APP-426</a>].</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Bat included at <b>Volume 5, Appendix 7A6A</b> of the <b>ES</b> [<a href="#">APP-426</a>];</li> <li>• Great Crested Newt included at <b>Volume 5, Appendix 7A6B</b> of the <b>ES</b> [<a href="#">APP-426</a>];</li> <li>• Otter included at <b>Volume 5, Appendix 7A6C</b> of the <b>ES</b> [<a href="#">APP-426</a>]; and</li> <li>• Reptile included at <b>Volume 5, Appendix 7A6D</b> of the <b>ES</b> [<a href="#">APP-426</a>].</li> </ul> <p><b><u>Sizewell link road:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• Great Crested Newt included at <b>Volume 6, Appendix 7A5A</b> of the <b>ES</b> [<a href="#">APP-462</a>].</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Reptile included at <b>Volume 6, Appendix 7A6A</b> of the <b>ES</b> [<a href="#">APP-462</a>]; and</li> <li>• Bats included at <b>Volume 6, Appendix 7A6B</b> of the <b>ES</b> [<a href="#">APP-462</a>].</li> </ul>

ExQ1	Question to:	Question:
		<p><b><u>Freight management facility:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Bat included at <b>Volume 8, Appendix 7A4A</b> of the <b>ES</b> [<a href="#">APP-524</a>]; and</li> <li>• Reptile included at <b>Volume 8, Appendix 7A4B</b> of the <b>ES</b> [<a href="#">APP-524</a>].</li> </ul> <p><b><u>Green rail route:</u></b></p> <p>Protected species licenses:</p> <ul style="list-style-type: none"> <li>• Bat included at <b>Volume 9, Appendix 7A5</b> of the <b>ES</b> [<a href="#">APP-556</a>]</li> </ul> <p>Non-licensable method statements:</p> <ul style="list-style-type: none"> <li>• Great Crested Newt included at <b>Volume 9, Appendix 7A6A</b> of the <b>ES</b> [<a href="#">APP-556</a>]</li> <li>• Reptile included at <b>Volume 9, Appendix 7A6B</b> of the <b>ES</b> [<a href="#">APP-556</a>]</li> </ul> <p>The Applicant will seek to secure a Letter of No Impediment (LoNI) from Natural England in relation to licensable protected species at the earliest opportunity and within the Examination timetable. No LoNI have yet been secured. The Applicant will share submissions and progress with the ExA and will work with Natural England to provide updates via the SoCG between the two parties.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Currently there have been no draft license applications submitted by the applicant to Natural England. Consequently, Natural England has not been able to review detailed information on impacts towards licensable species and proposed mitigation, and no letters of no impediment have been issued.</p> <p>Whilst we understand that the applicant will be submitting these draft protected species licence applications in due course (timescales for each respective species to be confirmed) these remain outstanding at this time. For our full detailed comments can be found under issue 37 within our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June) and Statement of Common Ground.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The response provided for Deadline 3 under <b>Question Bio 1.144</b> above is also relevant here.</p>

ExQ1	Question to:	Question:
Bio.1.187	Natural England, The Applicant, ESC, SCC	Advice Note 11, Annex C, Wildlife Licensing – do any strategic approaches such as district licensing apply in this case? If so, what are they and what steps have been taken? If so, please will Natural England outline the process, legal basis and how it differs from the normal process.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant has endeavoured to explore strategic approaches including district licensing for great crested newt with Natural England. In the absence of an agreed approach with Natural England on these matters, SZC Co considered it prudent to progress with a traditional approach to great crested newts licensing to ensure there are no delays to the processing of licence applications. Draft licences will be submitted to Natural England in Summer 2021, once population surveys have been completed. See also the answer to <b>Question Bio 1.186</b> above.
	<b>Response by East Suffolk Council for Deadline 2</b>	Whilst ESC defers matters on wildlife licensing to Natural England as the statutory nature conservation organisation and licensing authority, our understanding is that strategic approaches such as District Level Licensing for great crested newts cannot be used for NSIPs and therefore bespoke licences will be required for this project.
	<b>Response by Suffolk County Council for Deadline 2</b>	Whilst SCC defers matters on wildlife licensing to Natural England as the statutory nature conservation organisation and licensing authority, our understanding is that strategic approaches such as District Level Licensing for great crested newts cannot be used for NSIPs and therefore bespoke licences will be required for this project.
	<b>Response by Natural England for Deadline 2</b>	We understand that District Level Licensing for Great Crested Newts (GCN) which is available in Suffolk (further details here: <a href="https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes">https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes</a> ) is not proposed for this project at this time.
	<b>Response by SZC Co. for Deadline 3</b>	The response provided for Deadline 3 under Question <b>Bio 1.144</b> above is also relevant here.
Bio.1.189	Natural England, The Applicant	[RR-0878] Part II, item 27, Marsh Harrier compensation site. Please will Natural England clarify (a) where the compensation site they describe as being part of the Application is located and (b) whether it is wetland or dry. This section does



ExQ1	Question to:	Question:
		not make it clear. From the ExA's unaccompanied site inspection to the Westleton site it appeared to be dry.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant can confirm that the Westleton site is dry. It is only included within the application in the event that the Secretary of State considers that further marsh harrier compensatory habitats are required in addition to those defined in the <b>HRA Compensation report</b> [APP-152]. The Applicant's position is that sufficient compensatory habitat is provided within the EDF Energy estate, particularly with the inclusion of the wetland component (see <b>Question Bio 1. 48</b> above.
	<b>Response by Natural England for Deadline 2</b>	The primary area proposed for marsh harrier compensation land as referred to in RR-0878 Part II, item 27 is that located at Lower Abbey Farm. This is shown in APP-259 (figures 3.1 – 3.6, although without the wetland component as dry habitats only as previously proposed) and in Figure 2.2.14 of AS-190, including the wetland component but as indicative sketch only). As outlined in our responses to Bio.1.108 and Bio.1.110 above, Natural England is yet to see detailed plans for the revised marsh harrier compensation area (to include the wetland component) and we are therefore unable to comment further on the suitability of this proposed compensation at this time. For our full detailed comments can be found under issue 27 within our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June) and Statement of Common Ground. As we understand it the habitat at Westleton has been secured as a contingency should the proposed habitat compensation area at Upper Abbey Farm be deemed insufficient. As we are yet to see detailed plans for this area either we are unable to comment further at this time.
	<b>Response by SZC Co. for Deadline 3</b>	In the context of Natural England's response, the SZC Co.'s Deadline 3 response to <b>Bio 1.108</b> above, regarding the provision of habitat plans, is directly relevant here.
Bio.1.190	Natural England, The Applicant	<p>Brexit.</p> <p>Please will Natural England and the Applicant jointly set out what they consider to be the legal effect of the UK's withdrawal from the EU (including the end of the transition period) on the Conservation of Habitats and Species Regulations 2017, the Conservation of Offshore Marine Habitats and Species Regulations 2017 and all other international obligations and policies referred to in the ES, so far as relevant to the Application, so that the ExA is adequately briefed on the position after 31 December 2020.</p>

ExQ1	Question to:	Question:
		<p>(At the time of writing this question, the versions of the Habitats Regs and the Marine Habitats Regs on the legislation.gov.uk website carry the note "There may be changes and effects to this Legislation not yet recorded or applied to the text".)</p> <p>The UK government has published the following updated guidance on Habitats Regulations Assessment.</p> <p><a href="https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site">https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site</a></p> <p><a href="https://www.gov.uk/guidance/duty-to-protect-conserve-and-restore-european-sites">https://www.gov.uk/guidance/duty-to-protect-conserve-and-restore-european-sites</a></p> <p><a href="https://www.gov.uk/government/publications/habitats-regulations-assessment-derogationnotice">https://www.gov.uk/government/publications/habitats-regulations-assessment-derogationnotice</a></p> <p>Could the applicant explain via legal submission or other supplementary material to their HRA Reports, any implications of this guidance to the case for the development consent order and duties of the SofS</p> <p>If there are differences of opinion between Natural England and the Applicant,<sup>12</sup> please flag and explain them. This document should be kept up to date and a final version submitted at the final deadline.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant's response to <b>Question HRA. 1.1</b> in <b>Chapter 8</b> (this part) of this report sets out the implications of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>10</sup> (which amend the 2017 Regulations) on the conclusions reached in the <b>Shadow HRA Report</b> (all volumes, including the reporting on the derogation steps) [<a href="#">APP-145</a> to <a href="#">APP-152</a>] and the <b>Shadow HRA Report Addendum</b> [<a href="#">AS-173</a>].</p>

<sup>10</sup> Parliament of the United Kingdom, Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. London 2019.

ExQ1	Question to:	Question:
		<p>In short, the Applicant's view is that the changes brought about by the 2019 Regulations, including related guidance, do not impact the approach to, or conclusions of, the <b>Shadow HRA Report</b> [<a href="#">APP-145</a> to <a href="#">APP-152</a>] and the <b>Shadow HRA Report Addendum</b> [<a href="#">AS-173</a>].</p> <p><u><i>Brexit, the Status of relevant European Directives in general and ECJ Case Law</i></u></p> <p>As of 1 January 2021 the United Kingdom left the European Union. The European Union (Withdrawal) Act 2018 ('the Withdrawal Act')<sup>11</sup>, ss2-7 governs the role which legislation derived from European Legal Instruments continues to have in the UK.</p> <p>Section 2(1) Withdrawal Act provides that EU-derived domestic legislation, as it has effect in domestic law immediately before 31 December 2020 continues to have effect in domestic law on and after that date. This is subject to some exceptions as contained in section 5 and Schedule 1. These are not relevant to the application.</p> <p>Decisions of the CJEU made prior to 31 December 2020 continue to have effect in the UK by virtue of section 3 of the Withdrawal Act. At present, those decisions may only be departed from by the Supreme Court and Court of Appeal and not any lower tribunal (s6 of the Withdrawal Act). Decisions of the CJEU made after 31 December 2020 are to be treated as 'persuasive authority' (i.e. not binding but carrying weight) (see s6 Withdrawal Act).</p> <p><u><i>The Habitats Directive and The Conservation of Habitats and Species Regulations 2017 No. 1012 ('the HR')</i></u></p> <p>The Habitats Directive (Council Directive 92/43/EEC)<sup>12</sup> does not itself have any status under domestic law, however the Habitats Directive is transposed into English and Welsh law by the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). The Habitats Regulations continue to have effect by virtue of section 2 of the Withdrawal Act.</p> <p>The Habitats Regulations were amended by Part 3 of the Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019 ('the 2019 Amendment Regulations') to ensure that the Habitats Regulations are 'fit for purpose' following Brexit. The 2019</p>

<sup>11</sup> Parliament of the United Kingdom, European Union (Withdrawal Agreement) Act 2020. London 2020.

<sup>12</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). Official Journal of the European Communities. 1992

ExQ1	Question to:	Question:
		<p>Amendment Regulations came into force at the end of the transition period, on 31 December 2020 at 11pm.</p> <p>As a result of the 2019 Amendment Regulations the SACs and SPAs in the UK no longer form part of the European Union's Natura ecological network. The 2019 Amendment Regulations have created a national site network ('NSN') which includes existing SACs and SPAs and any new SACs and SPAs designated under the Regulations. Ramsar sites or Designated Wetlands of International Importance do not form part of the NSN but continue to be protected under policy.</p> <p>The 2019 Amendment Regulations establish management objectives for the NSN, called network objectives. Regulation 13 of the 2019 Amendment Regulations inserted a new Regulation 16A into the 2017 Regulations which now provides:</p> <ul style="list-style-type: none"> <li>(1) The appropriate authority must, in co-operation with any other authority having a corresponding responsibility, manage, and where necessary adapt, the national site network, so far as it consists of European sites, with a view to contributing to the achievement of the management objectives of the national site network.</li> <li>(2) The management objectives of the national site network are – <ul style="list-style-type: none"> <li>(a) To maintain at, or where appropriate restore to, a favourable conservation status in their natural range (so far as it lies in the United Kingdom's territory, and so far as is proportionate) – <ul style="list-style-type: none"> <li>(i) The natural habitat types listed in Annex I to the Habitats Directive;</li> <li>(ii) The species listed in Annex II to that Directive whose natural range includes any part of the United Kingdom's territory;</li> </ul> </li> <li>(b) To contribute, in their area of distribution, to ensuring the survival and reproduction of <ul style="list-style-type: none"> <li>(i) The species of birds listed in Annex I to the new Wild Birds Directive which naturally occur in the United Kingdom's territory;</li> <li>(ii) Regularly occurring migratory species of birds not listed in that Annex which naturally occur in the United Kingdom's territory;</li> </ul> </li> <li>(c) To contribute to securing compliance with the requirements of Article 2 of the new Wild Birds Directive for the purposes of the duty in regulation 9(1) in</li> </ul> </li> </ul>

ExQ1	Question to:	Question:
		<p>relation to the species of birds in paragraph (b) within their area of distribution.</p> <p>(3) In complying with the obligation in paragraph (1), the appropriate authority must have regard –</p> <p>(a) In relation to any European sites which are not of a kind mentioned in regulation 8(1)(d), to the considerations mentioned in paragraph (4);</p> <p>(b) In relation to European sites of a kind mentioned in regulation 8(1)(d), to the considerations mentioned in paragraph (5).</p> <p>(4) The considerations mentioned in paragraph (3)(a) are –</p> <p>(a) The importance of the sites for meeting the objective in paragraph (2)(a);</p> <p>(b) The importance of the sites for the coherence of the national site network;</p> <p>(c) The threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed.</p> <p>(5) The considerations mentioned in paragraph (3)(b) are-</p> <p>(a) The importance of the sites for meeting the objectives in paragraph 2(b) and (c);</p> <p>(b) In the case of migratory species, the importance of their breeding, moulting and wintering areas and staging points along their migration routes;</p> <p>(c) The importance of the sites for the coherence of national site network;</p> <p>(d) The threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed.</p> <p>(6) In paragraph (2)(a), "<i>proportionate</i>" means proportionate to the relative importance of –</p> <p>(a) The part of the natural range lying in the United Kingdom's territory, and</p> <p>(b) The part of the natural range lying outside the United Kingdom's Territory for achieving a favourable conservation status.</p> <p>A number of the changes involve transferring functions from the European Commission to the appropriate authorities in England and Wales. The basic obligations of the competent authorities have not changed. Changes falling into the category of transferring functions include:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>a. An amended process for the designation of SACs;</li> <li>b. Arrangements for reporting on the implementation of the 2017 Regulations (as amended), given that the UK no longer provides reports to the European Commission;</li> <li>c. Arrangements replacing the European Commission's functions with regard to the IROPI test where a plan or project affects a priority habitat or species (this is not relevant to the IROPI case at SZC as the marsh harrier is not a priority species); and</li> <li>d. Arrangements for amending schedules to the 2017 Regulations (as amended) and the annexes to the Nature Directives that apply to the UK.</li> </ul> <p>Key provisions in the Habitats Regulations remain unchanged.</p> <p>Regulation 9(1) has not been amended. It still states that <i>"the appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives."</i></p> <p>The basic obligations under Regulations 63 and 64 Habitats Regulations remain unchanged. Key parts state:</p> <p><b>63 – Assessment of implications for European sites and European offshore marine sites</b></p> <p>(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—</p> <ul style="list-style-type: none"> <li>(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and</li> <li>(b) is not directly connected with or necessary to the management of that site,</li> </ul> <p>must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.</p> <p>(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the</p>

ExQ1	Question to:	Question:
		<p>purposes of the assessment or to enable it to determine whether an appropriate assessment is required.</p> <p>(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.</p> <p>(4) It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.</p> <p>(5) In the light of the conclusions of the assessment, and subject to <a href="#">regulation 64</a>, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).</p> <p>(6) In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given...</p> <p>64.— Considerations of overriding public interest</p> <p>(1) If the competent authority is satisfied that, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to paragraph (2), may be of a social or economic nature), it may agree to the plan or project notwithstanding a negative assessment of the implications for the European site or the European offshore marine site (as the case may be)....</p> <p>There has been one relevant change to regulation 64 which is that the Secretary of State is no longer required to seek the opinion of the European Commission in certain circumstances.</p> <p>Notably, the key regulations above (63 and 64) still refer to the protected sites as 'European sites'.</p> <p><u>The New Guidance</u></p>

ExQ1	Question to:	Question:
		<p>On 24 February 2021 DEFRA, Natural England, the Welsh Government and Natural Resources Wales published new guidance:- .</p> <ul style="list-style-type: none"> <li>- Habitats regulations assessments: protecting a European site</li> <li>- Duty to protect, conserve and restore European sites</li> <li>- Habitats regulations assessment: derogation notice</li> </ul> <p>This guidance has no statutory status. Each document is addressed briefly.</p> <p><i>Habitats regulations assessments: protecting a European site</i></p> <p>This guidance represents the re-statement of principles which are already found in relevant case-law and previous guidance. The guidance does not necessitate the revision of the HRA.</p> <p><i>Duty to protect, conserve and restore European sites</i></p> <p>This guidance states that competent authorities must take action to help protect, conserve and restore the protected habitats and species of European sites, including when taking decisions that might affect a site. The guidance notes that competent authorities have a duty to consider how they can help to:</p> <ul style="list-style-type: none"> <li>• protect, conserve or restore the designated features of the site to meet their conservation objectives</li> <li>• prevent the deterioration of the site's habitats from human activity or natural changes, including habitats that support designated species</li> <li>• prevent significant disturbance of the site's designated species from human activity or natural changes</li> </ul> <p>The above duties were already fundamental principles embodied within the HRA process and the guidance does not, therefore, introduce a new requirement on competent authorities or have any implications on the Shadow HRA process undertaken for the DCO application.</p> <p><i>Habitats regulations assessment: derogation notice</i></p> <p>This web-page is not guidance, rather it contains a link to a derogation notice which must be filled in by some competent authorities where they intend to allow a plan or project with adverse effects to go ahead under an HRA derogation. The notice is to ensure that the relevant government department is informed. In this case the decision-maker and competent authority is the Secretary of State for Business Energy and Industrial Strategy</p>



ExQ1	Question to:	Question:
		<p>and there is no need for the Secretary of State to complete the derogation notice. This is clear from the terms of Regulation 64(5) Conservation of Habitats and Species Regulations 2017, which states:</p> <p style="padding-left: 40px;">'(5) Where a competent authority <u>other than the Secretary of State</u> or the Welsh Ministers proposes to agree to a plan or project under this regulation notwithstanding a negative assessment of the implications for the site concerned –</p> <p style="padding-left: 80px;">(a) it must notify the appropriate authority; and</p> <p style="padding-left: 80px;">(b) it must not agree to the plan or project before the end of the period of 21 days beginning with the day notified by the appropriate authority as that on which its notification was received, unless the appropriate authority notifies it that it may do so.'</p> <p><u>Conservation of Offshore Marine Habitats and Species Regulations 2017</u></p> <p>The Conservation of Offshore Marine Habitats and Species Regulations 2017 were amended by part 4 of the 2019 Amendment Regulations. The effect of the amendments relevant to this application are materially similar to the amendment to the Habitats Regulations 2017. In particular, the important duties for the purposes of deciding the DCO application have not changed.</p> <p>As with the Habitats Regulations, there has been a change to the regulation which addresses IROPI (regulation 29). The Secretary of State is no longer required to seek the opinion of the European Commission where certain circumstances apply.</p> <p>There has been no relevant substantive change to Regulation 28 which continues to state:</p> <p style="padding-left: 40px;">(1) Before deciding to undertake, or give any consent, permission or other authorization for, a relevant plan or project, a competent authority must make an appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives.</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 40px;">(5) In the light of the conclusions of the assessment and subject to regulation 29, the competent authority may agree to the plan or project only if it has ascertained</p>

ExQ1	Question to:	Question:
		<p>that it will not adversely affect the integrity of the European offshore marine site or European site (as the case may be).</p> <p>The Applicant confirms that it will seek to agree the impact of Brexit for the environmental assessments with Natural England.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>The Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) have both been amended so that they continue to operate effectively now that the transition period has ended and the UK has completed its exit from the EU. The changes that are now in force have been made by the Conservation of Habitats and <a href="#">Species (Amendment) (EU Exit) Regulations 2019</a>. The changes ensure the strict protections afforded to sites, habitats and species as derived from the EU Habitats and Wild Birds directives continue. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes (such as HRA) and terms (such as SACs, SPAs and European Sites) found in the 2017 Regulations remain unchanged and existing guidance is still relevant. Defra has now published further information about these changes made to the Habitats Regulations as introduced by these amending regulations – this is now available on GOV.UK at <a href="https://www.gov.uk/government/publications/changes-to-the-habitatsregulations-2017">https://www.gov.uk/government/publications/changes-to-the-habitatsregulations-2017</a></p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 10 - Biodiversity and ecology (marine) - General</b>		
<p><b>Please note. Owing to the length of [APP-317] and the multiple topics and effects it assessed, the ExA asked the Applicant in [PD-005] to identify each of the headings in a way which clarifies both the subject matter and how each section, sub-section, sub-sub-section and so on sits in relation to preceding sections. As the paragraphs already had a number system separate from the headings the ExA suggested a lettering system. The lettered headings version submitted by the Applicant is at [AS-035]. The full list of headings is at electronic pages 694-724 of [AS-035] (hard copy pages 679-709). References to lettered sections in the questions below on [APP-317] are to those sections.</b></p>		
Bio.1.191	EA, The Applicant	At para 7.0 of [RR-0373] the Agency ask for various reports and papers and that they should be submitted to the examination. Has the Agency now received them and have they been submitted to the examination? If submitted, please will the Applicant list the

ExQ1	Question to:	Question:
		<p>titles, and EL references. If they have not been submitted or if the Applicant does not propose to do so, please will the Applicant explain the reason?</p> <p>See also para 9.3 of [RR-0373] in relation to a report on the twaite shad and cucumber smelt; this question applies also to that issue.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>A number of documents, particularly those pertaining to effects on fish receptors, were submitted as part of the supplementary information provided within <b>Volume 3, Appendix 2.17.A</b> of the <b>ES Addendum</b> [<a href="#">AS-238</a>]. The following reports were submitted and include SPP100 relating to cucumber smelt and twaite shad [RR-0373]:</p> <p>SPP099 - Predicted performance of the Sizewell C Low Velocity Side Entry intake heads compared with the Sizewell B intakes;</p> <ul style="list-style-type: none"> <li>• SPP100 - Estimates of European populations of twaite shad and cucumber smelt of relevance to Sizewell;</li> <li>• SPP101 - Implications of tidal elevation and temperature on smelt, <i>Osmerus eperlanus</i>, impingement at Sizewell;</li> <li>• SPP102 - Use of Spawning Production Foregone Equivalent Adult Values for impingement assessment;</li> <li>• SPP103 - Consideration of potential effects on selected fish stocks at Sizewell;</li> <li>• SPP104 - Worst case glass eel entrainment assessment for Sizewell C;</li> <li>• SPP108 - Sensitivity of the Alde &amp; Ore Transitional Fish Classification Index (TFCI) to changes in smelt, <i>Osmerus eperlanus</i>, abundance;</li> <li>• TR339 - Sizewell Comprehensive Impingement Monitoring Programme 2009 – 2017;</li> <li>• TR406: Impingement predictions based upon specific cooling water system design; and</li> <li>• TR520: Sizewell C Water quality effects of the fish recovery and return system.</li> </ul> <p>Table 1 in <b>Volume 3, Appendix 2.17.A</b> of the <b>ES Addendum</b> [<a href="#">AS-238</a>] summarises the purposes of the reports and implications for the DCO conclusions, which remain unchanged.</p>

ExQ1	Question to:	Question:
		<p>Ongoing consultation between SZC Co and the Environment Agency in relation to these reports has continued via the Water Discharge Activity (WDA) permitting process and 'Schedule 5' requests (requests for further information).</p> <p>Appendix 7L has been prepared to summarise to the ExA how the various reports link together to form the fish assessments together with any changes requested by the Environment Agency as part of the WDA process (Schedule 5 Requests).</p>
	<b>Response by Environment Agency at Deadline 2</b>	<p>The Applicant has provided these documents, however, many of them are being updated by the Applicant. The consequence of this would mean that the Environment Statement may need to be updated to reassess the impacts to marine ecology. We do not know when final versions will be submitted for the DCO Examination. As a result we may not be able to review this new, and amended, information to timescales that will enable us to properly advise the Examining Authority within the deadlines set out in the Examination Timetable.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. is required to update some of the assessment supporting documents as part of the Environmental Permit (WDA) discussions with the Environment Agency. These discussions are still on going. While the updated material provides very minor amendments to some of the actual numbers presented (fish impingement predictions) the changes are not considered material and do not alter the ES findings. SZC Co will update TR406 (the overall fish assessment) when discussions with the Environment Agency have concluded.</p>
Bio.1.192	MMO, Natural England, The Applicant	<p>The ExA draws attention to the Inspectorate's Advice Note 11, Annex B, page 6.</p> <p>(a) Is s.150 PA2008 engaged for matters in the jurisdiction of the MMO? Presumably it is at least in relation to the deemed marine licence? In relation to what others is it engaged?</p> <p>(b) Has the Applicant sought and obtained a waiver under s.150 of the PA2008 and the Infrastructure Planning (Interested Parties and Prescribed Provisions) Regulations 2015?</p> <p>(c) Does the Conservation of Seals Act 1970 apply and if so how?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(a) Yes section 150 of the Planning Act is engaged in relation to the deemed marine licence.</p> <p>(b) The Applicant is in ongoing discussions with the MMO about the deemed marine licence.</p>

ExQ1	Question to:	Question:
		(c) No licence is sought under the Conservation of Seals Act 1970 <sup>13</sup> . Section 22.9d)ii impingement, of [APP-317] states that direct impingement is considered very unlikely considering embedded mitigation measures in the form of coarse bar screens (bars spaced at ca. 0.26m centres) that would be in place to prevent marine mammals entering the cooling water system. Whilst it has been known, on occasions, for seals to enter the cooling water systems of operating UK nuclear power stations, it is an extremely rare event.
	<b>Response by the MMO for Deadline 2</b>	<p>(a) As the MMO understands, we can exercise a modicum of flexibility, in that the DCO does remove the requirement for a separate marine licence as there will be a deemed one. The MMO will comment on the drafting of the DML as the examination period progresses to ensure that it is fit for purpose, including that the conditions meet the five tests (necessary; must relate to the activity or development; precise; enforceable; reasonable) and that it can act in its capacity as a marine licence, should the DCO be granted. The MMO does not consider that that s.150 applies to Wildlife Licences. Should one be required the applicant must apply via the Marine Case Management System (MCMS). The MMO encourage early engagement with the MMO Marine Conservation Team (MCT) if this is the case.</p> <p>(b) The MMO notes that this question is for the Applicant.</p> <p>(c) The MMO defer to Natural England as specialists on this matter.</p>
	<b>Response by Natural England for Deadline 2</b>	c) Natural England advise that while we do have powers under The Seals Act 1970, these powers only apply above the mean high-water spring tide line and have to date never issues a license under this act. For this reason, we would defer to the MMO on this matter.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant has had the opportunity to reflect on this further and having considered the MMO's response wishes to update its response as follows</p> <p>a) No, section 150 of the Planning Act is not engaged for the following reasons:</p> <ul style="list-style-type: none"> <li>Section 120(3) of PA 2008 provides that an order granting development consent may make provision relating to, or matters ancillary to, the development for which development consent is granted.</li> </ul>

<sup>13</sup> Parliament of the United Kingdom, Conservation of Seals Act 1970. London 1970

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Section 120(4) then provides that the provision that may be made under section 120(3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5.</li> <li>• Paragraph 30A of Part 1 of Schedule 5 is "Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State [or the Welsh Ministers] for activities specified in the order and subject to such conditions as may be specified in the order."</li> <li>• Section 149A (Deemed consent under a marine licence) then provides that an order granting development consent may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009 (marine licensing) for any activity only if the activity is to be carried out wholly in one or more of the areas specified in subsection 2. It also sets out the position in relation to conditions imposed on a marine licence, being that section 161 of PA 2008 does not apply to them and therefore no offence if there is a failure to comply and removes the need to comply with notice and representations provisions in the Marine and Coastal Access Act 2009. Section 149A is not all that relevant to the issue raised, as it only caveats when a provision deeming a marine licence to have been issued may be included in an order and consequential matters where one is rather than providing authority for the inclusion of a provision deeming a marine licence to be issued (which Section 120 provides as set out above).</li> <li>• Where a Deemed Marine Licence is included for within an order granting development consent the need for the marine licence is not removed by any provision of the order. The marine licence is still obtained under Part 4 of the Marine and Coastal Access Act 2009, it is just the case that it is deemed to be given by the Secretary of State, which is lawful in accordance with Section 120 rather than issued by the MMO (who are involved in the DCO Examination for the purpose of confirming their views on the acceptability of the deemed marine licence with their position to be taken into account by the Secretary of State as appropriate). Section 150 PA 2008 is therefore not relevant as there is no provision the effect of which is to remove the need for a marine licence to be obtained under Part 4 of the Marine and Coastal Access Act 2009.</li> <li>• If a provision in the order set out that Part 4 of the Marine and Coastal Access Act 2009 was not of effect in relation to the development, and that therefore a marine</li> </ul>

ExQ1	Question to:	Question:
		<p>licence was not required to be granted, then section 150 would be engaged, but that it is not what the order does.</p> <p>b) A waiver is not necessary. c) The Applicant's answer remains the same.</p>
Bio.1.193	The Applicant, MMO, Natural England	<p>[APP-317]] Table 22.1 In relation to the Minsmere – Walberswick SPA and Ramsar Site the Applicant writes "Likely significant effects on designated bird species are assessed as part of the Shadow HRA (Doc Ref. 5.10)" and the reader is referred there for assessment.</p> <p>This approach is taken for the assessment of effects under the EIA Regs in relation to other sites, for example the Alde-Ore Estuary SPA and Ramsar Site, the Outer Thames Estuary SPA.</p> <p>Doc Ref 5.10 is a very large report made up of multiple documents and citations are not to specific paragraphs / sections which would aid the reader.</p> <p>Is the MMO satisfied with this approach? As the approach also affects terrestrial European sites, the ExA directs this question to Natural England as well.</p> <p>Please will the Applicant explain how it considers the findings of a habitats regulations assessment should be used in the ES? For example, is it the Applicant's view that if there is no likely significant effect (LSE) found in the Shadow HRA, then there is no LSE in terms of the ES? The tests are different as the Applicant will be aware. If there is an LSE under the HRA but there is no adverse effect on integrity of the European site where does that sit in terms of the ES?</p> <p>Please will the Applicant succinctly summarise the findings of the assessment in terms applicable to the ES, giving cross-references to the HRA and Examination Library references.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>As noted at <b>Question Bio 1.104</b> above, the Habitats Directive Regulations<sup>14</sup> and EIA Regulations<sup>15</sup> are different pieces of legislation and require different considerations. In short, The Habitats Directive Regulations are concerned with protecting the integrity of European Sites and the protection of certain species. The EIA Regulations are concerned with the assessment of significant environmental effects. Whilst applying these legal regimes may mean that there is overlap in the evidence/information which is considered, given the difference in the two regimes it is appropriate to conduct separate assessments. Therefore, the HRA species are separately considered within the EIA. This can be seen from the conclusions in <b>Table 14.26</b> which sets out both the HRA conclusions and the EIA conclusions side by side.</p> <p>The various references to the <b>Shadow HRA Report</b> [<a href="#">APP-145 to APP-149</a>] in <b>Table 22.1</b> of <b>Volume 2 Chapter 22 Marine Ecology and Fisheries</b> [<a href="#">APP-317</a>] were intended to indicate that the European site referred to in <b>Table 22.1</b> (e.g. Minsmere – Walberswick SPA and Ramsar site) is assessed in the context of the HRA process in the <b>Shadow HRA Report</b>. These cross references are not intended to imply that the assessment reported in the ES defers to the conclusions of the <b>Shadow HRA Report</b> or that the conclusions in the HRA are to be imported into the ES.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO would like to clarify that Natural England's remit is not solely terrestrial, they deal with, and advise on both marine and terrestrial elements. When determining marine licences, the MMO are the competent authority for undertaking Habitats Regulation's Assessments, however, we consult Natural England as lead advisors on these areas in their capacity as the SNCB. Therefore, we would defer to them as lead SNCB on this topic, across both marine and terrestrial sites.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England is the Statutory Nature Conservation Body for both terrestrial and marine protected sites including the Minsmere – Walberswick SPA and Ramsar Site, Alde-Ore Estuary SPA and Ramsar Site and the Outer Thames Estuary SPA. We are satisfied with</p>

<sup>14</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). Official Journal of the European Communities. 1992

<sup>15</sup> Parliament of the United Kingdom, The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended), London, 2017.



ExQ1	Question to:	Question:
		approach to assessing potential impacts to these sites through the Shadow HRA (Doc Ref. 5.10).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.198	MMO, The Applicant	A number of points in the MMO's [RR-0743] are comments rather than clearly stated disagreements. Please will the SoCG between the Applicant and MMO address each of these, whether or not the comment is accepted, and state what action is taken as a result, and any implications for the ES or other application documentation.
	<b>Response by SZC Co. for Deadline 2</b>	Yes – the SoCG between SZC Co and the MMO addresses each comment as requested by the ExA.
	<b>Response by the MMO for Deadline 2</b>	The SOCG will clearly identify the status of the "acceptance" of these comments, alongside supporting comments.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.199	MMO	Para 5.4.1.2. Please set out drafting the MMO seeks for a requirement on LVSE and FRR design, monitoring and operation, with an explanation and reasoning.
	<b>Response by SZC Co. for Deadline 2</b>	The activities are licensable under the MCAA (2009) and because the Marine Licence is to be deemed within the DCO (unlike Hinkley Point C) are secured solely by the by the Marine Licence. The relevant Conditions are 48 and 40 (Doc Ref. 3.1(C)): <u>Condition 48:</u>  1 —(1) Work Nos. 2B, 2D, 2G and 2H and 2I and 2J shall not commence until the following details for the relevant Work No. have been approved by the MMO. The details must include:  (a) start and end dates for each installation; (b) location of relevant phase of the installation and drilling activity; (c) head installation methodology and detailed method statement; (d) drilling methodology and detailed method statement;

ExQ1	Question to:	Question:
		<p>(e) navigational lighting to be used on plant; and</p> <p>(f) vessels to be used.</p> <p>(2) Work Nos. 2B, 2D, 2G and 2H and 2I and 2J will be installed in accordance with the approved method statement.</p> <p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the details for the relevant Work No. at least 6 months prior to the proposed commencement of the relevant Work No.</p> <p>(4) The determination date is 6 months from submission of the details to the MMO.</p> <p><u>Condition 50:</u></p> <p><b>1.—</b>(1) No water abstraction shall commence until a monitoring plan has, been submitted to and approved by the MMO in consultation with the Natural England and the Environment Agency. The plan will set out:</p> <p>(a) the monitoring arrangements for assessing the efficacy of the intake head and the fish recovery and return system during the commissioning of Unit 1 and Unit 2;</p> <p>(b) the undertaker's duty to consider future additional adaptive measures arising from (a) that may be required during operation of Unit 1 and Unit 2;</p> <p>(c) the monitoring methodology, frequency of monitoring and format of monitoring reports; and</p> <p>(d) an explanation of the undertakers' confidence that the proposed mitigation will be effective.</p> <p>(2) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the monitoring plan at least 6 months prior to the proposed commencement of water abstraction.</p> <p>(3) The determination date is 6 months from submission of the monitoring plan to the MMO.</p> <p>The precise wording of Marine Licence Conditions is yet to be agreed, and the current status of agreement/disagreement is captured in the SoCG.</p>

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	For clarity, the MMO's intention with this comment, was to provide a possible route for resolution. With current issues around the design and operation of these systems, the MMO noted that, as found in the Hinkley Point C (HPC) DCO, if needed these technicalities could be addressed at a later date through additions to the current DML condition - see Article 48 of the DML (Schedule 20 of the DCO). Currently, as reflected within our SOCG on the updated reports (AS-238) (and please see the SOCG for more detail), there are now only 2 areas where we consider further information should be supplied on this matter: 1- further sensitivity analysis within SPP103 to examine concerning the effectiveness of the LVSE design and FRR system; and 2- additional evidence in relation to Acoustic Fish Deterrent (AFD) options. We would further like to clarify that "requirements" within the DML are "DML Conditions" and these are separate to the requirements set out within the DCO.
	<b>Response by SZC Co. for Deadline 3</b>	A report detailing the reasons SZC Co is not proposing to fit an AFD system and further assessment work as described for the LVSE are to be provided at Deadline 5.
Bio.1.200	MMO	<p>[RR-0743] Paras 5.4.1.6 – 5.4.1.17.</p> <p>(a) The ExA concludes from these paragraphs that the MMO is content with the method used by the Applicant and is not requiring the Applicant, ExA or SofS to use the extended method. Please confirm (or otherwise) that the ExA has correctly understood.</p> <p>(b) However, para 5.4.1.6 says: <i>"although once these analyses are completed, decision-making will still require a judgement to be made taking account of the model outputs, analogue evidence from Sizewell B monitoring, proportionality and an appropriate level of precaution"</i>. Please will the MMO set out the decision process, with steps, documents and other factors to be taken into account, which it is here recommending to the SofS.</p> <p>(c) Does this issue arise elsewhere in [RR-0743]? For example at para 5.8.8? If so please answer (a) and (b) for those instances also.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No comment required from SZC Co.
	<b>Response by the MMO for Deadline 2</b>	The MMO confirms that the ExA have understood correctly, and that we are content with the method used by the Applicant. The comment to which the ExA refer was judgement based on the evidence at the time, pending the provision of further analysis by the Applicant. Having reviewed this further evidence provided as part of the Environmental

ExQ1	Question to:	Question:
		Statement (ES) Addendum, we are satisfied that there is no benefit in applying the extended method.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.201	MMO	[RR-0743] Para 5.5.1. This alerts the ExA to an additional source of baseline information on harbour and grey seal distributions" and gives a website. Please will the MMO explain what information in that document it wishes the ExA to take into account and explain why and with what conclusion.
	<b>Response by SZC Co. for Deadline 2</b>	No comment required from SZC Co.
	<b>Response by the MMO for Deadline 2</b>	The MMO were raising an additional source of baseline information on harbour and grey seal distributions for the attention of the applicant and the ExA, this was in relation to the applicants section "4.2.1 Distribution and abundance within the North Sea" on the grey and harbour seal in the document entitled "6.3 Volume 2 Main Development Site Chapter 22 Marine Ecology and Fisheries Appendix 22E - Sizewell Marine Mammals Characterisation" (examination reference: APP-322). The MMO have since closed out this comment within the SOCG following the Applicant's clarification "We note the reference with thanks. The additional information on seals would enrich the existing characterisation but it would not change the outcome of the assessments."
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.202	MMO	[RR-0743] Para 5.6.2. The MMO draws attention to Council Regulation (EU) 2019/124 which it says has been superseded. Please say what is the new regulation and explain how it makes a difference to Appendix 22f and the ES conclusions on fisheries and marine ecology.
	<b>Response by SZC Co. for Deadline 2</b>	This response reflects the current status as of May 2021 for the fishing period covering the year 2021. This may change as legislation is updated. The northern sea bass stock covers ICES subdivisions 4b, 4c, 7a, 7d-h including the North Sea, English Channel, Celtic Sea, and Irish Sea. As a non-quota species, sea bass is

ExQ1	Question to:	Question:
		<p>managed using common technical measures and (by)catch limits for all countries exploiting the stock. Management measures were introduced in 2015 and vary annually, but include an increase to minimum conservation reference size (MCRS) to 42cm, closed seasons, (by)catch limits for commercial fisheries dependent on gear, and bag limits for recreational fishers.</p> <p>In 2021, the sea bass management measures outlined in Article 10 of 2020 Council Regulation EU 2020/123<sup>16</sup> currently remain in place, with some amendments to the text as outlined in UK Statutory Instrument 2020/1542<sup>17</sup>. This is the case until annual negotiations between the UK and EU are completed, and the outcomes implemented in the UK. It applies only to British fishery limits.</p> <p>As a result, the following management measures for sea bass apply in the UK in 2021:</p> <ul style="list-style-type: none"> <li>• Commercial fisheries: fishing for seabass is prohibited in ICES subdivisions 4b and 4c and 7, with the following derogations. There are exceptions for individual fishing vessels that vary between gears and seasons. No fishing for sea bass is permitted in ICES subdivisions 7b, 7c, 7j, and 7k, and in waters in 7a and 7g that are more than 12 nautical miles from the UK. In addition, no landings are permitted in February and March, with (by)catch limits in place for the rest of the year. In January 2020 and from 1 April to 31 December, fishing vessels may land sea bass. Vessels using demersal trawls or seines can land unavoidable bycatch of up to 520 kg of sea bass in a two month period and 5% of the weight of the total catch per trip. Hook and line vessels can land a total of 5.7 tonnes each year. Fixed gillnets can land unavoidable bycatch of up to 1.4 tonnes each year. These limits are not transferable between vessels or time periods.</li> <li>• Recreational fisheries: 2 fish bag limit from March to November, and catch and release using rod and line or handline only in January, February, and December. No sea bass can be taken using fixed nets.</li> </ul> <p>More information can be found on the MMO website<sup>18</sup> and will be updated to reflect any changes implemented by the UK.</p>

<sup>16</sup> European Council 2020 Council Regulation EU 2020/123

<sup>17</sup> Parliament of the United Kingdom, The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020

<sup>18</sup> MMO. Bass Fishing Guidance 2020. 2021 [Online] Available at: <https://www.gov.uk/government/publications/bass-industry-guidance-2020>

ExQ1	Question to:	Question:
		This has no impact on Appendix 22f or the ES conclusions on fisheries and marine ecology. This is because the measures have been designed to result in catches that do not exceed the ICES advice on catch limits. As the change in ICES advisory catch limits between 2019 (1789 tonnes) and 2021 (1680-2000 tonnes) was small, the management measures were similar for both years.
	<b>Response by the MMO for Deadline 2</b>	Please see the SOCG regarding updated comments on this paragraph of RR-0743.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.203	MMO	[RR-0743] Para 5.8.4. Please will the MMO spell out the significance of the point it is making at this paragraph. Is there an underestimate? To what extent? With what consequence? This issue could usefully be addressed in the SoCG. Please cross-refer to the consideration given in the SoCG.
	<b>Response by SZC Co. for Deadline 2</b>	Some details of the fish impingement and entrainment assessments have been revised following on-going consultation with the Environment Agency for the WDA permit and associated 'Schedule 5' requests. The revisions have caused some of the estimated numbers to change marginally but have no bearing on the assessment output. <b>Appendix 7L</b> of this chapter has been prepared to summarise to the ExA how the various reports link together to form the fish assessments together with any changes requested by the Environment Agency as part of the WDA process (Schedule 5 Requests).
	<b>Response by the MMO for Deadline 2</b>	The Applicant has clarified that in undertaking the fish entrainment estimates it has assumed that all four pumps are fully operational all the time. This is therefore a conservative estimate of impingement. The operating history for Sizewell B indicates that the annual average pump use is just over 3, rather than the 4 assumed in the modelling exercise. Based on this clarification the MMO is satisfied that the assessment is conservative.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
Bio.1.204	MMO	<p>[RR-0743] Para 5.13.1.</p> <p>Does the MMO consider that this information on commercial fishing vessels changes the conclusions of the either in this point or generally? Does it dispute those conclusions? If so how and with what result?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. agrees with the MMO comments and has proposed a raft of suitable mitigation measures:</p> <ul style="list-style-type: none"> <li>• Temporary designation of a Harbour Authority for the safe management of vessels (Part 6 of the DCO);</li> <li>• A number of standard maritime mitigation measures such as appropriate lighting, Notifications to Mariners, exclusion areas where appropriate, a safety patrol launch, availability of tugs etc which are secured by the <b>CoCP</b> (Doc Ref. 8.11 (B)) and/or Marine Licence Conditions;</li> </ul> <p>A Fisheries and Liaison and Coexistence Plan (FCLP) with associated Fisheries Liaison Officer for regular consultation with local fishermen (Condition 20 of the Marine Licence).</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO defer the answer to this question to a later deadline, to allow for further time to fully review and robustly advise.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 11 - Biodiversity and ecology (marine) - Plankton</b>		
Bio.1.207	The Applicant, EA, MMO	<p>[APP-317] para 22.2.21.</p> <p>This references the WFD Compliance Assessment (Doc Ref 814). Please will the Environment Agency state whether it has any relevant concerns about water quality (not only under WFD) for plankton.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No comment required from SZC Co.
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends

ExQ1	Question to:	Question:
		that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is not directed to us and defers to the Environment Agency (EA).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.208	The Applicant, EA, MMO	<p>[APP-317] para 22.6.31 – “This chapter considers only the holoplankton component of the zooplankton community”.</p> <p>Please will the Applicant explain why it takes this approach and why it is valid and proper.</p> <p>Please will the EA and MMO state if they accept this approach and if they have any relevant concerns.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The zooplankton community is composed of three main elements:</p> <ol style="list-style-type: none"> <li>1) the early life stages of fish (ichthyoplankton);</li> <li>2) early life stages of benthic organisms; and</li> <li>3) invertebrates that are planktonic throughout their life cycle (holoplankton).</li> </ol> <p>To determine the sensitivity of a receptor (e.g. fish or benthic organism) the full life-history must be considered. The Methodology section of <a href="#">APP-317</a>, 22.3 f) iii. Sensitivity describes the process and includes consideration of:</p> <ul style="list-style-type: none"> <li>• the lifespan and age of maturity of the receptor;</li> <li>• factors affecting fecundity, reproductive success and/or larval mortality;</li> <li>• dispersal and recruitment patterns; and</li> <li>• population dynamics including natural mortality.</li> </ul> <p>All components of the zooplankton community are assessed in paragraph 22.6.30the relevant receptor assessment of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>]. For example, the ichthyoplankton (young fish component and eggs) are considered in the Fish assessment (which considers the effects on fish populations from entrainment of ichthyoplankton and impingement of larger life- history stages up to adults). This approach has been adopted throughout the consultation process and was outlined in</p>



ExQ1	Question to:	Question:
		<p>Section 2.16 <b>Marine Ecology &amp; Fisheries</b> in the <b>Stage Three Pre-Application Consultation</b> [<a href="#">APP-076</a>].</p> <p><b>Therefore, Section 2.6 'Plankton Assessment' considers only the holoplankton, because benthic invertebrate larvae and ichthyoplankton are assessed in Sections 22.7 and 22.8, respectively [<a href="#">APP-317</a>].</b></p>
	<b>Response by Environment Agency at Deadline 2</b>	Holoplankton are the plankton that are pelagic for all their life. Meroplankton are the other planktonic element which have a benthic part to their life. Para 22.6.30 effectively states that meroplankton are provided for under the benthic ecology section, as this is where the benthic larvae are considered. We do not have any concerns with dividing these elements up in this way.
	<b>Response by the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response to this question and can confirm that we are satisfied with the approach taken by the Applicant.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.209	The Applicant, EA, MMO	<p>[APP-317] paras 22.6.262 – 273, Table 22.32 and Plate 22.4 (Section D.d.f). The temperature plume.</p> <p>The ExA is asking this question not only for its relevance to plankton but also to the rest of this chapter of the ES.</p> <p>(i) It would be helpful is the Applicant could please list the other occasions in this chapter on which this data is used.</p> <p>(ii) the absolute water temperature exceeds 28° over an area of 0.11 ha at the surface (98<sup>th</sup> percentile), with Sizewell B &amp; C operating – Table 22.32. Please will the MMO and Environment Agency comment in the significance of this.</p> <p>(iii) Please will the MMO and Environment Agency also comment and explain the relevance of the 23°-28° range</p> <p>(iv) Plate 22.4. The title refers to plume temperature above 2° and to Julian Days. Please will the Applicant say if the title should be to thermal uplift – derived presumably from Table 22.32. Please also say why Julian Days are used. Are not Julian days the</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>continuous count of days since the beginning of the Julian Period? Please explain what is intended.</p> <p>Sections 22.6.262 – 273 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>] provide a general overview of the thermal plume that is not only relevant to plankton but all the marine ecology receptors groups assessed. Each receptor assessment considers the thermal uplift and absolute temperatures in relation to the specific sensitivity of the receptor being assessed.</p> <p>The sub-headings in Table 22.32 were not visible in <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>] but were visible in the Additional Submission [<a href="#">AS-035</a>]. For convenience the table is shown below.</p> <p>Question (i):</p> <p>In the Benthic Ecology section, 'Temperature changes: cooling water discharges', paragraph 22.7.391 onwards the data are described and used. It is further applied in relation to 'The effects of climate change on thermal discharge predictions' paragraph 22.7.408 onwards. Benthic invertebrate sensitivity to temperature changes begins at paragraph 22.7.399.</p> <p>In the Fish Ecology section, 'Sensitivity of fish sub-groups to thermal discharges', starts at paragraph 22.8.673 but more specifically the information in the request is cited at 22.8.680 and 22.8.695 in relation to fish sensitivity to the thermal plume.</p> <p>In the Marine Mammal section, both direct effects of thermal uplifts and indirect effects mediated through effects on their prey are considered in section 'Cooling water discharges: temperature changes' paragraph 22.9.245 onwards.</p> <p>Question (ii):</p> <p>No response required from SZC Co.</p> <p>Question (iii):</p> <p>No response required from SZC Co.</p> <p>Question (iv):</p> <p>The figure represents the instantaneous area at the seabed and surface where the plume exceeds 2°C as a result of discharges from Sizewell B and Sizewell C. The Julian day</p>

ExQ1	Question to:	Question:
		<p>within a given year runs from 1 to 365 and aids plotting the profile on a continuous scale. The data in <b>Plate 22.4</b> is quite different from Table 22.32 (see below):</p> <p><b>Table 22.32</b> relates to the thermal standards and show either uplifts or absolute temperatures exceeded as a 98th percentile from model outputs (see <b>Bio.1.210</b> for further details). The model has hourly temporal resolution and a spatial resolution of 25x25m. Para. 22.6.268 states: <i>Accordingly, a 98th percentile represents the cumulative spatial area that individual cells (25x25m) within the model domain exceeds a threshold temperature for 7.3 days at any point during the year. The 98th percentile statistics are not necessarily consecutive and could be days or months apart.</i> For example, the thermal plume is shaped by the tides. On a flood tide the plume would travel south, at slack water the plume pools before being transported north on the ebb tide (responses to questions on tidal information is provided in <b>Bio.1.206</b>). Therefore, 98th percentile statistics show total areas affected during the year but are not reflective of what is occurring at any given time.</p> <p>In many cases, <b>Plate 22.4</b> is a more ecologically coherent approach to representing the thermal plume. The data is also derived from the model but is represented as an instantaneous plume, i.e. how big the thermal uplift is at any given time. For species such as plankton that are also tidally transported, this provides useful context for assessing effects (see <b>Bio.1.210</b> for further details).</p>

**Table 22.32: WFD thermal standards and total areas of exceedance for absolute temperature and temperature uplift during the operation of Sizewell B and Sizewell C (grey boxes indicate not applicable).**

Model run	Absolute water temperature (as a 98 <sup>th</sup> percentile)			Thermal uplift (as a 98 <sup>th</sup> percentile)		
	Temperature	Status	Position	Uplift	Status	Position
Sizewell B only	20°C - ≤ 23°C	Good		> 2°C	Good	Surface 2,433ha
						Seabed 2,127ha
	23°C - ≤ 28°C	Moderate	Surface 44.9ha	> 3°C	Moderate	Surface 1,263ha
			Seabed 8.75ha			Seabed 668ha
	> 28°C	Poor	Surface 0ha			
			Seabed 0ha			
Sizewell B + Sizewell C  (worst case for EcIA).	20°C - ≤ 23°C	Good	-	> 2°C	Good	Surface 7,899ha
			-			Seabed 6,241ha
	23°C - ≤ 28°C	Moderate	Surface 89.6ha	> 3°C	Moderate	Surface 2,200ha
			Seabed 25.6ha			Seabed 1,553ha
	> 28°C	Poor	Surface 0.11ha			
			Seabed 0ha			
Sizewell C only	20°C - ≤ 23°C	Good	-	> 2°C	Good	Surface 1,551ha
						Seabed 170.6ha
	23°C - ≤ 28°C	Moderate	Surface 0ha	> 3°C	Moderate	Surface 305.7ha
			Seabed 0ha			Seabed 0ha
	> 28°C	Poor	Surface 0ha			
			Seabed 0ha			

ExQ1	Question to:	Question:
	<b>Response by Environment Agency at Deadline 2</b>	<p>(ii) The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission. (iii) The Environment Agency uses the freshwater UK Technical Advisory Group (UKTAG) Water Framework Directive standards for 'Good' status for non-cyprinids to define the extent of the mixing zones for thermal discharges in Transitional and Coastal waters in relation to WFD requirements. The temperature range represents the Moderate temperature range of between 23 and 28 degrees. This is explained in more detail in the UKTAG guidance, the use of which was endorsed in Defra's River Basin Planning guidance in July 2014.</p> <p>The UKTAG guidance can be found at <a href="http://www.wfduk.org/sites/default/files/Media/Environmental%20standards/Environmental%20standards%20phase%202_Final_110309.pdf">http://www.wfduk.org/sites/default/files/Media/Environmental%20standards/Environmental%20standards%20phase%202_Final_110309.pdf</a>, see page 25.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>We note that (i) is directed to the Applicant. (ii) We note that this means that the cooling water discharge will increase the seawater temperature (98th% value) above 28°C over an area of 0.11 ha. This will be close to the outfall and is equivalent to the area of a circle with a diameter of around 40 m. Usually outfalls are expected to achieve acceptable dilution (i.e. reduction in temperature in this case) over a certain distance from the outfall, which is usually referred to as the mixing zone. Such zones are usually of the order of 100 m radius from the outfall. Therefore we note that this small area in the higher temperature category could be acceptable. However, we note that the Environment Agency would need to confirm whether this acceptable for this site. (iii) We comment that the temperature bands quoted in the table provided within the applicant's response represents the limits for which the water body can be classed as having a different ecological status under the WFD with respect to the temperature preferences of fish in UK waters. The temperatures are the 98th percentile (i.e. higher temperatures occur no more than 2% of the time), and therefore represent near-maximal values. We note that the UKTAG document 'UK Environmental Standards and Conditions (Phase 2)' (2008) that specifies these standards, gives the following definition: "Temperature preferences were represented by the concept of a "niche" – fish spend two-thirds of their time within 2°C of a preferred temperature. The proposed boundary between high and good status for rivers</p>

ExQ1	Question to:	Question:
		is the upper limit of the niche in which most fish will spend two thirds of their time ( $\pm 2^{\circ}\text{C}$ of the preferred temperature). Similarly the boundary between good and moderate status is the upper limit of the niche in which most fish will spend all of their time ( $\pm 5^{\circ}\text{C}$ of the preferred temperature)."
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.210	The Applicant, EA, MMO	<p>[APP-317] Table 22.32.</p> <p>Please will the Applicant explain what is meant by this table.</p> <p>All the figures are for the 98<sup>th</sup> percentile. A percentile is a score below which a given percentage of scores in its frequency distribution fall. What then is meant by a score which is below a range (such as between <math>23^{\circ}</math> and equal to or less than <math>28^{\circ}\text{C}</math>)? And what is meant by the areas in that context? What is meant by a percentile which is that 98% of the scores are below over <math>28^{\circ}\text{C}</math>?</p> <p>Is the table meant to show that for example 89.6 ha of the surface of the sea will be between <math>23^{\circ}</math> and <math>28^{\circ}\text{C}</math> when Sizewell B &amp; C are both operating.</p> <p>In relation to thermal uplift, are there any uplifts in the Poor category (which is presumably exceeding <math>4^{\circ}</math>).</p> <p>There are other tables where this approach is used, for example Table 22.52 in section D.d.d – Operational; Temperature changes; cooling water discharges. Please will the Applicant cover them as well in its explanation.</p> <p>Please will the Environment Agency and MMO also comment and assist the ExA.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><b>Table 22.32</b> is provided in response to <b>Question Bio.1.209</b>, above for convenience. Recommended thermal standards exist for SACs, SPAs and Water Framework Directive waterbodies. <b>Table 22.32</b> and <b>Table 22.52</b> present results in relation to thermal standards. In terms of ecological assessments they provide a starting point. It should be</p>

ExQ1	Question to:	Question:
		<p>noted that the Sizewell C proposed outfalls are further offshore than the WFD coastal waterbodies, however, the areas in exceedance of the standards is provided.</p> <p>The GETM model has a temporal resolution of an hour and is simulated for a year at a spatial resolution of 25x25m. Each 25x25m cell in the model domain has an output temperature for every hour of the year. The 98th percentile values in Table 22.32 represent the total spatial area (sum of the cells) above a given thermal threshold for more than 2% of the time (7.3 days or 175 hours in a year). Maximum (or 100th percentile) events, that occur for just 1 hour in the year-long simulation, are highly skewed by rare events or meteorological forcing in the model and have little ecological meaning hence the use of a 98th percentile. When the text refers to exceedance of a 98<sup>th</sup> percentile thermal standard or 95<sup>th</sup> percentile contaminant standard it means that the specified area exceeds the threshold concentration for more than the acceptable 2% or 5% of time respectively. In such cases further investigation is required.</p> <p>Starting at 28°C, 0.11ha of the sea surface (two grid cells in the model) is predicted to be 28°C or warmer for 175 hours a year.</p> <p>The moderate boundary of the WFD is 23°C. As a 98th percentile 23°C is exceeded over 89.6ha. Within that area, the temperatures will range from 23°C to 28°C. However, noting the response in Bio.1.209, exceedance of thermal standards needs to be considered in a wider ecological context.</p> <p>Plate 22.4 provides this ecological context by indicating the spatial extent of predicted thermal uplifts in relation to the ecological processes. The 98th percentile thermal uplift for 2°C is 7,899ha at the surface (Table 22.32), whilst the largest instantaneous uplifts occur in February, with an average plume area exceeding 2°C at the surface of 2,605ha and a maximum 4,689ha. However, this period coincides with low biological activity. In May, the peak of the Spring bloom, the monthly average plume area above 2°C is 680ha (the average surface plume area above 3°C is 242ha) and reduces to a minimum in July of 548ha (see para 22.6.269 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> <a href="#">[APP-317]</a>).</p> <p><b>The Environmental Impact Assessment therefore takes note of the standards, which are implemented on the basis of ecological considerations, but also puts the data from thermal modelling into context for each relevant receptor group.</b></p>

ExQ1	Question to:	Question:
	<b>Response by Environment Agency at deadline 2</b>	<p>There is no uplift standard for the WFD 'Poor' category. See UK Environmental Standards and Conditions" (March 2008) p. 26, "It is proposed a 3 °C uplift is used in this way except for waters of high ecological status where a 2 °C uplift limit is proposed".</p> <p>Also, see Table 5, "Note: outside the mixing zone a maximum <math>\Delta T</math> of +3°C is allowed (+2°C where waters are of high status).</p> <p><a href="http://www.wfduk.org/sites/default/files/Media/Environmental%20standards/Environmental%20standards%20phase%202_Final_110309.pdf">www.wfduk.org/sites/default/files/Media/Environmental%20standards/Environmental%20standards%20phase%202_Final_110309.pdf</a>. There will be areas of the sea surface or bed where the uplift is greater than 4 °C but this information is not presented in APP-317, nor is it presented in App 21E.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO comments that the ecological status of a water body is assessed under the WFD under several classes ('Good ecological status' etc.). Fish have a preference for a certain temperature but can tolerate a range of temperatures. The ecological status classes are set according to the deviation of a near-maximum temperature from the preferred temperature. As stated in the Applicant's response "maximum (or 100th percentile) events, that occur for just 1 hour in the year-long simulation, are highly skewed by rare events or meteorological forcing in the model and have little ecological meaning hence the use of a 98th percentile." The 98th percentile value represents the temperature which is exceeded over a year for only 2% of the time. Each boundary between the various status class is defined by a 98th percentile temperature. The table therefore shows the area of the water surface where the predicted 98th percentile temperature exceeds the thresholds for each status level.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 12- Biodiversity and ecology (marine) - Benthic Ecology</b>		
Bio.1.215	The Applicant, MMO	<p>[APP-317] baseline, benthic invertebrate taxa, section B.a.a, para 2.7.16.</p> <p>This notes that the lagoon sand shrimp is protected under Sch. 5 of the Wildlife and Countryside Act 1981. Is there any relevant defence to damaging or killing it?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The lagoon sand shrimp (<i>Gammarus insensibilis</i>) is associated with fine sediments in saline lagoons and brackish waters. The benthic characterisation was informed in part from offshore beam trawl and grab samples. Offshore surveys consisted of:</p>



ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• A total of 295 x 2m beam trawl samples from 84 stations and 64 commercial otter trawl samples from 11 stations, collected quarterly to annually during 2008-2014.</li> <li>• Eleven subtidal surveys, comprising a total of 890 grab samples (0.1m<sup>2</sup>) from 88 stations, also collected quarterly to annually during 2008-2014.</li> <li>• A shallow subtidal survey, comprising 17 grab samples (0.025m<sup>2</sup>) collected in 2011.</li> </ul> <p>The lagoon sand shrimp was observed within the Greater Sizewell Bay in June 2010 in low abundance in beam trawls. The species was not present in subsequent sampling and occurred outside of its typical lagoon habitat in the northern part of the survey area between Sizewell and Dunwich (see <b>Volume 2, Appendix 22C</b> (Sizewell Benthic Ecology Characterisation) of the <b>ES</b> [APP-320]). Based on the single occurrence of the species in the multi-annual characterisation surveys, and the habitat requirements of the lagoon sand shrimp, it is unlikely that a viable population of this species is present within the subtidal footprint of the proposed works. The proposed activities are not expected to injure or kill this species, nor disturb, damage, destroy or obstruct access to any a place it uses for shelter or protection, and therefore do not contravene Section 9 of the Wildlife and Countryside Act 1981. However, it is not possible to discount the possibility that individuals of this species may be unintentionally injured or killed if they were to occur outside their natural habitat, as was observed in June 2010. We note that that species' natural habitat, saline lagoons, are not expected to be impacted by the proposed development (see <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317], para 22.7.24).</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO advise the following: Lagoon sand worm (<i>Gammarus insensibilis</i>) is protected under Schedule 5 of the Wildlife and Countryside Act 1981. Under Section 9(4)(a) it is an offence to: (4) intentionally or recklessly—</p> <p>(a) Damage or destroy any structure or place which such animals use for shelter or protection; Relevant defences (outlined in Section 10) for which persons shall not being guilty of an offence include: -if the act was the incidental result of a lawful operation and could not reasonably have been avoided. It is ultimately the developer's responsibility to ensure that they are compliant with the relevant legislation. It should also be noted that under the Wildlife and Countryside Act 1981, the MMO is only able to issue wildlife licences for specific purposes, which does not include general development work. The MMO further note that Natural England should be consulted on all matters relating to Wildlife and Countryside Act and protected species.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.216	The Applicant, MMO	<p>[APP-317] baseline, benthic invertebrate taxa, section B.a.a, para 2.7.16.</p> <p>This notes that <i>Sabellaria spinulosa</i> is listed under s.41 NERC Act 2006. What steps is the SofS required to take in relation to it to fulfil the obligations in s.41?</p> <p>Please answer this question also in relation to benthic habitats Section B.a.b para 22.7.22, the construction of the cooling water intakes (section C.d) and <i>Sabellaria spinulosa</i> in general.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Schedule 41 of the NERC Act 2006<sup>19</sup> identifies priority species and habitats for conservation but does not, itself, afford them specific protections. The obligation to Public Authorities is defined in the Schedule 40 of the NERC Act 2006; but in summary it stipulates that the Public Authority must have regard for the conservation of biodiversity in exercising its functions. In the case of <i>Sabellaria spinulosa</i>, which is a reef forming benthic species, for which only the reef habitat (not individual <i>S. spinulosa</i>) is of conservation interest, reefs are protected extensively within the UK network of marine designated sites. It is recognised in the assessment that this species forms a habitat with conservation value, which was taken into account in its selection as a relevant receptor (see <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317], <b>Table 22.2</b>) against which the effects of the development were assessed.</p> <p>The significance of the predicted effects on <i>Sabellaria</i> reefs as a receptor is determined in relation to the site-specific features of the reefs including its location, distribution, and rarity in the Greater Sizewell Bay and more widely in the Anglian Region, as well as its ecological function as detailed in <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317], <b>Table 22.38</b> (provided below).</p>

<sup>19</sup> Parliament of the United Kingdom, Natural Environment and Rural Communities Act 2006, London. 2006

**Table Error! No text of specified style in document..1: Factors determining the significance of potential effects on *S. spinulosa* reefs. From [APP-317]**

Factor	Considerations for determining significance.
Location	<i>Sabellaria spinulosa</i> reefs at the offshore Coralline Crag are not located within a designated site for which it is a qualifying feature. However, they are protected as 'habitats of principal importance for the conservation of biodiversity in England' (Section 41 of the NERC Act 2006).
Rarity	<i>Sabellaria spinulosa</i> reefs have been identified along the Suffolk coast as part of the East Coast and Outer Thames Regional Environmental Characterisation (Ref. 22.127; 128). Seven major areas of <i>S. spinulosa</i> reef have been reported with varying extents from 7km <sup>2</sup> and up to 50km <sup>2</sup> in the East Coast region. One possible site has been identified in the North of the Outer Thames Region. <i>Sabellaria spinulosa</i> has also been identified as amongst the most abundant benthic organisms recorded during REC surveys.
Distribution	<p>The reefs associated with the offshore Coralline Crag are predicted to cover an area of approximately 18.5ha (Ref. 22.122). Within the GSB, larger reef formations are located at the exposed inshore Coralline Crag off Thorpeness, where an estimated 28ha of habitat within the study area was predicted as having a high probability of supporting <i>S. spinulosa</i> reefs and a further 24.5ha of habitat classified as having moderate probability of supporting <i>S. spinulosa</i> (Ref. 22.121).</p> <p>Exposed Coralline Crag provides the supporting habitat for establishment of <i>S. spinulosa</i> reefs in the GSB. The exposed area of offshore Coralline Crag is estimated at 57.5ha, whilst the extent of the exposed inshore Coralline Crag is 365ha. With a total of approximately 423ha within the GSB, provided in <b>Appendix 22C</b> of this volume.</p>

ExQ1	Question to:	Question:
		<p>Reef Quality and Ecological Function.</p> <p><i>Sabellaria spinulosa</i> can form dense subtidal aggregations in the form of extensive 'crusts' or 'sheets', sometimes covering large areas of the seabed, which can act to stabilize sand or gravel habitats (Ref. 22.129–132). The crust formations are ephemeral in nature and are not considered as true <i>S. spinulosa</i> reef as it does not provide a biogenic habitat for associated species to establish. <i>Sabellaria spinulosa</i> formations increase in mass over time and form elevated reefs structures as new recruits are strongly stimulated to settle by cement construction on established colonies (Ref. 22.133). In reef formation, <i>S. spinulosa</i> is an ecological engineer, whereby aggregations form solid biogenic structures on the seabed (Ref. 22.131). <i>Sabellaria</i> reefs are known to enhance biodiversity and biomass in comparison with adjacent soft sediment communities (Ref. 22.130). The ecological function of <i>S. spinulosa</i> means that impacts on reefs have potential indirect effects on other benthic taxa. The reefs associated with the offshore Coralline Crag have been assessed as having 'low' (2-5cm) to 'medium' (5-10cm) elevation (Ref. 22.122) according to the Gubbay (2007) criteria (Ref. 22.134). With crusts also considered likely over a wider area (Ref. 22.122).</p> <p>The construction of the cooling water intakes at the offshore Coralline Crag is expected to have minor adverse effects on the <i>Sabellaria</i> reefs based upon a consideration of the factors described in <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317], <b>Table 22.38</b>. Specifically, consideration was given to determining the significance of effects on the distribution and the functioning of the reef in the area (see [APP-317], para 22.7.213). Monitoring and further mitigation measures in relation to impacts on <i>Sabellaria</i> reefs at the location of the southern intakes is addressed in <b>Question Bio.1.223</b>.</p>
	<b>Response from the MMO for Deadline 2</b>	<p>The MMO would like to clarify that it is for the competent authority on the decision (in this instance the ExA are recommending the decision to the SofS) to satisfy themselves of what their responsibilities are in relation to all sections of the NERC Act 2006. However,</p>

ExQ1	Question to:	Question:
		MMO would highlight that Natural England are an interested party, as specialist leads on this topic area.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.217	The Applicant, MMO	[APP-317] baseline, offshore sabellaria spinosa reefs, section B.a.c, Table 22.37, radionuclides. The reader is referred to Chapter 25 of the ES. Please will the Applicant summarise the relevant parts and give the paragraph numbers for cross references?
	<b>Response by SZC Co. for Deadline 2</b>	No significant effects were identified on non-human biota from the routine radiological discharges of the Sizewell C development (see <b>Volume 2, Chapter 25</b> of the <b>ES</b> [ <a href="#">APP-340</a> ], paragraph 25.6.44, <b>Table 25.2</b> and <b>Table 25.3</b> ). Therefore, no further assessment was required for the benthic ecology receptors, including <i>Sabellaria spinulosa</i> reefs.
	<b>Response from the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.218	The Applicant, MMO	[APP-317] Construction discharges of un-ionised ammonia, section C.c.f, para 22.7.151. Please will the Applicant explain why the magnitude of the impact is assessed as low "as discharges could occur throughout the construction phase". That duration suggests the opposite. The ExA also notes the criteria in table 1.3 of appendix 6R [APP-170] where the Applicant says: "Medium - Medium-term temporary impacts, one to 12 years". "Low - Short-term temporary, less than a year".  Please will MMO also comment.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	Various factors are considered when assessing impact magnitude: spatial extent, amount of change and the duration of the pressure (see <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317], <b>Table 22.3</b> ). For this assessment, the spatial extent of the pressure is very small (i.e., EQS concentrations are exceeded only up to 6.3m from the point of discharge; see [APP-317], paragraph 22.7.150), which would generally mean that impact magnitude is <i>very low</i> . However, as the pressure could last for the duration of the construction phase, the impact magnitude has been increased to <i>low</i> .
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response. We are satisfied with the applicant's response, the spatial extend of EQS exceedance is very small.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.220	The Applicant MMO	[APP-317] section C.d, paras 22.7.204 and 22.7.211. At para 22.7.204 the ES states that less than 5% of the Coralline Crag would be impacted. At para 22.7.211 the figure of 6% "of the reef area" is given. Is this because the reef in para 22.7.211 is the Sabellaria spinulosa, which is only part of the Coralline Crag? If not, please explain further.
	<b>Response by SZC Co. for Deadline 2</b>	Yes, that is correct. Less than 6% of the <i>Sabellaria</i> reef at the offshore Coralline Crag would be impacted in the worst-case positioning of headworks based on distribution and extent of this feature in the summer of 2019. <i>Sabellaria</i> reef does not cover all the offshore Coralline Crag and its distribution is somewhat heterogeneous, causing the percentage cover of Coralline Crag that would be impacted to be slightly smaller than the percentage cover of <i>Sabellaria</i> reef that would be impacted. Monitoring and further mitigation measures in relation to impacts on <i>Sabellaria</i> reefs at the location of the southern intakes is addressed in <b>Question Bio.1.223</b> .
	<b>Response from the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant.

ExQ1	Question to:	Question:
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.223	The Applicant, MMO	<p>[APP-317], section C.d.b.b, para 22.7.214 reads "Monitoring of the <i>S. spinulosa</i> reef extent on the offshore Coralline Crag is recommended during both pre- and post-construction of cooling water infrastructure (22.12c)."</p> <p>This monitoring is again referenced at the consideration of inter-relationship effects, para 22.7.310 and in the operational phase (e.g. para 22.7.380).</p> <p>Please will the Applicant explain how this will be secured and what action will be taken, depending on the results of the monitoring. What will be the thresholds and tests for action?</p> <p>Please will the MMO give its view on this proposal.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Monitoring of <i>Sabellaria spinulosa</i> reef at the offshore crag is secured by means of a Condition on the Marine Licence (Condition 45; see the <b>draft DCO</b>, Doc Ref. 3.1.(C)) . SZC Co. has held meetings with MMO and Natural England to find common ground regarding monitoring requirements. A monitoring plan will be drafted detailing the (1) geographic extent of the monitoring, and (2) the monitoring methodology, frequency and duration of monitoring, and format of monitoring reports for consultation with Natural England and the MMO.</p> <p>In addition, discussions are being held with Natural England to determine the most appropriate measures to take where impacts on <i>Sabellaria</i> occur including enhancement options.</p>
	<b>Response from the MMO for Deadline 2</b>	<p>The MMO have received and reviewed the Applicant's response to this question and is satisfied that the monitoring of the <i>Sabellaria spinulosa</i> reef should remain a condition of the DML. The draft monitoring plan should be consulted on with both Natural England and the MMO detailing the pre- and post-constructing monitoring plans. The MMO continue to engage with the applicant and Natural England on this matter. We defer to Natural England for comments on the appropriate course of action to mitigate effects on <i>Sabellaria</i>.</p>

ExQ1	Question to:	Question:
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 13- Biodiversity and ecology (marine) - Fish</b>		
Bio.1.234	The Applicant, MMO	<p>[APP-317] Section C.b.f.e – Eggs and larvae sensitivity to underwater noise from navigational dredging, para 22.8.169.</p> <p>Please will the Applicant clarify whether this para is summarising Popper or is some other conclusion.</p> <p>Is the MMO satisfied with this approach?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Paragraph 22.8.169 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> <a href="#">[APP-317]</a> is based on<sup>20</sup> and summarises the recommended guidelines for shipping and continuous noise sources on eggs and larvae.</p> <p>Major gaps still remain regarding potential effects of sound on fish<sup>21 22</sup> including the understanding of how different fishes and their life stages detect and respond to sounds, and there are few really useful data on the adverse effects of sounds on fishes<sup>23</sup>, particularly in relation to eggs and larvae.</p> <p>In the case of eggs and larvae, no data are available to inform the guidance, hence the application of the relative risk approach applied by<sup>24</sup> to describe the potential effects in the near (tens of meters), intermediate (hundreds of meters), and far (kilometres) field from the sound source.</p>

<sup>20</sup> Popper et al. (2014). ASA S3/SC1.4 TR-2014 Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report Prepared by ANSI-Accredited Standards Committee S3/SC1 and Registered with ANSI. Springer Briefs in Oceanography.

<sup>21</sup> Popper, A.N., Hawkins, A.D., Sand, O. and Sisneros, J.A., (2019). Examining the hearing abilities of fishes. The Journal of the Acoustical Society of America, 146(2), pp.948-955.

<sup>22</sup> Hawkins, A. D., Johnson, C., & Popper, A. N. (2020). How to set sound exposure criteria for fishes. The Journal of the Acoustical Society of America, 147(3), 1762-1777.

<sup>23</sup> Hawkins, A. D., Johnson, C., & Popper, A. N. (2020). How to set sound exposure criteria for fishes. The Journal of the Acoustical Society of America, 147(3), 1762-1777.

<sup>24</sup> Popper et al. (2014). ASA S3/SC1.4 TR-2014 Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report Prepared by ANSI-Accredited Standards Committee S3/SC1 and Registered with ANSI. Springer Briefs in Oceanography.



ExQ1	Question to:	Question:
		The relative risk approach recommended by <sup>25</sup> still continues to be the best available criteria and is supported by underwater noise experts in the scientific community <sup>26 27</sup> , coupled with a review of the latest research, this is best practice when no evidence-based guidance is available.
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response and is satisfied with this approach. As the Applicant notes that there is limited evidence of the effects of underwater noise on fish eggs and larvae but has followed good practice in the approach it has taken.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.237	The Applicant, MMO	[APP-317], Section C.b.g Underwater noise: impact piling, para 22.8.187. This states: <i>"With the uncertainty and limited scientific evidence currently available, it is not considered appropriate to quantitatively assess the effects of vibration to fish receptors; therefore, the pressure has been scoped out."</i> This is then compared with offshore wind farms which it is said have much larger scale hammer piling. Will the Applicant please say if this scoping out was agreed with the MMO. Please will the MMO say if it is content with this approach.
	<b>Response by SZC Co. for Deadline 2</b>	All assessments of auditory effects on fish receptors follow the latest guidance and are based on sound pressure. In its relevant representation (paragraph 5.4.2.2 [RR-0744]) the MMO commented that <i>"the fish noise assessments is considered sufficiently comprehensive and satisfactory although it would have been helpful for the assessment to estimate the relative temporal exposure of fish within the various impact zones. This would have provided additional</i>

<sup>25</sup> Popper et al. (2014). ASA S3/SC1.4 TR-2014 Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report Prepared by ANSI-Accredited Standards Committee S3/SC1 and Registered with ANSI. Springer Briefs in Oceanography.

<sup>26</sup> Hawkins, A. D., Johnson, C., & Popper, A. N. (2020). How to set sound exposure criteria for fishes. The Journal of the Acoustical Society of America, 147(3), 1762-1777.

<sup>27</sup> Popper, A.N. and Hawkins, A.D., (2019). An overview of fish bioacoustics and the impacts of anthropogenic sounds on fishes. Journal of Fish Biology, 94(5), pp.692-713

ExQ1	Question to:	Question:
		<p><i>context for the worst-case scenario that has been assessed. However, it is noted that this would not have altered the conclusions of the assessment."</i> These comments were accepted and more information is provided in the assessments in the ES Addendum in relation to exposure to of fish in a tidal environment [<a href="#">AS-181</a>].</p> <p>In consultation on the draft ES chapter, the MMO requested further evidence to be provided on the effects of particle motion. This was completed in the Marine Ecology and Fisheries chapter of the <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>] and <b>Volume1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>].</p>
	<b>Response from the MMO for Deadline 2</b>	<p>The MMO would like to clarify that it is not within our remit to determine what approaches are taken by the Applicant, we can however, advise both the applicant and the ExA of any comments/ issues we have identified. In this instance, within our relevant representation (para. 5.4.2.2 [RR-0744]) we commented that "the fish noise assessments is considered sufficiently comprehensive and satisfactory although it would have been helpful for the assessment to estimate the relative temporal exposure of fish within the various impact zones. This would have provided additional context for the worst-case scenario that has been assessed. However, it is noted that this would not have altered the conclusions of the assessment." The MMO is content with the response provided by the Applicant and with the additional assessment information provided by the Applicant in the ES Addendum.</p>
	<b>Response from SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>
Bio.1.239	The Applicant, MMO	<p>[APP-317] Section C.e, Cooling water infrastructure, para 22.8.408 and following. Please will the Applicant explain why the effects of flushing during commissioning are not considered in this section.</p> <p>MMO may wish to comment.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Commissioning of the UK EPR™ reactor is proposed to take place in two stages; (i) cold flush testing and (ii) hot functional testing.</p> <p>Cold-flush testing discharges for both Units would be directed via the CDO and is assessed for fish receptors from para. 22.8.350 onwards.</p>

ExQ1	Question to:	Question:
		Hot functional testing takes place before fuelling the reactor, once the cooling water infrastructure is operational. The effluent produced during hot functional testing would be diluted within the CWS before being discharged via the outfall tunnel (paragraph 22.3.115 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [ <a href="#">APP-317</a> ]. Hot functional testing discharges are expected to be equivalent to operational discharges (Section 5.13.4 of <b>Volume 2, Appendix 21E</b> [ <a href="#">APP-315</a> ]) and would be equivalent to the operations phase assessments.
	<b>Response from the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant, we have received and reviewed this response and are content with the response provided by the Applicant.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.242	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.111 – pre-mitigation table.</p> <p>(i) Please will the Applicant explain why eels are not in red, given that they are 1.89%SSB? Why is Twaite shad 84.6% of landings shaded red when it is only 0.05% of SSB? Why are horse mackerel and mackerel in red. They are 0.00%.</p> <p>(ii) In relation to Twaite shad, why is % of landings used when SSB is available?</p> <p>(iii) Why is the percentage of mean landings used for Allis shad when there is no figure for mean landings? In addition for this species, Allis Shad, the figure for %age of SSB is 0.018%.</p> <p>(iv) Please will the Applicant explain, and confirm the other figures in this table are correct, or amend if necessary. If amendments are made, please re-issue the table with changes clearly shown and consequential changes elsewhere in the ES set out.</p> <p>(v)Please will the MMO also comment on all of the above.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Please see supplementary note provided at <b>Appendix 7L</b> of this chapter.
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response to this question and is content with the response provided by the applicant. As the Applicant notes there were some shading errors in the original table, which have now been corrected. As noted by the Applicant, for some species, such as the Allis shad, it is more appropriate to reference impacts against population numbers rather than landings, as they are not commercially

ExQ1	Question to:	Question:
		targeted species. The MMO have seen and commented on the updated assessments provided as part of the ES Addendum within our SOCG. The MMO are of the view that none of the updates change the conclusions of the assessment that effects are not significant regarding this matter.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.243	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.112 – full mitigation table</p> <p>The ExA notes that this table does not include "Species where the impingement weight exceed 1% of the relevant stock comparator are shaded in red", as for Table 22.111.</p> <p>(i) Should that approach be adopted for Table 22.112. If so, please re-issue the table with changes clearly shown and consequential changes elsewhere in the ES set out. Please will the Applicant clarify.</p> <p>(ii) Why does this table show landings when SSB are available?</p> <p>(iii) Twaite shad – 32.4% of landings are impinged. That appears to be a very large percentage. Please will the applicant explain why it is so much higher than the other species. Also how is it calculated? Mean landings are 1 tonne. EAV weight of impinged fish is 0.43 tonnes. So should the figure be 43%? Either way, please will the Applicant comment on its significance. But is the relevant figure the percentage of SSB, namely 0.02%.</p> <p>(v) Please will the MMO also comment on all of the above.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Please see supplementary note provided at <b>Appendix 7L</b> of this chapter (provided in SZC Co.'s response to ExQ1s at Deadline 2 [ <a href="#">REP2-110</a> ]).
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response to this question and is content with the response provided by the Applicant. The MMO have seen and commented on the updated assessments provided as part of the ES Addendum within our SOCG. The MMO are of the view that none of the updates change the conclusions of the assessment that effects are not significant regarding this matter.

ExQ1	Question to:	Question:
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.244	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.113.</p> <p>Please will the Applicant explain why it has drawn seabass and thin-lipped grey mullet into this table. The figures for seabass seem simply to be 10% of those in Table 22.112. The figures for grey mullet are the same as in the table. The ExA notes the reference to Appendix 22I. Please will the Applicant summarise the point being made on this by that Appendix and give the paragraph and page numbers which are relevant.</p> <p>Please will the MMO also comment.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>We agree the title of <b>Table 22.113 of Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317] is not explicit in describing what it shows. <b>Table 22.113</b> [APP-317] reflects additional species-specific assessment steps - these are detailed in Section 6.5 (Further consideration of impingement effects on eel, bass and thin-lipped grey mullet) of Report Number TR406 (see <b>Chapter 2, Appendix 2.17.A</b> (Supplementary Information on Fish Assessments) of the <b>ES Addendum</b> [AS-238] which provides an update to the version provided in <b>Volume 2, Appendix 22I</b> of the <b>ES</b> [APP-326]. Please see also <b>Appendix 7L of this Chapter</b>.</p> <p>Report TR406 [AS-238] provides updated impingement estimates for both species accounting for the estimated thin-lipped grey mullet SSB and provides estimates of seabass SSB effects with/without the distribution in the GSB accounted for. In both cases impingement estimates are provided with and without mitigation measures. Further summary for each species is provided here:</p> <p><u>Seabass</u></p> <p>Seabass are not uniformly distributed across the GSB with evidence suggesting juvenile seabass are attracted to the warm water effluents of Sizewell B in winter. Sampling was undertaken inside and outside of the Sizewell-Dunwich Bank, and close to and distant from the current and proposed intake/outfall locations of Sizewell B and C, respectively. The survey identified a statistically significant difference in seabass distribution in the GSB with 95% of seabass recorded inside the Sizewell-Dunwich Bank. The attraction of juvenile seabass to thermal discharges and in relation to an operational Sizewell C is considered in more detail in the Report TR406 at section 7.2.4 [AS-238]. The assessment accounts for</p>

ExQ1	Question to:	Question:
		<p>the reduction in impingement due to the offshore location of the intake headworks which is considered to be 90%.</p> <p><u>Grey mullet</u></p> <p>There is not a directed commercial fishery for grey mullet in the southern North Sea and therefore the landings data (120 t in Report TR406 [<a href="#">AS-238</a>]) will substantially underestimate the SSB. The mean length in the commercial catch has been estimated to be in the range 36 to 42cm. At this size the annual natural mortality (M) is in the range of 0.5 to 0.4 and the calculated sustainable harvesting rate is approximately 33% - 39% SSB (Section 5.1.1 of Report TR406 [<a href="#">AS-238</a>]). Mullet impingement numbers at SZB show no significant trend over the period 2009-2017 and provide no evidence that fishing on the stock is unsustainable. It is therefore considered unlikely that mortality on the stock is 33%+ in the southern North Sea and instead a conservative assumption has been made that landings represent 20% of SSB. Resulting in a conservative SSB prediction of 600t against which a population estimate is made in <b>Table 22.113</b> [<a href="#">APP-317</a>].</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO have received and reviewed the response by the Applicant and are content with the response provided by the Applicant and with the additional assessment information provided by the Applicant in the ES Addendum.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.245	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.114. Comparison of the effectiveness of different embedded mitigation measures.</p> <p>In the column LVSE mitigation, % effectiveness, the figure is always 61.7%. Why is this?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The method to calculate the LVSE mitigation factor represented a best endeavours approach between Cefas and the Environment Agency to understand the mitigation efficiency, however, it is acknowledged that common ground has not yet been achieved and is the subject of ongoing dialogue.</p> <p>The effectiveness LVSE was estimated to provide 61.7% reduction compared with the Sizewell B intake (from which the data are scaled up from) for all species. It's the same</p>

ExQ1	Question to:	Question:
		<p>for all species because the calculation represents a geometric assessment of the intercept ratio of the intake apertures between Sizewell B and Sizewell C. The calculation, as detailed in Report SPP099 of <b>Chapter 2, Appendix 2.17.A</b> (Supplementary Information on Fish Assessments) of the <b>ES Addendum</b> [<a href="#">AS-238</a>] , estimated that 61.7% of fish (compared with Sizewell B) would be impinged per cumec (cubic metre per second) abstracted.</p> <p>The LVSE is designed to reduce intake velocities, in particular by removing tidal flow, and afford fish the opportunity to avoid abstraction by the intakes. The intercept ratio is a geometric calculation which incorporates intake velocities at the face. The calculation did not account for fish behaviour as such the mitigation factor is applied for all species. An updated version of Report SPP099 (Version 5) was submitted to the Environment Agency in April 2021 as part of a Schedule 5 request on the WDA permit. This update includes a simple approximation of swimming speed into the geometric calculation.</p> <p>In light of the ongoing dialogue regarding LVSE effectiveness with the Environment Agency, impingement predictions provided in Report TR406 (<b>Chapter 2, Appendix 2.17.A</b> of the <b>ES Addendum</b> [<a href="#">AS-238</a>]) are sign- posted below:</p> <ul style="list-style-type: none"> <li>• Table 2 (page 80) Summary table of Sizewell C impingement predictions with full mitigation (FRR + LVSE) and consideration of additional ecological factors.</li> <li>• Table 11 (page 129) Sizewell C impingement predictions with no mitigation.</li> <li>• Table 12 (page 130) Sizewell C impingement predictions with LVSE mitigation.</li> <li>• Table 13 (Page 131) Sizewell C impingement predictions with FRR mitigation.</li> <li>• Table 14 (page 132) Sizewell C impingement predictions with full mitigation.</li> </ul> <p>Whilst the LVSE is anticipated to reduce impingement by allowing fish a greater opportunity to escape in relation to a conventional head, when impingement predictions do not account for LVSE intake mitigation, effects are not significant for any species assessed.</p> <p><b>Appendix 7L of this Chapter</b> has been prepared to summarise to the ExA how the various reports link together to form the fish assessments together with any changes requested by the Environment Agency as part of the WDA process (Schedule 5 Requests).</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response. We note that there are very significant challenges in understanding the effectiveness of the LVSE system in reducing

ExQ1	Question to:	Question:
		fish impingement, in particular, because the modelling makes assumptions about fish behavioural responses to changes in flows which are difficult to validate. It is recognised that the LVSE design has been put forward by the Environment Agency as a mitigation measure for cooling water abstractions (in its good practice guidance), although this tends to be accompanied by Acoustic Fish Deterrent (AFD) systems (which are not currently proposed for SZC). While it is feasible that the LVSE design, on its own, will provide some benefit in terms of reductions in fish impingement, even if the benefit was zero, the MMO does not believe this would not materially change the conclusions of the overall fish entrapment assessment. On this basis the MMO do not consider that further discussions on the effectiveness of the LVSE design are required.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.247	The Applicant, MMO	<p>[APP-317] section D.c.i.a, Demersal fish and elasmobranch eggs /cases and larvae: sensitivity to bromoform chlorination by-product. Par 22.8.765 <i>"This median lethal concentration is substantially (10,000-fold) greater than the target 5µg/l EQS for the Proposed development, which is exceeded over a very limited area (52ha at the surface and 0.67ha at the seabed)."</i></p> <p>Is the Applicant saying that the target EQS is too low? Is that a proper conclusion? By how much is the excess over the 52 ha area?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>We agree the 'target 5µg/l EQS' in paragraph 22.8.765 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317] is ambiguous. By-products associated with chlorination are predicted to have limited toxicity once in the receiving waters<sup>28</sup> and there is no formal EQS for bromoform. A Predicted No Effect Concentration (PNEC) of 5µg/l as a 95<sup>th</sup> percentile is applied as the recommended standard. This precautionary threshold represents a trigger for further ecological investigation and is by, definition, below the concentration at which the most sensitive species are predicted to show effects.</p> <p>Within the 52ha where the PNEC is exceeded, a concentration gradient would occur decreasing in concentration away from the outfalls. As a 95<sup>th</sup> percentile, concentrations of 10µg/l (double the PNEC) are exceeded over less than 2ha at the surface at the Sizewell C</p>

<sup>28</sup> Taylor.C.J.L. (2006). The Effects of Biological Fouling Control at Coastal and Estuarine Power Stations. Marine Pollution Bulletin, 53 (1), pp. 30–48.



ExQ1	Question to:	Question:
		<p>outfalls; this concentration does not occur at the seabed (<b>Volume 2, Appendix 21E</b> of the <b>ES</b> [APP-315]). There are scarce studies on bromoform toxicity relevant to ichthyoplankton, however, the LC<sub>50</sub> for carp embryos (freshwater) demonstrates that lethal effects did not occur until much higher concentrations, orders of magnitude above the PNEC. The assessment of sensitivity of demersal fish to bromoform (paragraph 22.8.768 [APP-317]) again shows fish are tolerant to concentrations orders of magnitude above the immediate discharge plume.</p> <p>In the absence of an EQS, we are not suggesting that the PNEC is too low. Instead, paragraph 22.8.765 [APP-317] aimed to provide the wider context in terms of the relative low sensitivity of fish receptors in relation to the PNEC.</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO have received and reviewed the response by the Applicant and are content with the response provided by the Applicant.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.248	The Applicant, MMO	<p>[APP-317] Section D.e.a Commissioning discharges of hydrazine on fish discharged from the FRR, para 22.8.842.</p> <p><i>"The duration of the exceedance is short, with concentrations exceeding the acute PNEC for no longer than 3.25 hours at a time."</i></p> <p>What is the time gap between such concentrations? What would be the minimum acceptable gap?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Hydrazine discharges would not be continuous. The treatment tanks would be discharged once a day meaning the plume could be transported towards the FRR once within a 24-hour period depending on the direction of the tidal currents during release. Whilst the FRR is at an <i>in-situ</i> location the discharged fish that survive FRR passage are mobile, either transported by the tide or actively swimming. Therefore, an acceptable exposure gap is not strictly applicable in this instance as fish are highly unlikely to be at the same location at the FRR outfall at the time of the subsequent plume passage, approximately 24 hours later. Instead, fish sensitivity to hydrazine toxicity for the exposure conditions, assuming

ExQ1	Question to:	Question:
		<p>they are released into the passing plume, is considered based on model outputs of the plume behaviour.</p> <p>The Canadian Federal Water Quality Guidelines for hydrazine in the marine environment is 200ng/l for low likelihood of adverse effects and this threshold was never exceeded during the model simulation at the surface or the seabed. Maximum predicted concentrations at the seabed are less than 10% of those at the surface. At the surface, the acute PNEC is predicted to be exceeded a maximum of 21 occasions during the month-long model simulation, for a duration of between 0.25 and 3.25 hours at a time. At the seabed, the acute PNEC is exceeded a maximum of 15 occasions during the modelled month for a duration of between 0.75 and 2.75 hours at a time. The total duration above the acute PNEC at the FRR represents 5.1% of the month-long simulation and is not continuous.</p> <p>The acute PNEC is based on data for the most sensitive group of organisms tested (algae) and is derived from continuous exposure for up to 6 days. Available evidence suggests that fish are one of the less sensitive groups to hydrazine exposure. Therefore, the short duration of exposure and relatively low concentration would result in limited toxicity. Furthermore, hydrazine has low bioaccumulate potential (paragraph 22.6.147 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317]).</p> <p>Whilst para. 22.8.842 acknowledges that fish exposed to impingement stress may be less tolerant to chemical stress, the low concentrations and transitory nature of the plume, indicates additional mortality would be minimal.</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO have received and reviewed the response by the Applicant and are content with the response provided by the Applicant.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.249	The Applicant, MMO	<p>[APP-317] Section D.e.b Interaction between thermal discharges and chlorine toxicity, para 22.8.845.</p> <p>This para closes with the following: "<i>Therefore, no further consideration is made of the possible synergistic effects for seabed plumes</i>". Why is this? Please will the Applicant unpack this. 25.8 ha at the seabed will be &gt;23°C (though below 28°) with both stations</p>

ExQ1	Question to:	Question:
		operating, which is said to be a “limited” area. With respect all areas are limited. And EQS for the TRO plume will be exceeded.
	<b>Response by SZC Co. for Deadline 2</b>	This point is fully addressed below, please see the response provided to <b>Question Bio.1.250</b> .
	<b>Response from the MMO for Deadline 2</b>	The MMO have received and reviewed the response by the Applicant and are content with the response provided by the Applicant.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.250	The Applicant, MMO	[APP-317] Section D.e.c, Assessments of effects on fish receptors: thermal discharges and chlorine toxicity, para 22.8.849 concludes that <i>"The inter-relationship of the TRO and thermal plumes is not predicted to increase the significance of effects concluded for the pressures alone"</i> . How does the evidence point to this?
	<b>Response by SZC Co. for Deadline 2</b>	Temperature dependent toxicity is suggested to be a result of increased uptake rates and physiology at higher temperatures. A 5°C increase in temperature has been shown to halve the LC <sub>50</sub> concentration of free chlorine and chloramine in 30-minute exposures in some planktonic invertebrates <sup>29</sup> . The concentrations tested in this study were in the 100s of microgram range and temperatures near the thermal tolerance <sup>30</sup> . Temperature elevation has been shown to increase toxicity of chlorine TRO in fish. In one case an approximate halving of the lethal concentration of TRO was observed with an

<sup>29</sup> Capuzzo, J. M., (1979). The effect of temperature on the toxicity of chlorinated cooling waters to marine animals — a preliminary review. — Marine Pollution Bulletin, 10, 45–47.

<sup>30</sup> Capuzzo, J. M., (1979). The effect of temperature on the toxicity of chlorinated cooling waters to marine animals — a preliminary review. — Marine Pollution Bulletin, 10, 45–47.

ExQ1	Question to:	Question:
		<p>increase of temperature between 10 and 20°C<sup>31</sup>. However, the studies reviewed generally report temperature effects on toxicity in acute studies with durations of hours to a few days and with exposure concentrations in the 100s of micrograms. In the same review, in some cases fish were reported to actively avoid much lower TRO concentrations than would be lethal over several days' continuous exposure<sup>32</sup>.</p> <p>At the immediate point of discharge the maximum temperatures at the surface are between 7.5 and 8°C above ambient. As a 98<sup>th</sup> percentile the 5°C above ambient temperature contour is 30.6ha in a relatively symmetrical position around the outfalls. Within this area TRO concentration above 50µg/l and 20µg/l occur over sea surface areas of ~9ha and 98ha, respectively as a 95<sup>th</sup> percentile. In small areas of the thermal plume with temperatures of 5°C above background and in which TRO concentrations are &gt;20ug/l increased TRO toxicity may occur. However, the plume conditions sufficient to cause synergistic effects are transient and exposure times of actively mobile organisms or those passively moving with the tides would be short. Therefore, synergistic effects are feasible over limited spatial areas. Furthermore, mobile fish species may be able to avoid TRO plumes (paragraph 22.8.741 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317]). The conclusion that "<i>The inter-relationship of the TRO and thermal plumes is not predicted to increase the significance of effects concluded for the pressures alone</i>" is considered appropriate.</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO have received and reviewed the response by the Applicant and are content with the response provided by the Applicant.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.251	The Applicant, MMO	[APP-317] Section D.e.f Assessments of effects at the sea-area or regional stock/population level: hydrazine and temperature changes, para 22.8.852. This states:

<sup>31</sup> Cooke, S.J. and J.F. Schreer (2001). Additive Effects of Chlorinated Biocides and Water Temperature on Fish in Thermal Effluents with Emphasis on the Great Lakes. Reviews in Fisheries Science, 2001, 9 (2), pp. 69–113.

<sup>32</sup> Cooke, S.J. and J.F. Schreer (2001). Additive Effects of Chlorinated Biocides and Water Temperature on Fish in Thermal Effluents with Emphasis on the Great Lakes. Reviews in Fisheries Science, 2001, 9 (2), pp. 69–113.

ExQ1	Question to:	Question:
		<p><i>"The inter-relationship of the hydrazine and thermal plumes is not predicted to increase the significance of effects concluded for the pressures alone. This conclusion applies to all fish receptors assessed".</i></p> <p>Please will the Applicant explain how it reaches this conclusion. The ExA notes that in the previous paragraph it is recorded that "Considering the decay of hydrazine, increases in water temperature were found to enhance the toxicity of the compound for fish taxa".</p> <p>Does the assessment of no significant effect in the last sentence of para 22.8.853 to change as a result and if not please explain why.</p> <p>Can the MMO throw any light on this?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Hydrazine would be discharged into the cooling water flow at the seal pit in a single daily pulse of approximately 2.32h duration resulting in an initial hydrazine concentration of 69ng/l in the cooling water flow or as the alternative daily discharge scenario of 4.6h of 34.5ng/l. In both cases the concentration in the cooling water discharge itself is below the Canadian Federal Water Quality Guidelines for low likelihood of adverse effects toxicity of hydrazine in the marine environment (200ng/l). Once in the receiving waters, dilution and decay results in the acute PNEC (4ng/l as a 95<sup>th</sup> percentile) occurring over areas of 17.4ha and 13.8ha for the 34.5ng/l and 69ng/l discharge scenarios, respectively.</p> <p>Increases in water temperature have been shown to increase toxicity of hydrazine to fish, however, effect concentrations are orders of magnitude above the acute PNEC. As stated in <b>Question Bio.1.248</b>, the acute PNEC is based on data for the most sensitive group of organisms tested (algae) and is derived from continuous exposure for up to 6 days. Available evidence suggests that fish are one of the less sensitive groups to hydrazine exposure.</p> <p>At Sizewell, seasonal chlorination would be applied. When hydrazine is added to chlorinated seawater, the hydrazine is oxidized to nontoxic nitrogen, sodium chloride and water. An initial hydrazine concentration of 69ng/l fell to 8.4 ng/l in the presence of chlorinated seawater at the planned TRO concentrations for SZC (<b>Volume 2, Appendix 21E</b> of the <b>ES</b> [<a href="#">APP-315</a>]). The combination of elevated temperature and chlorine TRO would increase hydrazine degradation. The elevated temperature and presence of TRO has the potential to enhance the interactions between the stressors. However, as hydrazine exposure occurs for short periods the dynamic interaction between TRO, hydrazine and</p>

ExQ1	Question to:	Question:
		<p>temperature causing a reduction in hydrazine concentration but also potentially contributing to synergistic effects would be temporally as well as spatially limited. Synergistic effects on the toxicity of hydrazine to fish in the receiving waters would only occur in the very near field and have negligible difference beyond the effects already assessed for the pressures individually. The sensitivity of fish to operational hydrazine discharges is assessed in paragraph 22.8.788 onwards of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317]; the effects of fish sensitivity to thermal discharges are assessed in paragraph 22.8.673 to 22.8.787.</p> <p>The assessment of localised displacement due to the synergistic effects of hydrazine and temperature changes in paragraph 22.8.853 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [APP-317] are not anticipated to be greater than for the pressures alone. Localised behavioural responses to thermal discharges would override any behaviours to hydrazine.</p>
	<b>Response from the MMO for Deadline 2</b>	<p>The MMO have received and reviewed the response by the Applicant and are content with the applicant's response. The discharge of hydrazine will occur a maximum of once per day for a few hours. The modelling that has been undertaken is conservative and the Predicted No Effect Concentrations (PNEC) is also conservative. On this basis it is extremely unlikely that any significant effects will occur to fish that might be exposed to the intermittent plume. As the applicant notes, reported effects concentrations for fish are orders of magnitude greater than the PNEC. On this basis synergistic effects between hydrazine and the thermal plume are considered extremely unlikely.</p>
	<b>Response from SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>
Bio.1.252	The Applicant, MMO	<p>[APP-317] Section D.e.g, Assessments of effects of localised displacement: hydrazine and temperature changes, para 22.8.853.</p> <p>This simply states that <i>"It is unlikely that this inter-relationship would increase the significance of the effects of localised displacement"</i>. Please will the Applicant explain why.</p> <p>Can the MMO throw any light on this?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The thermal discharge is anticipated to be the overriding factor causing the stimulus for fish displacement behaviours. Concentrations of hydrazine even in close proximity to the</p>

ExQ1	Question to:	Question:
		<p>outfall are very low (please see response to <b>Question Bio.1.251</b>) therefore the assessment of displacement due to thermal discharges remains appropriate.</p> <p>For clarification para. 22.8.853 should read:</p> <p><i>"It is unlikely that this inter-relationship would increase the significance of the effects of localised displacement, beyond the effects predicted for the pressures [of hydrazine and temperature changes individually]. This conclusion applies to all fish receptors assessed. Effects are not significant at the sea or regional stock/population level."</i></p>
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response and are content with it. As the Applicant notes, reported effects concentrations for hydrazine for fish are orders of magnitude greater than the PNEC. On this basis synergistic effects between hydrazine and the thermal plume are considered extremely unlikely.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.253	The Applicant, MMO	<p>[APP-317] section D.e.k, Assessments of effects at the sea-area or regional stock/population level: primary and secondary entrainment. Para 22.8.860</p> <p>Please will the Applicant explain its conclusion that secondary entrainment does not increase significance "due to the fact that even if 100% mortality of entrained ichthyoplankton was assumed, the volume of cooling water is sufficiently low compared to tidal exchange to dampen any effects".</p> <p>Can the MMO assist?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>These points were not explained as clearly as they should have been in paragraph 22.8.860 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>]. The statement "<i>due to the fact that even if 100% mortality of entrained ichthyoplankton was assumed, the volume of cooling water is sufficiently low compared to tidal exchange to dampen any effects</i>" is in respect to local depletion. The replenishment rate of planktonic organisms due to tidal exchange, relative to the volume abstracted is an important relationship in determining depletion and has been applied more widely in the EIA for considering effects on zooplankton (see Section 4.2 in <b>Volume 2, Appendix 22G</b> of the <b>ES</b> [<a href="#">APP-324</a>]). In open coastal systems high replenishment rates dampens any local effects.</p>

ExQ1	Question to:	Question:
		<p>Section D.e.k of [APP-317] considers the effects on the primary entrainment (passage through the cooling water circuit) and secondary entrainment (exposure to the discharge plume) on ichthyoplankton.</p> <p>The assessment of ichthyoplankton entrainment is precautionary for most species in that all individuals entrained are assumed to incur 100% mortality. The only exception to this is Dover sole and sea bass eggs where entrainment studies have shown 20% and 40% eggs survival, respectively (<b>Table 2</b> of [APP-324]).</p> <p>Ichthyoplankton in the receiving waters exposed to the discharge plume have the potential to incur lethal effects in the near field of the plume, where thermal and or chemical discharges alone or in-combination are sufficient to cause acute effects. However, only a very small proportion of ichthyoplankton would be exposed. The effects of the thermo/chemical plume and entrainment on ichthyoplankton in terms of future SSB is considered negligible. Losses would not be significant in relation to high natural mortality and large variations in abundance.</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO has received and reviewed the Applicant's response to this question and is content with it. The effects of entrainment of ichthyoplankton on Spawning Stock Biomass (SSB) are generally very small and much smaller than impingement impacts. It is generally assumed that there is 100% mortality of entrained ichthyoplankton. For both of these reasons, the MMO advise that the combined impact of entrainment of ichthyoplankton within the cooling water system and exposure to discharge plumes is not an issue of concern.
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 14- Biodiversity and ecology (marine) - Marine Mammals</b>		
Bio.1.254	The Applicant, MMO	<p>[APP-317] section C.f – UXO detonations, paras 22.9.197-22.9.202.</p> <p>(i) The MMO has expressed considerable concern about this aspect – see [RR-0743] paras 3.1.1 – 3.1.4. Please will the Applicant set out its response and will the MMO state their current understanding of the position. If this is already set out in their SoCG, and nothing has changed since then it will be adequate to state a short conclusion and to refer the ExA to the relevant paragraphs of the SoCG.</p>



ExQ1	Question to:	Question:
		<p>(ii) How is the dedicated marine mammal mitigation protocol to be prepared in consultation with statutory stakeholders secured (para 22.9.201)?</p> <p>(iii) What are the mitigation measures for seals referred to at para 22.9.202 and how are they secured?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The MMO has stated a separate licence application for UXO removal is necessary once the detailed information is available. Therefore, the provisions related to UXO removal have been removed from the deemed Marine Licence (Doc Ref. 3.1(D)). Should UXOs be identified on site, a separate Marine Licence application will be made. This has been discussed during consultation with the MMO and Natural England. Please see statements at MDS_ML2 of the SoCG with the MMO (Doc Ref. 9.10.18) for further detail.</p> <p>(ii) The Marine Mammal Mitigation Protocol (MMMP) was to be secured by way of Condition 39 of the deemed Marine Licence as part of the UXO licensed activity however this has now been removed (see (i)). A MMMP for piling works has been drafted and is secured by deemed Marine Licence Condition 40. Measures necessary to mitigate any impact on marine mammals from UXO clearance activities will be identified and secured through any separate UXO clearance licences.</p> <p>(iii) Mitigation measures for seals are specified in the draft MMMP that has been submitted for piling activities (<b>Volume 2, Appendix 22N</b> of the <b>ES</b> [<a href="#">APP-331</a>]) secured by Condition 40 of the deemed Marine Licence. Any measures required to mitigate the impact on seals due to UXO clearance, where required, will be identified and secured through any separate UXO clearance licences. A summary of such considerations and mitigation options is provided in paragraph 22.3.125 of <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>].</p>
	<b>Response from the MMO for Deadline 2</b>	<p>(i) The MMO confirms that we were concerned that there was not sufficient information available within the application surrounding Unexploded Ordnance (UXO) clearance, and as such requested that they be removed from the Deemed Marine Licence. Should UXOs be identified, a separate Marine Licence Application will be made to the MMO. UXO's have now been removed from the DCO/DML. (ii) The Marine Mammal Mitigation Protocol (MMMP) secured by Condition 39 on the DML as part of the UXO licensed activity has been removed. The MMO advises that a MMMP should be secured within the DML due to impacts from piling within Southern North Sea SAC (see our SOCG).</p>

ExQ1	Question to:	Question:
	<b>Response from SZC Co. for Deadline 3</b>	<p>Condition 39 was removed as described because UXO removal has been removed from the DML. However, as identified, it is still required for other sources of underwater noise, namely the construction of the BLFs. The obligation to provide a MMMP has been incorporated into Condition 40 in version 4 of the draft DCOA which relates to BLF construction.</p> <p>An updated version of the MMMP will be provided as part of the submission at Deadline 3 (Doc Ref. 6.3 22N (A)).</p>
Bio.1.256	The Applicant, MMO	<p>[APP-317] section D.b.b.a – Sensitivity to temperature changes, para 22.9.257.</p> <p>This comments on potential habitat loss in the Southern North Sea SAC. There are other instances e.g. relating to chlorinated discharges (section D.b.c.c, para 22.9.272)</p> <p>Please will the Applicant indicate where this is assessed in the shadow HRA and with what conclusion?</p> <p>Please cover all the instances of habitat loss for marine mammals, not just those mentioned specifically in this question.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The <b>Shadow Habitats Regulations Assessment (shadow HRA)</b> [APP-145] describes the potential effects on marine mammals and their prey from: changes in water quality (including temperature changes and chlorinated discharges); direct habitat loss or direct / indirect habitat fragmentation; underwater noise; and physical interaction with vessels or project infrastructure.</p> <p>The <b>shadow HRA</b> [APP-145] covers the following instances of habitat loss for marine mammals, with further site-specific assessment for the Southern North Sea Special Area of Conservation (SAC) provided in section 9.5 of the <b>shadow HRA</b>:</p> <ul style="list-style-type: none"> <li>• Potential for habitat loss and fragmentation due to construction and decommissioning activities (Section 9.3.ii, starting at paragraph 9.3.19)</li> <li>• Potential for habitat loss during operation (Section 9.3.iii starting at paragraph 9.3.22)</li> <li>• Potential for impacts of the thermal plume on marine mammals (starting at Paragraph 9.4.17)</li> <li>• Potential for impacts of chemical discharges on marine mammals (starting at 9.4.15)</li> </ul>

ExQ1	Question to:	Question:
		<p>As per Table 9.38 (Summary of the potential effects of the Sizewell C Project on the Southern North Sea SAC alone and in-combination with other plans and projects) in the <b>shadow HRA</b> [APP-145], there would be no potential for adverse effects on the integrity of the site in terms of direct habitat loss and indirect habitat fragmentation during construction, decommissioning and operation alone or in combination.</p> <p>For pinniped species, habitat loss is not considered to be a potential effect in the <b>shadow HRA</b>. For the Wash and North Norfolk Coast SAC, in relation to the conservation objective for harbour seal, the conclusion is that there is no potential for adverse effects on the integrity of the SAC to arise due to the Sizewell C Project either alone or in-combination with other plans or projects (paragraph 9.6.50 of [APP-145]). For the Humber Estuary SAC, in relation to the conservation objective for grey seal, the conclusion is that there is no potential for adverse effects on the integrity of the Humber Estuary SAC to arise due to the Sizewell C Project either alone or in-combination with other plans or projects (paragraph 9.4.69 of [APP-145]).</p>
	<b>Response from the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant. The MMO defers to Natural England for matters regarding the shadow HRA (see our comments within the SOCG).
	<b>Response from SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Part 15- Biodiversity and ecology (marine) - Indirect Effects and Food Webs</b>		
<b>Part 16- Biodiversity and ecology (marine) - Mitigation</b>		
<b>Part 17- Biodiversity Net Gain – unless stated otherwise, references are to the Applicant’s Biodiversity Metric Calculations document [APP-266]</b>		
Bio.1.260	The Applicant, Natural England, ESC	<p>Please will the Applicant set out its understanding of the Government’s current policy on biodiversity net gain. Please will Natural England and ESC do the same. In ESC’s case, please will it include its own policy as well.</p> <p>In all cases, please provide the necessary references and internet addresses.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>A summary of legislation and policy is provided in the cover note for the latest reports. Please see <b>Appendix 7M</b> of this chapter.</p> <p>The '25 Year Plan for the Environment and the National Planning Policy Framework' requires new developments to identify and pursue opportunities for securing measurable</p>

ExQ1	Question to:	Question:
		<p>net gains for biodiversity and for the wider environment. The Environment Bill 2019-2021<sup>33</sup> which was first introduced on 15 October 2019, was re-introduced to parliament following a general election on 30 January 2020. The Environment Bill is viewed as helping deliver the government's manifesto commitment to '<i>delivering the most ambitious environmental programme of any country</i>'. The Environment Bill introduces a mandatory requirement for biodiversity net gain for new developments to ensure that they enhance biodiversity and create new green spaces for local communities to enjoy. Integrating biodiversity net gain into the planning system will provide a step change in how planning and development is delivered.</p> <p>The Environment Bill 2019-2021<sup>34</sup> has passed its second reading in the House of Commons and is has been at reporting stage since 26 January 2021. The Bill still needs to undergo a third reading in the House of Commons and be passed to the House of Lords. In the reporting stage amendments to the Bill can still be made.</p> <p>The Environment Bill in its present form includes a mandatory Biodiversity Net Gain of 10% for development and this needs to be maintained for a minimum of 30 years. National Significant Infrastructure Projects (NSIP) are excluded from mandatory Biodiversity Net Gain.</p> <p>Biodiversity Net Gain cannot be used to mitigate for the loss of habitats in statutory designated sites or irreplaceable habitats such as Ancient Woodland.</p> <p>The NPPF, sets out how the planning system should protect and enhance nature conservation interests. Section 15, paragraph 170d discusses biodiversity net gain. The relevant parts include:</p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>• minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> </ul>

<sup>33</sup> UK Parliament, Environment Bill 2019-2021, <https://bills.parliament.uk/bills/2593>

<sup>34</sup> UK Parliament, Environment Bill 2019-2021, <https://bills.parliament.uk/bills/2593>

ExQ1	Question to:	Question:
		<p>Then paragraph 174b, to protect and enhance biodiversity and geodiversity, states plans should:</p> <ul style="list-style-type: none"> <li>• promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species: and identify and pursue opportunities for securing measurable net gains for biodiversity</li> </ul> <p>Finally, paragraph 175d, which specifies the approach to be used when determining planning applications, local planning authorities are expected to apply the following principles:</p> <ul style="list-style-type: none"> <li>• development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</li> </ul>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>ESC's understanding is that the Government's current position is that mandatory Biodiversity Net Gain (as it is intended in the forthcoming Environment Bill (<a href="https://bills.parliament.uk/bills/2593">https://bills.parliament.uk/bills/2593</a>)) does not apply to NSIPs (Net Gain – Summary of responses and government response (DEFRA, July 2019) <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf</a>).</p> <p>However, Section 5.3.4 of National Policy Statement EN1 states that developments should conserve and enhance biodiversity and ESC would therefore expect to see this adequately addressed in the application.</p> <p>In relation to Biodiversity Net Gain, the East Suffolk Council Suffolk Coastal Local Plan policy (SCLP10.1) (<a href="https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-andLocal-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-LocalPlan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-andLocal-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-LocalPlan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf</a>) states in paragraph three that <i>"New development should provide environmental net gains in terms of both green infrastructure and biodiversity. Proposals should demonstrate how the development would contribute towards new green infrastructure opportunities or enhance the existing green infrastructure network as part of the development. New development must also secure ecological enhancements as part of its design and implementation, and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal."</i></p>

ExQ1	Question to:	Question:
		<p>The Applicant has presented a Biodiversity Net Gain assessment for the development as part of the application, and ESC understand that this is being updated to reflect accepted scheme changes. Whilst ESC considers that the use of the metric (currently DEFRA Metric v2.0) designed to measure Biodiversity Net Gain is a sensible approach to providing some quantification of the amount of ecological loss/gain delivered by the project, the deficiencies of the metric must also be accounted for when determining whether genuine gain is being delivered. In particular, as acknowledged in the Applicant's Biodiversity Net Gain report, the metric calculations cannot account for impacts on designated nature conservation sites (on which the ES identifies direct impacts) and nor can it account for impacts on species or more subtle ecological impacts such as fragmentation of connectivity caused by habitat removal during construction (even if these habitats are eventually replaced). Given that there is the potential for the project to have unmitigated residual biodiversity impacts, ESC considers that the conclusions presented in the Applicant's Biodiversity Net Gain report must be used as only part of the consideration of the overall ecological impact of the project.</p>
	<p><b>Response by Natural England for Deadline 2</b></p>	<p>We welcome the inclusion of BNG in the DCO application. This is something we had pushed for in previous discussions and consultations with EDF Energy and are glad that they have embraced it in advance of it potentially being a statutory requirement for NSIPs in future.</p> <p>The Environment Bill does not currently include making BNG mandatory for NSIPs. The BNG consultation referenced a longer-term ambition to extend BNG to major infrastructure projects and Natural England continues working to encourage and incentivise net gain outcomes across major infrastructure developments.</p> <p>The BNG approach has been developed to not only help halt declines in wildlife by conserving what habitats and species are left but begin the task of restoring some of what has been lost. In simple terms, BNG calculations should, ideally using the recently released Defra biodiversity net gain metric, compare the current biodiversity value of the habitats within the project red line boundary to be lost (excluding designated sites and ancient woodland) with the biodiversity value of the habitats forecast to be created</p>

ExQ1	Question to:	Question:
		<p>following development, with the intention being to demonstrate an overall increase in biodiversity (minimum 10 %).</p> <p>The government recently announced in June 2019 that it would legislate for net zero greenhouse gas emissions by 2050. Achieving net zero emissions globally is essential to meeting commitments under the Paris Agreement to hold the level of climate change to substantially less than 2 °C and pursue efforts to limit it to 1.5 °C above the pre-industrial average. Creation of semi-natural habitats can help mitigate climate change by adopting practices which promote carbon storage and reduce emissions. In addition to enhancing the biodiversity value of the local area, semi natural habitats take up and store significant amounts of carbon in soils and vegetation and act as a 'Natural Climate Solution'. See <a href="#">Carbon storage by habitat: Review of the evidence of the impacts of management decisions and condition of carbon stores and sources (NERR043)</a> for more information.</p> <p>In addition to the considerable ecological benefits, such an approach would also be hugely important as a landscape and visual mitigation measure in this part of the Suffolk Coast and Heaths AONB, commensurate with its nationally designated status. Establishing a strong landscape character which reinforces and lifts the landscape quality can help to indirectly mitigate those significant impacts of the scheme which cannot be directly mitigated by altering the design or location of buildings or by screening. This is therefore the only way in which the Sizewell C project can provide for landscape net gain.</p> <p>However, it is imperative that the project as a whole avoids, mitigates and/or compensates for impacts internationally designated sites (SACs, SPAs, Ramsar sites), nationally designated sites (SSSIs) and that the necessary measures are agreed and secured through the relevant statutory requirements (e.g. Habitats Regulations, Wildlife and Countryside Act etc.. <b>The BNG approach is therefore dependent on all relevant parties, including Natural England, agreeing that the project represents no 'biodiversity net loss' in these regards; this necessarily requires all designated site issues within the statement of common ground be classified as 'green'</b> before the project is consented.</p>

ExQ1	Question to:	Question:
		For our full detailed comments can be found under issue 23 within our Relevant (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) and Written Representations (Our Ref: 350822, dated 2nd June) and Statement of Common Ground.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co considers that given that Biodiversity Net Gain approach specifically excludes SSSI landtake (and related compensatory habitats), the SZC development does generate an overall biodiversity net gain as <b>determined by the metric</b>. The updated Biodiversity Net Gain reports for the main development site [<a href="#">REP1-004</a>], two village bypass [<a href="#">REP1-018</a>], Sizewell link road [<a href="#">REP1-017</a>] and Yoxford Roundabout [<a href="#">REP1-019</a>] were submitted at Deadline 1.</p> <p>However, SZC Co does acknowledge the need to compensate for the landtake of the SSSI habitats and this is done using a parallel approach, i.e. through the delivery of wetland habitats (reedbeds, ditches) at Aldhurst Farm, the Fen Meadow Strategy and the Wet Woodland Strategy. All of the habitats delivered as compensatory habitats are excluded from the Biodiversity Net Gain calculations. As noted at Bio 1.79 above, the conclusion of no significant effect on Sizewell Marshes is predicated on the success of the compensatory fen meadow and wet woodland habitat creation.</p> <p>It is worth noting that the UK Treasury (14<sup>th</sup> June 2021) issued a press release which states that '<i>New Nationally Significant Infrastructure Projects in England, such as future transport and energy projects, will as a result need to provide a net gain in biodiversity and habitats for wildlife - through an amendment to be made to the Environment Bill.</i>' It is not clear when the Environment Bill will be amended or become law, or whether it will affect existing applications such as Sizewell C. See: <a href="#">Government commits to 'nature-positive' future in response to Dasgupta review - GOV.UK (www.gov.uk)</a> <a href="#">MASTER Dasgupta Response web.pdf (publishing.service.gov.uk)</a></p>
Bio.1.267	The Applicant, Natural England	Para 2.9 – Areas within the sea are excluded. Please explain why. Is that a valid approach?
	<b>Response by SZC Co. for Deadline 2</b>	Marine aquatic habitats are not included within the methodology of the Biodiversity Metric 2.0, so were not included within the assessment.



ExQ1	Question to:	Question:
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England advises that there is currently no published guidance for applying biodiversity net gain to the marine environment. There is a longer-term ambition to extend biodiversity net gain to marine development and Natural England, alongside Defra are working to develop an approach and metric for marine net gain. While the government continues to explore the potential for a net gain approach to the marine environment, the marine environment remains outside of the mandatory require in the Environment bill. As such there are no published matrices for marine biodiversity net gain.</p> <p>For this reason, we are satisfied that the Applicant has not included the marine environment in their net gain calculations.</p> <p>For further detailed, please see <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf</a></p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Bio.1.271	The Applicant, Natural England	<p>Para 7 – areas excluded.</p> <p>It is stated that the SSSI habitat is not addressed by the metric as it is of greater value than non-designated areas. It is also stated that 1.6 ha of fen meadow will be lost and 1.7 ha created. Is not Natural England’s requirement for a far greater area, presumably because of difficulties in creating fen wetland and to guard against potential failures? Should the extra be taken into account in the net biodiversity calculation?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The habitat compensation for land take impacts to the Sizewell Marshes SSSI have been discussed with Natural England and other stakeholders. Specifically in relation to fen meadow, the compensation is addressed through the Fen Meadow Strategy included as <b>Volume 3, Appendix 2.9.D</b> of the <b>ES Addendum</b> [AS-209] and also see the answer to <b>Question Bio 1. 65</b> above. Natural England's requirements for a greater area of fen meadow is addressed in the Fen Meadow Strategy. However, the land take of fen meadow from the SSSI and the replacement fen meadows to be created under the <b>Fen Meadow Strategy</b> [AS-209] are entirely excluded from the BNG assessment because (as stated in the response to <b>Question Bio.1.266</b> above) the Biodiversity Metric 2.0 is not designed to assess impacts to SSSIs. These habitats are considered to be 'untradeable'</p>

ExQ1	Question to:	Question:
		and so it would not be appropriate to include any such component of this in the BNG calculations (including areas lost or created).
	<b>Response by Natural England for Deadline 2</b>	<p>Para 7 – areas excluded. It is stated that the SSSI habitat is not addressed by the metric as it is of greater value than non-designated areas. It is also stated that 1.6 ha of fen meadow will be lost and 1.7 ha created. Is not Natural England’s requirement for a far greater area, presumably because of difficulties in creating fen wetland and to guard against potential failures? Should the extra be taken into account in the net biodiversity calculation?</p> <p>We support the approach of impacts to SSSI’s needing to be assessed and compensated for separately outside of the BNG calculations given their status. We advise that, when considering different habitats, the metric</p> <p>In terms of specific habitats, we cannot find reference to 1.6 ha of non-designated fen meadow being lost and 1.7 ha created. However, various risk factors associated with creating, restoring or enhancing habitats should be factored into the BNG calculations for all habitat types which are included. These include:</p> <ul style="list-style-type: none"> <li>• <b>Difficulty of creating or restoring a habitat:</b> A standard score based on how difficult the habitat type is to create</li> <li>• <b>Temporal Risk:</b> A standard score based on how long the habitat type takes to establish</li> <li>• <b>Off-site risk:</b> A score based on whether any compensation is undertaken sufficiently nearby to the site at which the habitat is lost Further detail on the application of the metric are available here:  <a href="http://publications.naturalengland.org.uk/publication/5850908674228224">http://publications.naturalengland.org.uk/publication/5850908674228224</a></li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Chapter 8 - HRA.1      Habitats Regulations Assessment</b>		
HRA.1.0	Natural England	DEFRA/Natural England guidance entitled ‘HRAs: protecting a European site’ was published on 24 Feb 2021. Does Natural England consider that there is anything in this

ExQ1	Question to:	Question:
		new guidance that would alter the approach that the Applicant has taken to their Shadow HRA Report [APP-145] (including addendum [AS-178]) and specifically in their derogations case or compensation measures plans? If so, please provide reference to specific parts of the guidance that require further attention.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required. However, SZC Co. notes that the reference to the <b>Shadow HRA Addendum</b> refers to [AS-178]. Please note that this is one of the appendices to the Addendum; the full <b>Shadow HRA Addendum</b> is provided in [APP-173 to APP-178]. This should also be read alongside the <b>Shadow HRA Second Addendum</b> (Doc Ref. 5.10Ad 2).
	<b>Response by Natural England for Deadline 2</b>	The new guidance has not altered our advice in regards the applicants Shadow HRA.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
HRA.1.2	Environment Agency	The ExA notes the comments of the Environment Agency in their Relevant Representation [RR-0373] regarding further European sites designated for their allis shad, twaite shad and river lamprey qualifying features, which were absent from the Applicant's Shadow HRA Report [APP-145]. The Applicant in its Shadow HRA Addendum Report [AS-173] has provided additional information on these three species, including screening for additional European sites. Could the Environment Agency comment on whether this information addresses the points raised in the RR with regards to these qualifying features and European sites. If the Environment Agency has outstanding concerns on these matters, please could they expand.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Natural England for Deadline 2</b>	The Applicant has provided additional information.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
HRA.1.3	Natural England	Could Natural England confirm whether it is content that the Applicant has identified all relevant European sites and qualifying features in their Shadow HRA Report [APP-145] and Shadow HRA Addendum Report [AS-178].
	<b>Response by SZC Co. for Deadline</b>	Please refer to response to <b>HRA.1.0</b> .
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England is currently satisfied that the proposals in their current form have scoped in all relevant European sites.</p> <p>However as outlined in our Written Representation (our ref; 350822, dated: 2nd June 2021), there is potential for further impacts on European sites not currently scoped into the assessment as a consequence of water use impacts. Until the Water Industry National Environment Programme (WINEP) study is undertaken by Essex and Suffolk Water and the resulting assessments (including HRA) reviewed in this regard, this issue remains unresolved and outstanding.</p> <p>Without such evidence, Natural England is unable to advise on whether or not this key element of the project proposals may have impacts on those European sites already scoped into assessment (as listed in column B) through any pipeline works etc. or European sites further afield within the Waveney catchment area (where it is understood the preferred scheme would take water) through abstraction of this magnitude and associated works to facilitate it.</p>
	<b>Response by SZC Co. for Deadline 3</b>	The Water Industry National Environment Programme (WINEP) study that is being undertaken by Northumbrian Water Limited (which trades locally as Essex and Suffolk Water), which is due to finish in June, will demonstrate the sustainability of the proposed supply which would be from their Northern/Central Water Resource Zone. This will be submitted into the examination at Deadline 5 in support of an updated water Supply Strategy for the Sizewell C Project. There is to be no abstraction from the local Blyth area.
HRA.1.8	The Applicant	The Shadow HRA Report: Compensatory Measures [APP-152] contains limited information on the specifics of the proposed habitat management measures at Section 3.4 (c). There are also limited cross-references to other submission documents that may be being relied upon for the HRA compensatory measure package. Could the Applicant confirm where any

ExQ1	Question to:	Question:
		<p>further detailed information on the proposed management measures for the delivery of HRA compensatory measures are to be found in the application documents and/or additional submissions.</p> <p>The ExA notes ES Chapter 14 Terrestrial Ecology and Ornithology Appendix 14C5 Marsh Harrier Mitigation Area Feasibility Report [APP-259]; however, this report dates from April 2019 and does not include information relating to the change to the water resource storage area and the subsequent inclusion of wetland habitats as part of the HRA compensation proposals for marsh harrier. Could the Applicant confirm where information on the proposed management measures, including the proposed wetland habitats, is to be found or provide this information.</p> <p>Furthermore, Appendix A (figure) to [APP-152] has a note that states it is to be revised in final design to include the enhanced compensatory habitat comprising wet woodland area and temporary water storage area. Could the Applicant provide an updated figure to show the proposed compensatory measures area, including the proposed wetland habitats, and the relationship of the area to the Order Limits. It would appear to the ExA that part of the land shown on the figure in Appendix A of [APP-152] lies outside of the order limits as shown on Sheet 1 of the Works Plans [AS-285].</p> <p>The broad category of 'marsh harrier habitat' in the mitigation route map addendum [AS-276] refers to securing mechanisms of the Section 106 (Implementation Plan), Requirement 14 (MDS: Landscape works), and DCO Article 3 (Scheme design). Could the Applicant confirm which of these mechanisms (if any) relate to the HRA compensatory measures proposals.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Proposed future management measures will be set out in an EDF estate-wide management plan, which will explain the long-term management of the marsh harrier compensation habitat area.</p> <p><b>ES, Volume 2, Chapter 14</b> (Terrestrial Ecology and Ornithology), <b>Appendix 14C5: Marsh Harrier Mitigation Area Feasibility Report</b> [APP-259] is updated by [REP2-119], which includes the proposed wetland habitats. <b>Appendix B</b> to Doc Ref. 9.16 includes an updated figure to show the proposed compensatory measures area, including the proposed wetland habitats, and the relationship of the area to the Order Limits.</p>

ExQ1	Question to:	Question:
		The revised proposals, which now include transforming 10% of the compensation area to wetland, represent a positive enhancement of the previously proposed design reported in the <b>Marsh Harrier Mitigation Area Feasibility Report</b> [APP-259] given the high suitability of wetland habitats for foraging marsh harriers. Therefore, the wetland creation will augment the previously proposed management that was focussed solely on enhancing prey abundance and availability on 'dry' habitat. The high suitability of wetland habitats for foraging marsh harriers is a point recognised throughout the discussions on the design of the compensation area and acknowledged by Natural England in its relevant representation; Part II, item 27.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC is eager to ensure that the compensatory measures set out in the Shadow HRA Report: Compensatory Measures, and in any other documents, are appropriately secured through the provisions of the draft DCO. As such, ESC would welcome confirmation from the Applicant that such provisions are secured in the draft DCO, alongside an explanation of the mechanism by which they are secured. This is not currently clear to ESC.
	<b>Response by SZC Co. for Deadline 3</b>	An Estate-wide management Plan (EWMP) is being developed which will further set out the habitats across the EDF Energy estate, including those defined within the Order Limits, for Marsh Harriers and explains how these will be managed. Details will be secured as necessary to ensure the marsh harrier habitats are established in accordance with the habitat plan identified above, submitted at Deadline 2 [REP2-119].
HRA.1.9	Natural England	Particularly in light of 'Change 5' as summarised in Table 2.1 of the Shadow HRA Addendum Report [AS-178], could Natural England comment on the Applicant's proposed compensatory measures package as originally set out in Shadow HRA Report: Compensatory Measures [APP-152], with reference to the legislative tests and relevant guidance. Should Natural England have any outstanding concerns with regards to the proposed compensatory measures please could these be stated.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Natural England for Deadline 2</b>	In terms of 'Change 5' Natural England highlight that there are no compensatory measures currently provided for the marine environment, and we do not request any. We are satisfied with the mitigation measures that have been proposed with regards to the effects of piling from the construction of both BLFs, and believe that if they are

ExQ1	Question to:	Question:
		<p>implemented it is unlikely there will be a resulting adverse effect on the integrity of the Southern North Sea SAC.</p> <p>However, we do have outstanding issues with the Applicant's assessment regarding displacement of over-wintering Red-throated divers caused by increased vessel traffic to the temporary BLF. Natural England has provided further detailed comments on this issue in Issue 27 of our Written Representations.</p> <p>In terms of the compensation approach for marsh harrier impacts to Minsmere-Walberswick SPA and Ramsar site, please see our responses under Bio.1.108, Bio.1.110 and Bio.1.189.</p> <p>It should be noted that the outcome of various other HRA issues where we are not yet satisfied that adverse effects on integrity (AEoI) to European designated sites can be ruled out and where we are seeking further information may end up requiring compensation measures.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has provided further clarification in relation to Red-throated Divers in the response to Natural England's Written Representations (Doc Ref. 9.28), see Natural England's Issue 27.</p> <p>In relation to Marsh Harriers, SZC Co. provides an update in relation to habitat plans under Bio 1.108 above.</p> <p>In relation to Natural England's final paragraph, SZC Co. provides further clarification in relation to various other HRA issues in the SZC Co. response to Natural England's Written Representations, in Chapter 11 of <b>Comments on Written Representations</b> (Doc Ref. 9.28). SZC Co. does not believe further compensation measures are likely to be required since no further adverse effects on integrity are predicted.</p>



**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)**

**ExQ1 PART 3 OF 6**

Chapter 9 CC.1	<a href="#">Climate change and resilience</a>
Chapter 10 CG.1	<a href="#">Coastal Geomorphology</a>
Chapter 11 CA.1	<a href="#">Compulsory Acquisition</a>
Chapter 12 CI.1	<a href="#">Community Issues</a>
Chapter 13 Cu.1	<a href="#">Cumulative impact and transboundary effects</a>



<b>ExQ1</b>		<b>Question to:</b>	<b>Question:</b>
<b>Chapter 9 - CC.1 Climate change and resilience</b>			
CC.1.13	ONR	<p><b>The role of the Nuclear Regulators</b></p> <p>The ONR [RR-0992] explains that in June 2020, NNB Generation Company (SZC) Ltd applied for a nuclear site licence to allow it to install and operate two EPR™ reactors at the Sizewell C site. The ONR is currently assessing this application:</p> <p>(i) Does the ONR have any concerns at this stage associated with the proposed development in relation to climate change impacts and the adaptation measures proposed in the light of experience gained since its assessment of the generic EPR design in 2012?</p> <p>(ii) In the light of EN-6, paragraph 2.7.5, are there any reasons at this stage for the ExA to be concerned that any necessary licence, permit or authorisation will not subsequently be granted?</p> <p>(iii) In the light of EN-6, paragraph 2.7.6, is the ONR aware of any regulatory requirements that are likely to be attached to the grant of a licence and the anticipated timing of the process?</p>	
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. required.	
	<b>Response by ONR at Deadline 2</b>	<p>(i) As part of ONR's assessment, ONR is currently engaging with the Applicant in relation to climate change. Information shared to date suggests it is likely that the Applicant's approach to assessing and managing climate change, including adaptation measures, will meet ONR's expectations for nuclear site licensing.</p> <p>(ii) Regarding para 2.7.5 of EN-6, although we have yet to complete our assessment of NNB GenCo (SZC) Ltd's nuclear site licence application, currently there are no matters of concern that undermine our view that we should be in a position to grant a licence for Sizewell C by mid-2022, provided NNB GenCo (SZC) Ltd can provide the necessary reassurances in relation to its corporate competences and the acceptability of the SZC site.</p> <p>(iii) Regarding para 2.7.6 of EN-6, although there is provision in the legislation for ONR to attach any conditions it considers appropriate to a nuclear site licence, our policy is to attach the same set of 36 standard licence conditions to every licence we grant. We foresee no exception to this policy for a nuclear site licence granted for Sizewell C. Our aim is to be in a position to grant such a licence by mid-2022.</p>	

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
CC.1.14	EA	<p><b>The role of the Nuclear Regulators</b></p> <p>The EA [RR-0373] highlights that it is currently unable to advise the ExA of its position on the environmental permits required for operation, or provide representations on any matters covered by those permits. Whilst the ExA appreciates that the EA may not be able to publish the draft decisions on the environmental permits before the Sizewell C DCO Examination closes, does the EA have any specific concerns at this stage associated with the proposed development in relation to climate change impacts and the adaptation measures proposed?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. required.
	<b>Response by Environment Agency at Deadline 2</b>	<p>The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time.</p> <p>To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission. Our expectations are set out in joint guidance documents with ONR and other environmental agencies: "Use of UK Climate Projections 2018 (UKCP18) by the Nuclear Industry" and "Principles for Flood and Coastal Erosion Risk Management". Both can be found at <a href="https://www.onr.org.uk/climate-change/guidance.htm">https://www.onr.org.uk/climate-change/guidance.htm</a>.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
CC.1.16	The Applicant, EA	<p><b>Climate change adaptation</b></p> <p>The Planning Statement, Section 7.3, g), paragraph 7.3.61 [APP-590] refers to the mitigation measures embedded in the design including the elevation of the main platform to take it out of the area of flood risk. The EA [RR-0373] expresses concern that the current Flood Risk Assessment (FRA) identifies increased flooding to properties without identifying appropriate mitigation and compensation measures:</p>

ExQ1	Question to:	Question:
		<p>(i) Is it agreed that the embedded mitigation proposed including the design changes would overcome the flood risk for the main platform itself for the relevant period under consideration?</p> <p>(ii) In the light of EN-1, paragraph 5.7.16, please demonstrate that the project would be safe without increasing the risk of flooding elsewhere. If that remains a point of disagreement, please identify the area of dispute and any further steps proposed to resolve the matter?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(i) The Application includes a number of embedded mitigation measures designed to overcome flood risk, which have not been altered as part of the accepted design changes. These include locating elements of the main development site in Flood Zone 1 and retaining the height of the main platform at 7.3mAOD. The <b>MDS FRA Addendum</b> <a href="#">[AS-157]</a> states that there is no fluvial flood risk to the main platform through the lifetime of the development as a result of these embedded measures. The <b>MDS FRA Addendum</b> <a href="#">[AS-157]</a> also notes that the risk from coastal inundation and wave overtopping for the design event (1 in 10,000-year event at 2140 epoch with reasonably foreseeable climate change allowance) is managed by the design of the HCDF. The HCDF forms part of the embedded mitigation. By increasing the height of the permanent HCDF from the initially proposed 10.2mAOD to 12.6mAOD, this further limits the risk from overtopping and thereby reduces the potential flood risk to the main platform.</p> <p>The Applicant considers that the proposed embedded mitigation measures would provide appropriate mitigation for all sources of flood risk to the main platform for the lifetime of the proposed development.</p> <p>As noted above, the main development site would be safe throughout its lifetime. With regard to off-site impacts, Sections 3.3 and 3.4. of the <b>MDS FRA Addendum</b> <a href="#">[AS-157]</a> identify where there is a limited flood risk impact elsewhere. The mitigation measures embedded within the design, including the flood mitigation area and the revised SSSI crossing design, reduce this impact further when comparing the results in the <b>MDS FRA Addendum</b> <a href="#">[AS-157]</a> with those in the <b>MDS FRA</b> <a href="#">[AS-018]</a>. The Applicant considers that the relative change in flood risk to the off-site receptors as a result of the main development site is not significant when compared to the baseline flood risk, with a maximum relative change in peak flood depth of up to 0.06m by the end of operation in the coastal inundation scenario (2090 epoch).</p>

ExQ1	Question to:	Question:
	<b>Response by Environment Agency at Deadline 2</b>	<p>(i) Main platform flood risk</p> <p>Since we wrote our relevant representation (RR-0373), we have been consulted on a revised FRA Addendum for the Main Development Site as part of the changes consultation. This FRA Addendum confirms that the main development site is not at risk of tidal or fluvial flooding, from either overtopping of the main defences or the defences to the north and south of the site, or from breach of the defences, up to the year 2090 when the operation of the development site will cease. Therefore the buildings and occupants will remain safe in a flood event.</p> <p>There is some risk to the site in the credible maximum climate change scenarios in 2140, from overtopping of the northern and southern defences, which could result in flood depths of 0.64m depth on the platform in the 0.1% (1 in 1000) annual probability flood event. There is also some risk to the site in a credible maximum breach of the main defence in a 0.5% (1:200) annual probability flood in 2140, which would result in flood depths of 0.3-0.4m on the main platform.</p> <p>However 2140 is after the operation of the development site so by then decommissioning of the majority of the buildings on the site would be completed and so there would be very limited activities on the platform, probably only periodic inspections of the spent fuel storage facilities on the site. SZC have understandably stated that 'with appropriate forecasting and warning systems in place, any activity on site would be avoided during such extreme events'.</p> <p>(ii) Increased flood risk elsewhere</p> <p>The FRA Addendum includes revised, more detailed, assessments on the impacts of the MDS on the risk of flooding to others, and the modelling includes the new proposed mitigation measures of the revised wider SSSI crossing and the flood risk storage area which is proposed to hold 100,000m<sup>3</sup> of flood water.</p> <p>This shows that in the design fluvial 1% (1 in 100) annual probability flood event with 35% climate change the development would result in an increase in flood depths of 0.01m to one residential property that is already at risk of flooding to 0.19m deep, and an</p>

ExQ1	Question to:	Question:
		<p>increase of 0.01m flood depth to one commercial property that is already at risk of flooding to 0.20m deep in this flood event. We consider that these small increases, with no change to the flood hazard, could potentially be classed as insignificant and within the realms of modelling error, providing that the Examining Authority agrees.</p> <p>In the design tidal 0.5% (1 in 200) annual probability flood event in 2090, the development would result in one residential and two commercial properties experiencing an increase in flood depth of 0.02m, although they are already at risk of flooding to approximately 0.5m in this event. The very small increase in flood depths and no change in flood hazard or numbers of properties flooded could potentially be considered insignificant and not requiring any further mitigation, beyond the enlarged SSSI crossing and flood storage area now proposed, as EN 5.7.17 allows an increase in flood risk elsewhere if it cannot be avoided or wholly mitigated, and if it can be mitigated to an acceptable level. The Examining Authority should determine if they consider this to be the case.</p> <p>The modelling shows that in terms of increased flood risk to land, there is an increase to third party land at tank traps by up to 0.24m depth in the design tidal 0.5% (1 in 200) annual probability flood event in 2090. The affected area appears to be approximately 130,000m<sup>2</sup>. The land is already at risk of flooding by over a metre in this flood event. We have requested that SZC consult the land owner and Natural England to try to obtain legal easements for the increased flood depths. If this agreement is not forthcoming then we request that the Examining Authority decide if this increase in flood depths is considered acceptable, as the increase in flood depths is only to land which is already at risk of deep flooding in this event, and EN 5.7.17 allows an increase in flood risk elsewhere if it cannot be avoided or wholly mitigated, and if it can be mitigated to an acceptable level.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co. has been working closely with the Environment Agency on their concerns related to flood risk and additional clarification has been provided on a number of items to address these concerns. The Environment Agency has acknowledged that any potential increase in flood risk would be to areas that are currently already at risk of flooding and that any increase in depth can be considered to be insignificant. SZC Co. considers that, in accordance with the policy in EN 5.1.17, an increase in flood depth is acceptable. Where there is an increase in flooding around the tank traps, it is assumed that the approximation of area quoted by the Environment Agency has been calculated based on a</p>

ExQ1	Question to:	Question:
		known third party landownership, excluding areas within the EDF ENGL and BEGL ownership. A review of the change in flood depth within the third party land ownership shows that it is variable and that an increase in flood depth above 0.2m affects only approximately 15% of this area, whilst approximately 40% of this area has an increase in flood depth of less than 0.1m. Furthermore, there is no change in the flood extent within this third party landownership during this event. SZC Co. is currently in talks with and will continue to engage with the landowners for the affected area, with the view to obtaining confirmation that the increased flood depth is accepted by the landowners.
<b>Chapter 10 - CG.1 Coastal Geomorphology</b>		
CG.1.2	The Applicant, EA, Natural England, ESC	<p><b>Impacts on coastal processes</b></p> <p>The EA [RR-0373] in relation to the residual uncertainty associated with predicting future changes to the geomorphology of the greater Sizewell Bay, as well as to key driving processes such as sea level rise and wave climate, considers this to be mitigated by SZC's commitment to continued engagement with the Marine Technical Forum of regulators as part of the Monitoring and Mitigation Plan (MMP):</p> <p>(i) Please confirm that the MMP and proposed means of enforcement would provide sufficient security in that respect, particularly in relation to the agreement and funding of specialists to closely monitor the evolution of the coastline and agree and implement the most appropriate measures to manage any unforeseen impacts.</p> <p>(ii) Please indicate when it is anticipated that the detailed design process for the Hard Coastal Defence Feature (HCDF) will take place and how that process would be appropriately appraised and approved?</p> <p>(iii) Are there any draft DCO changes that would be required to exercise sufficient control over that process?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) As stated in the <b>CG.1.1</b> response, the <b>Coastal Processes MMP</b> is secured as a DCO Requirement 7A and a Marine Licence Condition 17A (Doc Ref. 3.1(C)), so failure to comply with it is enforceable by the ESC and MMO. The operation and funding of the Marine Technical Forum (MTF) is secured by the <b>Deed of Obligation</b> (see Schedule 11, Paragraph 10) (Doc Ref. 8.17(C)).</p> <p>(ii) The proposed detailed design of the HCDF is complete and the details are provided in <b>Sizewell C Coastal Defences Design Report</b> (Doc Ref. 9.13). Final design will be</p>

ExQ1	Question to:	Question:
		<p>subject to approval by ESC in consultation with MMO by way of Requirement 12B on the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>(iii) The latest version of the draft DCO (Doc Ref. 3.1(C)) includes Requirement 12B for ESC to approve the detailed design of the HCDF before works can commence. No other changes to the draft DCO are considered necessary.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) ESC do not regard engagement with the MTF to be mitigation in itself. ESC considers the CPMMP process has potential to provide sufficient security to ESC in relation to effective management of the impacts of the development including detection of and responses to future changes to the geomorphology of the greater Sizewell Bay. ESC is generally content with progress made with plan development. ESC is sceptical about the long-term sustainability of the SCDF, in particular if reliant on maintenance only – i.e. demanding secondary mitigation. A concern is that the Applicant/Cefas insist that the HCDF will not become exposed because it will always be protected by the managed SCDF. This assumption could, by implication, limit the scope of monitoring and mitigation that might otherwise be planned for. Enforcement of obligations linked to the management of the impacts caused by the development will be by DCO Requirement and Marine Licence condition.</p> <p>Discussions are underway with the Applicant on the detailed content of both the Coastal Processes MMP and DCO Requirements. These are not yet agreed. Please refer to the SoCG for an up-to-date position summary.</p> <p>(ii) A HCDF detailed engineering report is due for submission at Deadline 2 (2nd June). ESC will comment as soon as practicable once the submission has been reviewed. ESC has agreed with the Applicant that there will be a DCO requirement (provisionally 12B) under which ESC will review and approve the HCDF design in consultation with other MTF partners. The wording of the Requirement is not yet agreed.</p> <p>(iii) Yes. ESC and the Applicant are in negotiation over DCO Requirement amendments on a number of issues, including the Coastal Processes MMP process and the approval of design of structures, that have potential to affect coastal processes including the HCDF. Wording in Requirement 7A in the latest published DCO [AS297] is not agreed by ESC.</p>

ExQ1	Question to:	Question:
	<b>Response by Environment Agency at Deadline 2</b>	<p>The Monitoring and Mitigation Plan should be developed in consultation with the Marine Technical Forum, of which the Environment Agency is a part.</p> <p>Requirements could secure the process of agreeing the monitoring and mitigation plan; the removal of the Hard and Soft Coastal Defences; and the funding necessary for monitoring, mitigation and decommissioning.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England considers that the Applicant are best placed to answer this question. If necessary, we will provide comment on any responses at Deadline 3.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes the position of ESC relating to the scope of monitoring and mitigation given the assumption that the SCDF will always be in place. While SZC Co is confident of the sustainability of the SCDF, the ES and ES addendum both refer to tertiary mitigation (bypassing) should the SCDF not be sustainable. SZC Co is of the view that the monitoring and mitigation proposed are not biased by the assumption put forward but, in any case, the Coastal Processes Monitoring and Mitigation Plan is still being drafted and agreed in consultation with ESC and the final version must be approved by ESC.</p>
CG.1.3	The Applicant, ESC	<p><b>Impacts on coastal processes</b></p> <p>The East Suffolk Council [RR-0342] indicates that the draft MMP prepared by SZC Co. is currently under consultation with key stakeholders in parallel with the DCO process. There are several points of contention between ESC and SZC Co. In relation to the identified points of contention between ESC and SZC:</p> <ul style="list-style-type: none"> <li>(i) Is it agreed that a precautionary principle should be applied to assumptions on potential future critical requirements including Impact Assessments, incomplete designs, and the extent of the area to be monitored?</li> <li>(ii) If not, why not?</li> <li>(iii) If so, please suggest how this should be secured through the DCO, including any amended drafting for the draft DCO or other associated documentation?</li> <li>(iv) Please comment further on the project plan and budget and the assumptions to be made as regards the period that the MMP will remain active explaining any points of difference.</li> <li>(v) Please specify the means, in the event of a transfer by SZC Co. of its interest in the</li> </ul>



ExQ1	Question to:	Question:
		<p>site to a new owner, whereby it is suggested that the new owner would be bound by covenant or other legal mechanism to adopt responsibility including costs for maintaining the MMP process setting out any drafting changes to the DCO documentation that would be required to achieve that.</p> <p>(vi) Please comment further on the proposal for an independent body to monitor the MMP, and to direct SZC Co. mitigation and compensation requirements.</p> <p>(vii) Please provide an update on the Council's consultation with MMO as regards the delivery of the MMP.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(i) SZC Co. agrees, and is of the view that it has followed the precautionary approach. (see SoCG; Ref. 9.10.12) The extents set out in the <b>Coastal Processes MMP (Volume 3, Appendix 2.15.A</b> of the <b>ES Addendum</b> [<a href="#">AS-237</a>]) are always larger than the predicted impacts, to allow for uncertainty. An example is the permanent BLF piles with proposed monitoring extents 7-11 times larger than the predicted scour impact. The difference in spatial extent between the predicted impacts and monitored area will be included in Table 1 in the next version of the <b>Coastal Processes MMP</b> (to be submitted to the ExA at Deadline 4 [as set out in Examining Authority's Rule 8(3) letter [<a href="#">PD-027</a>] Deadline 4 is now Deadline 5]).</p> <p>If the impact footprint exceeds the monitored area, the spatial extent will be adjusted accordingly. That is, the <b>Coastal Processes MMP</b> will take an adaptive approach to monitoring.</p> <p>(ii) n/a</p> <p>(iii) Preparation and compliance with the <b>Coastal Processes MMP</b> is a requirement on the DCO (Requirement 7A) and a Condition on the Marine Licence (Condition 17); see the latest version of the <b>draft DCO</b> (Doc Ref. 3.1(C)). The <b>Coastal Processes MMP</b> is specifically maintained as a 'live' document that will require review and update as required to reflect prevailing conditions or perceived impacts at the time.</p> <p>(iv) The implementation of the <b>Coastal Processes MMP</b> is intended to start at the start of construction and remain in place until the end of decommissioning (see <b>CG.1.5</b> response for details). <b>Section 9</b> of the <b>Coastal Processes MMP (Volume 3, Appendix 2.15.A</b> of the <b>ES Addendum</b>) [<a href="#">AS-237</a>] sets out the considerations of the Cessation Report. SZC Co. is committed through the DCO and DML to implement the measures identified in the CPMMP and has included that in the evolving project cost estimate.</p>

ExQ1	Question to:	Question:
		<p>(v) SZC Co's approach to ensuring that the land is bound by the obligations in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)), including those relating to the MTF, is set out in Section 2 of the <b>Draft Deed of Obligation Explanatory Memorandum</b> (Doc Ref. 8.20(B)).</p> <p>Article 9 of the latest <b>draft DCO</b> (Doc Ref 3.1(C)) provides that where the benefit of the DCO is transferred to another party, that party would be '<i>subject to the same restrictions, liabilities and obligations (including the SZC development consent obligation and any other development consent obligations within the meaning of section 106 of the 1990 Act (Planning obligations)) as would apply under this Order if those benefits or rights were exercised by the undertaker</i>'. No other changes to the <b>draft DCO</b> are considered necessary.</p> <p>(vi) SZC Co. does not support the suggestion of an independent body to monitor the Coastal Processes MMP and to direct SZC Co. mitigation and compensation requirements. The Coastal Processes MMP is secured as a DCO Requirement and a Marine Licence Condition which are ultimately enforceable only by the ESC and MMO, respectively. The Coastal Processes MMP will be reviewed by the Marine Technical Forum (MTF) which is secured and funded through the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)). SZC Co feels this is the appropriate mechanism for management of the Coastal Processes MMP as the MTF brings together all relevant agencies and expertise.</p> <p>(vii) No response from SZC Co. is required.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) and (ii) It is ESC's view that a precautionary principle must be applied by the Applicant and that the Applicant's approach to date has not demonstrated this to ESC's full satisfaction. The Applicant will not accept the possibility that the HCDF toe could be exposed in a prolonged freak weather event. Whilst ESC agrees this is unlikely, there needs to be a plan in place should it occur. The Applicant's position is that their assessment and application of potential worst-case scenarios in the May 2020 ES is sufficiently robust [APP-311].</p> <p>ESC considers that the Applicant has used a thorough and comprehensive evidenced based approach in forecasting future shoreline change conditions and the potential impacts that may arise from the development assessed within those constraints. However, in the view of ESC, the time scale involved, to 2140 at least, goes beyond the range within which those techniques can be relied upon to identify outcomes that are potentially worst case. ESC considers that more extreme potential coastal change scenarios are possible</p>

ExQ1	Question to:	Question:
		<p>and should be considered at the design stage. ESC considers that Climate Change impacts may alter significantly and therefore Climate Change response policy will evolve over the development life. The future risk of the development being required to manage what is currently beyond reasonable prediction must be considered.</p> <p>Examples of potential significant future impacts are that (1) the SCDF may become unsustainable during the station life leading to the HCDF becoming exposed and (2) the HCDF foundations may be undermined requiring adaption (seaward advance of 18m) before 2140. The Applicant should consider an approach consistent with that applied in other recent major coastal management projects in England which have been required to take a long-term view (i.e., Thames Estuary 2100 Plan). These have taken the adaptation pathways approach to managing existing defences and considered how they will 'adapt' their approach as time progresses and things change. In contrast, the Applicant is proposing to build a coastal defence in a location known to be dynamic and prone to the effects of sea-level rise and climate change, however, have only put forward a single mitigating action should the current coastal change and erosion forecast worsen. There is no 'range' of options proposed should an unforeseen acceleration in coastal change occur, compounding the likely impacts generated through moving the defence seaward.</p> <p>(iii) ESC and the Applicant's positions are not yet aligned on this matter but may become so. The Applicant's reports covering HCDF and SCDF design and resilience that are currently (12/5/21) under draft, may lead to common ground on this. ESC could have protection in this matter by virtue of the proposed Requirements drafted by ESC giving ESC power to approve: the HCDF and SCDF design, ongoing maintenance actions on a 5-year cycle and actions specified in the Coastal Processes MMP. These proposed Requirements are not yet agreed by the Applicant.</p> <p>ESC requires the Coastal Processes MMP to remain active whilst the HCDF exists unless / until a future study that recommends cessation of monitoring and mitigation, potentially with other compensation measures, is agreed by ESC plus other MTF members, or their successors.</p> <p>(iv)ESC defer to the Applicant to respond.</p> <p>(vi)It is not clear to ESC who has suggested an independent body, ESC is not aware of the proposal in question. The subject would require further discussion within the ESC group, with the Applicant and ultimately through MTF. The aim of ESC is for elected community representatives to be involved in the decision-making process to continue the principle</p>

ExQ1	Question to:	Question:
		<p>established by the Suffolk Coast Forum – <a href="https://www.coasteast.org.uk/wider-work">https://www.coasteast.org.uk/wider-work</a> ESC's current thinking is that where ESC is the Approval and Enforcement Authority for actions – typically in the management of structures (H and SCDF), and mitigation, above MHWS – ESC would seek to ratify decisions with the Community body after consultation with the MTF. ESC intends to consult with other MTF members on the design and application of this process. This has not yet happened. An independent body may unacceptably attempt to take some of that due process away from ESC which would not be acceptable.</p> <p>(vii)ESC considers it preferable for one organisation to lead on management and approval of the Coastal Processes MMP and would prefer for that to be ESC – in consultation with other MTF members.</p> <p>It is agreed with MMO that ESC and MMO would act as the Approval and Enforcement body for works landward and seaward of the MHWS line respectively.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>(i) and (ii) TR544 (<i>Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature</i>) as supplied at Deadline 2 [<a href="#">REP2-115</a>] and to be updated for Deadline 3 provides modelling work to demonstrate the sustainability of the SCDF. TR544 considers extreme events and identifies that replenishment of SCDF in 'pockets' along the frontage is more likely than wholesale recharge of the SCDF at any one time. The CPMMP will be a living document and subject to regular updates to incorporate latest predictions of events and impact and monitor and mitigate appropriately.</p> <p>(iii) CPMMP is a DCO Requirement and Marine Licence Condition and will remain in place throughout operation and decommissioning. A Cessation Plan forms part of the CPMMP.</p> <p>(iv) to (vii) no further comment required. Where agreement has not yet been reached between the parties on provisions within the CPMMP, they remain under discussion and further updates to the CPMMP will be provided in due course</p>
CG.1.4	The Applicant, SCC, EA	<p><b>Impacts on coastal processes</b></p> <p>Suffolk County Council [RR-1174] identifies as an area of key concern: "xii) A <i>comprehensive coastal change Monitoring and Mitigation Plan (MMP), with an allocated mitigation/compensation budget, that allows determining if and to what extent an observed coastal change in the Sizewell C zone of influence is attributable to the development, and appropriate and required mitigation measures; and xiii) Provision for the cost of full removal of the hard sea defence as part of the decommissioning process</i></p>

ExQ1	Question to:	Question:
		<p><i>unless and until a future study changes this position”.</i></p> <p>(i) Please indicate the progress of agreeing the MMP; any associated funding for mitigation/compensation and the removal cost for the hard sea defence;</p> <p>(ii) Please identify any outstanding areas of dispute in relation to the MMP, funding and the removal of the hard sea defence;</p> <p>(iii) Has the means whereby the MMP, funding and other costs would be secured been agreed? If not, please identify any matters which remain in dispute?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>The latest <b>draft Coastal Processes MMP</b> is provided in <b>Volume 3, Appendix 2.15.A</b> of the <b>ES Addendum</b> [<a href="#">AS-237</a>]). Drafting and agreement is intentionally an iterative process, secured by DCO (Requirement 7A) and Marine Licence (Condition 17) (Doc Ref. 3.1(C)).</p> <p>i) A draft version of the <b>Coastal Processes MMP</b> was provided to ESC, EA, MMO, NE and RSPB in 2020 followed by a Marine Technical Forum meeting to discuss. An updated version of the <b>Coastal Processes MMP</b> will be provided to key stakeholders for comment and submission to the ExA at Deadline 4 [as set out in Examining Authority’s Rule 8(3) letter [<a href="#">PD-027</a>] Deadline 4 is now Deadline 5] to reflect the latest monitoring and modelling outputs and comments from stakeholders.</p> <p>The cost of complying with the MMP will depend on the results of monitoring. SZC Co. is committed through the DCO and DML to implement the measures identified in in the CPMMP and has included that in the evolving project cost estimate. The MMP will remain in force throughout the construction and operation of Sizewell C.</p> <p>ii) The plan is still being developed and much is still being discussed, but 2 potential areas of dispute are the geographical extent of what should be monitored and whether there is a need to monitor for changes in sediment grain size.</p> <p>iii) The Coastal Processes MMP is a requirement on the DCO (Requirement 7A) and a Condition on the Marine Licence (Condition 17); see the latest version of the draft DCO (Doc Ref. 3.1(C)). The operation of the MTF is secured through the Draft Deed of Obligation (Doc Ref. 8.17(C)).</p>

ExQ1	Question to:	Question:
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) Please refer to our response at CG.1.2.</p> <p>ESC considers that the Applicant has committed to funding mitigation identified as required by the Coastal Processes MMP. ESC has proposed a Requirement that states <i>`Sizewell C Co. shall actively manage and fully fund the CPMMP process until decommissioning and removal of marine works including the Hard Coastal Defence Feature unless otherwise agreed by the MTF`.</i></p> <p>ESC considers that the Applicant has accepted ESC's objective that the default position for forward planning and budget setting is that the HCDF will be removed as part of decommissioning unless a future report / environmental statement concludes it can remain, possibly with compensation, is agreed by the MTF. ESC has proposed a draft Requirement to this effect. It has not yet been accepted by the Applicant.</p> <p>(ii) The Coastal Processes MMP is a work in progress. Further detail is required from the Applicant to complete it. Notable current points of difference include:</p> <ul style="list-style-type: none"> <li>• The extent of baseline monitoring scope. ESC requires inclusion of Thorpeness village and coverage of the Coralline crag outcrop.</li> <li>• The design of mitigation beyond the HCDF frontage. ESC requires clarity on how the Applicant will identify how a natural `without Sizewell C' shoreline would develop to compare with a `with Sizewell C' scenario which ESC considers is key to the design of mitigation.</li> <li>• Governance.</li> <li>• Dispute resolution.</li> <li>• Change control.</li> </ul> <p>(Some of the above will require consultation within the MTF group).</p> <p>Funding.</p> <p>ESC considers that as of May 2020 all Coastal Processes MMP actions were obligations in the DML. Now that parts of those Coastal Processes MMP actions are outside the DML remit, ESC considers that funding obligations must be restated in Requirements. The draft ESC Requirement is explicit in this regard. It is not yet agreed with the Applicant.</p>

ExQ1	Question to:	Question:
		<p>HCDF removal.</p> <p>This is subject to confirmation of the Applicant's agreement to commit to removal as default unless changed by a future EIA. The Applicant has proposed text be added to future revisions of the Coastal Processes MMP to cover both ongoing funding and continuation of actions to cessation or HCDF removal. ESC has proposed a draft Requirement that specifies HCDF removal as a default action unless a future study (Decommission EIA) recommends retention is approved by the MTF. This has not yet been agreed by the Applicant.</p> <p>CPMMP</p> <p>ESC has drafted a Requirement explicitly stating that the Applicant will fund the Coastal Processes MMP process. This has not yet been accepted by the Applicant.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p><b>SCC defers to ESC as the lead local authority on coastal matters. ESC have provided us with the following response posed by the ExA to SCC which SCC support:</b></p> <p>i) ESC considers that the Applicant has committed to funding mitigation identified as required by the Coastal Processes MMP.</p> <p>ESC has proposed a Requirement that states <i>'Sizewell C Co. shall actively manage and fully fund the CPMMP process until decommissioning and removal of marine works including the Hard Coastal Defence Feature unless otherwise agreed by the MTF'</i>.</p> <p>ESC believes that the Applicant has accepted ESC's objective that the default position for forward planning and budget setting is that the HCDF will be removed as part of decommissioning unless a future report / environmental statement concludes it can remain, possibly with compensation, is agreed by the MTF. ESC has proposed a draft Requirement to this effect. It has not yet been accepted by the Applicant.</p> <p>(ii) The Coastal Processes MMP is a work in progress. Further detail is required from the Applicant to complete it. Notable current points of difference include:</p> <ul style="list-style-type: none"> <li>• The extent of baseline monitoring scope. ESC requires inclusion of Thorpeness village and coverage of the Coralline crag outcrop.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• The design of mitigation beyond the HCDF frontage. ESC requires clarity on how the Applicant will identify how a natural `without SZC` shoreline would develop to compare with a `with SZC` scenario which ESC believes is key to the design of mitigation.</li> <li>• Governance.</li> <li>• Dispute resolution.</li> <li>• Change control.</li> </ul> <p>(Some of the above will require consultation within the MTF group).</p> <p>Funding.</p> <p>ESC believes that as of May 2020 all Coastal Processes MMP actions were obligations in the DML. Now that parts of those Coastal Processes MMP actions are outside the DML remit ESC believes that funding obligations must be restated in Requirements. The draft ESC Requirement is explicit in this regard. It is not yet agreed with the Applicant.</p> <p>HCDF removal.</p> <p>This is subject to confirmation of the Applicant's agreement to commit to removal as default unless changed by a future EIA.</p> <p>The Applicant has proposed text be added to future revisions of the Coastal Processes MMP to cover both ongoing funding and continuation of actions to cessation or HCDF removal.</p> <p>ESC has proposed a draft Requirement that specifies HCDF removal as a default action unless a future study (Decommission EIA) recommends retention is approved by the MTF. This has not yet been agreed by the Applicant.</p> <p>CPMMP</p> <p>ESC has drafted a Requirement explicitly stating that the Applicant will fund the Coastal Processes MMP process. This has not yet been accepted by the Applicant.</p> <p>Matters of dispute incorporated above.</p>



ExQ1	Question to:	Question:
	<b>Response by Environment Agency at Deadline 2</b>	Discussions are in progress. The Environment Agency advises that the Hard and Soft Coastal Defence Features should be removed as part of the decommissioning process to avoid impacts on coastal processes beyond the lifetime of the development.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co believes any such decision to remove the HCDF after decommissioning is best made nearer the time when the local prevailing conditions are better known.</p> <p>The <b>Coastal Processes Monitoring and Mitigation Plan (CPMMP)</b> [<a href="#">AS-237</a>], secured in the Draft Development Consent Order: Requirement 7A and DML Condition 17, includes the preparation of a Cessation Report to be drafted within 10 years of the completion of decommissioning. The CPMMP and Cessation Report will provide all of the necessary information for a well informed decision to be made at that time.</p> <p>However, SZC Co agrees this does leave uncertainty at the present time and is content for the default position to be that the HCDF will be removed during/after decommissioning unless the relevant decision makers at the time agree otherwise.</p>
CG.1.6	The Applicant, SCC, EA	<p><b>Impacts on coastal processes</b></p> <p>Suffolk County Council [RR-1174] notes that the draft DCO proposes not to remove the Sizewell C coastal defence after decommissioning, unless required by the Pre-Decommissioning Environmental Impact Assessment. The Council does not consider this acceptable, and expects the Funded Decommissioning Programme to make provision for the cost of full removal of the hard sea defence as part of the decommissioning process, when safe to do so, unless and until a future study, informed by monitoring and other data, changes this position. Why has the removal not been included in the Funded Decommissioning Programme if there is potential for this to be necessary?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Sizewell C requires a Funded Decommissioning Programme (FDP), approved by the Secretary of State (Department for Business, Energy and Industrial Strategy), before 'construction work on buildings with nuclear safety significance' commences. The FDP is a legal requirement of the Energy Act (2008).</p> <p>The FDP consists of two key documents the Decommissioning and Waste Management Plan (DWMP) which details how the reactor site will be decommissioned and the cost estimate for undertaking that decommissioning and management of the associated waste,</p>

ExQ1	Question to:	Question:
		<p>and a Funding Arrangements Plan (FAP) which details the financing arrangements for generating the required funds to meet the full costs of decommissioning the reactor site. Under the future Sizewell C Nuclear Site License, along with the FDP the DWMP will be required to be reviewed in 5 yearly intervals and updated accordingly.</p> <p>The Sizewell C FDP has not yet been submitted to UK Government, however the DWMP has been drafted. As noted, the current DWMP does not cover the cost of the full removal of the hard sea defence as part of the decommissioning process.</p> <p>Should future studies informed by monitoring and other data, change this position, the DWMP and FDP will be updated as part of the Quinquennial Review. It should be noted that due to the high levels of contingency within the current cost estimates, the exclusion of the removal of the hard sea defences in the current draft DWMP, does not pose a substantial risk in terms of funding arrangements.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	The Applicant should respond to this question.
	<b>Response by Suffolk County Council by Deadline 2</b>	This is a question which the Applicant would need to respond to.
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency advises that the sea defences must be removed as part of the decommissioning process to avoid impacts on coastal processes beyond the lifetime of the development.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co believes any such decision to remove the HCDF after decommissioning is best made nearer the time when the local prevailing conditions are better known.</p> <p>The <b>Coastal Processes Monitoring and Mitigation Plan (CPMMP)</b> [<a href="#">AS-237</a>], secured in the Draft Development Consent Order: Requirement 7A and DML Condition 17, includes the preparation of a Cessation Report to be drafted within 10 years of the completion of decommissioning. The CPMMP and Cessation Report will provide all of the necessary information for a well-informed decision to be made at that time.</p>

ExQ1	Question to:	Question:
		However, SZC Co agrees this does leave uncertainty at the present time and is content for the default position to be that the HCDF will be removed during/after decommissioning unless the relevant decision makers at the time agree otherwise.
CG.1.7	The Applicant, ESC	<p><b>Impacts on coastal processes</b></p> <p>The MMO [RR-0744] advises that any coastal monitoring plan should also be included as a requirement. This is because for any works landward of MHWS, East Suffolk Council will be the enforcement body; any monitoring that relates to the SCDF and HCDF will be of relevance to the Council. Please comment on this matter and, if agreed, set out any drafting changes required for the draft DCO to accommodate this.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. has had regular discussions with the ESC and MMO regarding securing mechanisms for activities in the inter-tidal area where both parties have vires. All parties are agreed that the monitoring plan should be secured by both the Marine Licence and the DCO due to overlap and separation of enforcement powers (see <b>SoCGs</b> with MMO and ESC: Doc Ref 9.10.18 and Doc Ref 9.10.12, respectively).</p> <p>The monitoring plan is now secured as DCO Requirement 7A and Marine Licence Condition 17 (see <b>draft DCO</b>; Doc Ref. 3.1(C)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC agrees with the MMO and has drafted a Requirement to cover ESC's objectives. In the latest draft DCO that ESC has seen the Applicant has included alternative text in requirement 7A that allows for the Coastal Processes MMP to be implemented as approved [AS143].</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>
CG.1.8	The Applicant, MMO, ESC	<p><b>Impacts on coastal processes</b></p> <p>The MMO [RR-0744] advises that monitoring options to address the uncertainties in the scale of predicted impact and hence the level of monitoring should be included in the MMP in particular for the monitoring of the BLF. It also advises that more detailed monitoring plans must be agreed for each project element and method. The MMO makes a number of other detailed criticisms of the MMP. Please comment on the criticisms made and provide an update as to the progress of agreeing the draft MMP.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Monitoring extent and scale of predicted impact: Please refer to <b>CG.1.3 (i)</b> response. <u>More detailed plans for each element, criticisms and MMP update:</u> SZC Co. has consulted with the Marine Technical Forum's (MTF) Coastal Geomorphology and Hydrodynamics subgroup via:</p> <ul style="list-style-type: none"> <li>• an introductory MMP virtual workshop (September 2020),</li> <li>• provision of version 1 of the MMP,</li> <li>• provision of responses to comments on version 1 (October 2020) and</li> <li>• inclusion of the <b>Coastal Processes MMP</b> in the <b>ES Addendum (Volume 3, Appendix 2.15.A)</b> of the <b>ES Addendum</b> [<a href="#">AS-237</a>].</li> </ul> <p>At the September 2020 workshop, SZC Co. set out the workplan to develop the Coastal Processes MMP further during 2021 in accordance with the feedback received. That feedback will be taken into account in Version 2 of the Coastal Processes MMP version, to be submitted to the ExA at Deadline 4 [as set out in Examining Authority's Rule 8(3) letter [<a href="#">PD-027</a>] Deadline 4 is now Deadline 5]. SZC Co has received no further feedback on its response to MMO feedback on the draft (Ver 1) (response to MMO issued 6<sup>th</sup> November 2020). SZC Co. agrees that further details are required for each project element, as set out within the requirements of the draft DCO and the conditions of the Marine Licence (Doc Ref. 3.1(C)), which are to be discharged and approved before activities related to each element can commence.</p> <p>Please refer to the <b>Statement of Common Ground</b> (SoCG) between SZC Co and MMO (Doc Ref. 9.10.18) which deals with each criticism raised by the MMO on the Coastal Processes MMP.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>ESC considers that the MMO comments are reasonable. ESC has submitted comments on the Coastal Processes MMP to the Applicant post submission of our RR and received responses. The Coastal Processes MMP is a work in progress and, we understand, from discussions with the Applicant, is not going to be finalised within the DCO Examination period, therefore not all concerns raised by consultees through the process to date are / will be fully resolved. ESC presumes the intention is for these to be resolved through discussion within the MTF group in parallel with or after the Examination period.</p>

ExQ1	Question to:	Question:
		<p>ESC will work to a timetable to advance further consideration of the Coastal Processes MMP during the Examination if that is required by the ExA but ESC do not consider it essential to be completed in that time period as it can be covered by Requirement.</p> <p>ESC notes that MMO, under DML, and ESC, under a Requirement, must approve the Coastal Processes MMP before work can start therefore both MMO and ESC have powers to shape the Coastal Processes MMP to their satisfaction post DCO [AS-143]. Each regulator would approve the elements of the Coastal Processes MMP that are within their respective remits.</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes the Applicant's response. It is agreed the detailed plans will need to be agreed once they are developed. In this sense the Coastal Processes Monitoring and Mitigation Plan (CPMMP) is more of a strategy outlining the methodologies under consideration and is part of the route to the development of the detailed monitoring plans. The process in developing these detailed plans should be described in the CPMMP.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
CG.1.9	MMO, ESC	<p><b>Impacts on coastal processes</b></p> <p>The draft Coastal Processes Monitoring and Mitigation Plan [AS-237] provides information on the mitigation proposed. Please indicate whether that mitigation is considered to be satisfactory and, if not, suggest any changes considered to be necessary.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>The principles for monitoring and mitigation as outlined in the draft January 21 Coastal Processes MMP, are accepted as satisfactory with more detailed content subject to further development.</p> <p>The January works design changes, in particular the seaward advance of part of the HCDF during construction and the potential advance of the remainder as Adaption later in the operational life, have led to new concerns being raised on the design and sustainability of the SCDF.</p> <p>These concerns are in the process of being addressed by the Applicant. ESC's view of the Coastal Processes MMP content will be updated upon receipt of the new assessment</p>

ExQ1	Question to:	Question:
		information to be provided by the Applicant. We will submit further consideration to the ExA once our assessment of additional information is complete.
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that the only risk for impacts on coastal processes that requires mitigation in the view of the Applicant, is the supply of shingle beach material. This risk is mitigated by the proposed sacrificial soft coastal defence feature. Based on the studies provided this proposal is likely to achieve this aim. However, the MMO maintain the view that there remains a risk of effects around the interaction of the permanent BLF dredged area and the outer longshore bar which has not been considered because the applicant does not predict any significant effect from this. It is unclear what might be done to mitigate any unexpected effects there, we therefore recommend further surveys in the period following the completion of the dredged berth area for the permanent BLF.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes the MMO's position relating to monitoring of the nearshore bars and will discuss this further with the MMO (and MTF) in consultation of the Coastal Processes MMP.
CG.1.10	MMO	<b>Impacts on coastal processes</b> The ES Vol I, Appendix 6P, explains that the scope of the assessment has also been informed by ongoing consultation and engagement with statutory consultees throughout the design and assessment process. To facilitate engagement with statutory (and non-statutory) stakeholders on the marine assessments, the Sizewell Marine Technical Forum has been established. The Marine Technical Forum has an independent chair, supported by a technical secretariat supplied by SZC Co. together with nominated technical representatives from Natural England, the EA, the MMO and the East Suffolk Council, and any consultants working on their behalf. The Zone of Influence (ZoI) for the coastal geomorphology assessment has been defined in agreement with the Marine Technical Forum as the Greater Sizewell Bay. Please explain further the role of the MMO as a nominated technical representative of the Marine Technical Forum and indicate whether the ZoI was agreed by the MMO at that stage?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The role of the Marine Technical Forum (MTF) further oversees the Monitoring and Mitigation Plan through the construction and operation phases, the approval of this plan is contained within the DML, and as such, is to be enforced by the MMO. Our attendance at

ExQ1	Question to:	Question:
		these forums allows us to receive the most up to date information from the Applicant, and further hear comments from the other interested parties, whom we would be consulting on the sign off of plans contained within the DML.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
CG.1.11	MMO	<b>Impacts on coastal processes</b> The ES Vol I, Appendix 6P [APP-171], Hard coastal defence feature 1.3.45 indicates that the final design and detailed construction plans for the HCDF were not known at the time of assessment. Though considered unlikely, it has been assumed as a worst case that heavy plant will be required to operate on the upper beach as part of the construction works. Please indicate whether it is agreed that the assumption of use of heavy plant in the assessment reasonably represents the worst case. In the absence of detailed design and detailed construction plans explain how the worst case scenario for the HCDF be fairly assessed?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The MMO defer to the Applicant as to whether this is the worst-case scenario (WCS) based on the options they have assessed. If this is indeed the case the MMO would expect to see an assessment of the expected impacts on the WCS presented for comment within the examination. The MMO would like to also clarify that the HCDF has now been clarified as above Mean High Water Springs (MHWS) and as such, is now outside of our remit.
	<b>Response by SZC Co. for Deadline 3</b>	The potential impacts of HCDF were assessed on the maximum parameters including potential erosion of the beach and exposure of the HCDF. This is considered the worst-case scenario in relation to coastal geomorphology. The assessment is presented within <b>Volume 2, Chapter 20</b> of the <b>ES</b> [APP-311], as updated by <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181]. The HCDF will remain a terrestrial feature and no impact coastal processes by due to the presence of the SCDF, which will be maintained throughout operation and decommissioning of Sizewell C. See also " <i>One Dimensional Modelling of Soft</i> "

ExQ1	Question to:	Question:
		<i>Coastal Defence Feature (SCDF)(Ver 1)" [REP2-115] provided at Deadline 2 and ""One Dimensional Modelling of Soft Coastal Defence Feature (SCDF) (Ver 2)" and "Storm Erosion Modelling of the SCDF" to be provided at Deadline 3.</i>
CG.1.12	MMO	<p><b>Impacts on coastal processes</b></p> <p>The ES Vol I, Appendix 6P [APP-171], Beach landing facility, paragraph 1.3.46, explains that use of a jack-up barge is considered the worst case for construction of the BLF as the cantilever method (installation from each previously assembled deck section) would have no separate impact apart from the piles themselves.</p> <p>(i) Please indicate whether it is agreed that the assumptions made in the assessment reasonably represent the worst case scenario for the construction of the BLF?</p> <p>(ii) Are there any other factors which should have been taken into account?</p> <p>(iii) Please provide an update in the light of Change 2 to the original application.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The MMO defer to the Applicant as to whether this is the worst case scenario (WCS) based on the options they have assessed. If this is indeed the case the MMO would expect to see an assessment of the expected impacts on the WCS presented for comment within the examination. The MMO would expect to see justification as to why there are no additional impacts using the jack up barge as opposed to the cantilevered method. Regardless, the MMO expect to see a consideration of the impacts of piling.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The WCS has been considered; the ES assessed cantitravel and traditional construction techniques (see <b>Volume 2, Chapter 20</b> of the <b>ES</b> (Doc [APP-311])). <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181] stated that cantitravel would be used, minimising the use of plant on the beach. This has yet to be confirmed, however the assessment from the ES is still appropriate and unchanged in light of Change 2.</p> <p>The presence of the piles and piling themselves were assessed on the ES (Volume 2 Chapter 20) and the ES Addendum (Volume 1, Chapter 2, Section 2.15).</p>



ExQ1	Question to:	Question:
CG.1.13	The Applicant, MMO	<p><b>Impacts on coastal processes</b></p> <p>The ES Vol I, Appendix 6P [APP-171], paragraph 1.3.49, indicates that dredging would only be needed when the BLF approach is too shallow or the requirements for the barge grounding pocket are not met and when the BLF is in use. The dredging requirement (clearance) for vessel (barge and tugboats) access to the BLF is not currently known but is considered to be small (substantially less than 1m). The dredging requirement for the docked (grounded) barge has also not been finalised. Please confirm that:</p> <ul style="list-style-type: none"> <li>(i) the assumptions set out in Appendix 20A of Volume 2 of the ES [APP-312] made in relation to dredging are agreed;</li> <li>(ii) that these assumptions would over-represent the required barge traffic over the construction period; and</li> <li>(iii) the assessments conservatively assume maintenance of the approach channel and grounding pocket throughout the construction period of the proposed development.</li> </ul> <p>(iv) Please provide an update in the light of Change 2 to the original application.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>By way of general update for this question, SZC Co. no longer intends to proceed with ground beams and cross beams. A concrete mattress is instead proposed, which comprises concrete pads connected by steel or polymer rope. The mattress would be the same size as the current proposal and dredging assumptions remain unchanged. See response to questions <b>G.1.38</b> and <b>G.1.39</b>.</p> <ul style="list-style-type: none"> <li>(i) Agreed (see <b>SoCG</b>; Doc Ref. 9.10.18)</li> <li>(ii) The assessment assumed 178 AIL deliveries over the construction campaign, which was the estimate at the time of the assessment. However, it is noted that this does not influence dredging frequency, as that is dependent on infilling rates driven by hydrodynamic conditions. Deliveries have since been revised, as outlined below.</li> <li>(iii) <b>Section 20.8 a. v &amp; vi of Volume 2, Chapter 20</b> of the <b>ES</b> [APP-311] show that the duration considered for construction phase assessment of the dredging access and grounding pocket is 8-9 years, which is longer than the four year intended usage. <b>Section 4.2.2 of Volume 2, Appendix 20A</b> of the <b>ES</b> [APP-312] estimated that on average a small 460m<sup>3</sup> monthly maintenance dredge including both the grounding pocket and navigational access would be required for each year that the permanent BLF was in use during the construction period. Change 2, as accepted in April 2021, would replace the use of a dredged grounding pocket with a dedicated berthing structure (concrete</li> </ul>

ExQ1	Question to:	Question:
		<p>mattress) that would reduce the volume of dredging to remove sand accumulating on the grillage, as required.</p> <p>(iv) The purpose of the enhanced permanent BLF, accepted as part of Change 2 in April 2021, is to increase delivery of construction materials and AILs by sea as part of an optimised freight management strategy. The enhanced design allows an increase to approximately 100 deliveries via the enhanced permanent BLF per campaign period. This does not influence dredging frequency, as that is dependent on infilling rates driven by hydrodynamic conditions. The total number of barge deliveries expected remains unchanged.</p> <p>There is no change in the capital dredging method for access and installation of the concrete mattress at the enhanced, permanent BLF compared with the original assessment presented in <b>Volume 2, Chapter 20</b> of the <b>ES</b> [<a href="#">APP-311</a>]. That is, plough dredging would be used to displace sediment locally (no excavation or removal). The volume moved in the initial capital dredge to install the grillage would be up to 4,600m<sup>3</sup>, plus approximately 4,600m<sup>3</sup> for navigational access. The dredging to allow placement of the concrete mattress would only be required once, as part of the permanent BLF installation. Overall, the dredging requirement associated with the permanent BLF during the construction phase is expected unchanged from that assessed in <b>Volume 2, Chapter 20</b> of the <b>ES</b> [<a href="#">APP-311</a>].</p> <p>During the first year of use, the two capital dredging activities (associated with the installation of the concrete mattress and access) would be separated in time, so that the plume from the grillage dredging would have completely dispersed before the access dredging begins (see paragraph 2.15.41 of <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>]). As there would be no interaction between these plumes and individually, the volumes are the same or less than the original assessment (based on individual 4,600m<sup>3</sup> dredge events; <b>Volume 2, Chapter 20</b> of the <b>ES</b> [<a href="#">APP-311</a>]), the impact magnitude and extent are unchanged. As detailed in <b>Table 2.42</b> of <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>] this dredge volume during construction is within the envelope of the assessment presented within <b>Volume 2, Chapter 22</b> of the <b>ES</b> [<a href="#">APP-317</a>], so no further assessment was undertaken to account for modifications introduced as part of Change 2.</p> <p>In addition to the enhancement of the, permanent BLF, a second sea freight management facility was proposed in Change 2 (<b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>]), namely a temporary BLF for delivery of, primarily, aggregates.</p>

ExQ1	Question to:	Question:
		As described in Change 2 ( <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [ <a href="#">AS-181</a> ]), no dredging is required for the temporary BLF as the water depth at the offshore jetty head is sufficient to allow for vessel approach and docking.
	<b>Response by the MMO for Deadline 2</b>	We consider there remains uncertainty in the maintenance dredging requirement for the permanent BLF associated with the response of the outer longshore bar where the dredged berth area impinges on the bar at a depth of more than 1m. It is recommended that additional multi beam surveying is undertaken in the 6 month period following the first establishment of the BLF dredged area to a) confirm the low sedimentation rate in the dredged area and b) confirm the early response of the outer longshore bar to the dredged area. The findings of these surveys will address the uncertainties and allow a better definition of future maintenance dredging requirement. These comments remain for the Permanent BLF under Change 2; the new temporary BLF being beyond the longshore bar system and not including any dredging does not have the same issues.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes the MMO's position relating to monitoring of the nearshore bars and will discuss this further with the MMO (and MTF) in consultation of the Coastal Processes MMP.
CG.1.25	The Applicant, MMO	<p><b>Impacts on coastal processes</b></p> <p>The draft Coastal Processes Monitoring and Mitigation Plan [<a href="#">AS-237</a>] Table 1, summarises the SZC components that are considered to require coastal geomorphology monitoring, along with the proposed method and rationale.</p> <p>(i) Please indicate whether any other components should be monitored?</p> <p>(ii) Please provide further justification for an explanation of the frequency and spatial extent of the monitoring proposed in this table for the relevant components.</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) Monitoring during the development's lifetime is proposed in the <b>Coastal Processes MMP</b> [ <a href="#">AS-237</a> ] as noted by the ExA. The MMP is comprehensive and employs a suite of state of the art and applied monitoring techniques and methodology. Furthermore, the monitoring programme is designed to be flexible and adaptive and can be extended (both in terms of spatial extent and duration) if impacts are observed to grow beyond the monitoring zone, as stated in the response to <b>CG.1.3</b> . All appropriate marine Sizewell C components are monitored for impacts to coastal geomorphology receptors over the

ExQ1	Question to:	Question:
		<p>lifetime of the development, as set out in the <b>Coastal Processes MMP</b> (see response to <b>CG.1.19</b>).</p> <p>The MMO has previously mentioned a potential need to monitor for changes in sediment size in dredged nearshore areas. SZC Co. considers that this is unnecessary for the following reasons:</p> <ul style="list-style-type: none"> <li>• Coarsening of the substrate is not likely as the sediments are all sand-sized.</li> <li>• Given the particle size range, any coarsening to the substrate that did occur would be very subtle and difficult to detect from natural background variability. As the dredged areas would be very small and changes in sediment size would very subtle, the effects on geomorphology would be difficult to detect both at and beyond the dredging site.</li> </ul> <p>(ii) Please refer to <b>CG.1.3 (i)</b> for justification of the extent and scale of proposed monitoring and the rationale for adopting an adaptive monitoring cycle.</p> <p>The frequency of monitoring varies for each component – see Sections 3.3, 4.3 &amp; 5.3 of <b>Volume 3, Appendix 2.15.A</b> of the <b>ES Addendum</b> [<a href="#">AS-237</a>] – and has been determined considering the impact magnitude and effect, as well as the expected evolution with time of the feature and the impact (rate of change and whether an equilibrium impact is reached).</p> <p>(1) <u>Equilibrium impacts</u>. Some impacts will reach a dynamic equilibrium within a few months and not require ongoing targeted monitoring, such as scour around structures. The approach follows a standard pre- and post-construction survey schedule, with additional post-construction surveys according to the potential for natural changes in geomorphology (e.g. nearshore outfalls just seaward of the outer bar). Background monitoring is also used throughout the operation and decommissioning phases. Allowance will also be made for the possibility of modifications to sampling design or survey frequency in response to unanticipated manmade or natural influences as part of an adapted monitoring programme.</p> <p>(2) <u>Monitoring frequency for SCDF mitigation</u>. This monitoring will be based on continuous sampling remote sensing data and scheduled field surveys (see <b>Section 6.2</b> of <b>Volume 3, Appendix 2.15.A</b> of the <b>ES Addendum</b>) [<a href="#">AS-237</a>]), which can typically provide reliable results on a weekly timescale. This is required as storms may arrive at high frequency and so a rapid mitigation response will be needed to maintain</p>

ExQ1	Question to:	Question:
		<p>the standard of protection. A conservative early warning trigger will be set for remote sensing data that, if triggered, would result in an ad hoc confirmatory field survey for verification. If the volumetric trigger for mitigation has been met, mitigation (most likely beach recharge) would be applied.</p> <p>All nearshore components will also be covered by continuous sampling remote sensing methods.</p>
	<p><b>Response by the MMO for Deadline 2</b></p>	<p>The MMO notes that this question is for the Applicant. However, the MMO provides the following comments:</p> <p>(i) it has been agreed that bed sediment size monitoring is not needed in relation to coastal processes. The question related to the risk of change to bed substrate type for ecological receptors which should be considered elsewhere.</p> <p>(ii) The proposed monitoring strategy is, in general, appropriate as a basis for developing detailed plans in due course. We do however recommend additional Multibeam echosounder (MBES) surveys in the area around the permanent BLF dredged area following the completion of the dredge (It is recommended that additional multi beam surveying is undertaken in the 6 month period following the first establishment of the BLF dredged area to</p> <p>a) confirm the low sedimentation rate in the dredged area and</p> <p>b) confirm the early response of the outer longshore bar to the dredged area.</p> <p>The findings of these surveys will address the uncertainties and allow a better definition of future maintenance dredging requirement). This is recommended to cover the risk of underprediction of infill rates in the dredged area and the potential for effect on the outer longshore bar. Please see the SOCG for our updated comments on the Coastal Processes Monitoring and Mitigation Plan. We would like to further highlight the Environment Agency, Natural England and East Suffolk Council as interested parties on the Coastal Processes Monitoring and Mitigation Plan.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co notes the MMO's position relating to monitoring of the nearshore bars and will discuss this further with the MMO (and MTF) in consultation of the Coastal Processes MMP.</p>

ExQ1	Question to:	Question:
CG.1.26	The Applicant, MMO	<p><b>Impacts on coastal processes</b></p> <p>The draft Coastal Processes Monitoring and Mitigation Plan [AS-237], Section 2, provides the suite of monitoring methods which would be used to track changes in coastal geomorphic receptors and annual vegetation, including impacts arising from SZC pressures and activities. The methods combine the use of continuous remote sensing techniques for early warning of any impacts with targeted, high-accuracy, field surveys.</p> <p>(i) Please indicate whether any other methods should be utilised?</p> <p>(ii) Please confirm that the suite of methods proposed represents an appropriate balance between remote and on-site techniques.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Other techniques may be available in future but at the present time the proposed methods are comprehensive and state of the art, so there is no obvious benefit in adding additional methods. A watching brief will be maintained regarding emerging methods that improve monitoring whilst maintaining consistency in the records. Any proposed changes would be presented to the MTF with justification for changes and require approval from the relevant regulator.</p> <p>(ii) The suite of methods proposed has generated an extensive and high-quality baseline dataset (particularly in comparison with other coastal developments of comparable scale) which has been reviewed throughout by the MTF. The suite of techniques and the overall design of the monitoring plan aims to provide early warning should unexpected changes occur between regular surveys, which themselves are frequent. This approach allows for intervening ad hoc field surveys (i.e. between scheduled surveys) should concerns arise from the remote sensing results. In essence, the proposed plan is designed to be part of an adaptive monitoring cycle that evolves iteratively as new evidence emerges, whilst providing a robust basis for decision-making.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO has the following comments to make based on the Applicant's response:</p> <p>(i) a reasonable range of methods are proposed from which a detailed monitoring plan can be developed. It is agreed that aircraft-based LiDAR is less useful however, consideration of drone-based LiDAR would be beneficial as an option. A view on target accuracies for the various methods will be needed within the detailed monitoring plans.</p> <p>(ii) In general, a reasonable balance of remote and onsite techniques is given with the only area for further on-site measurements being our recommendation for further MBES around the permanent BLF dredged area in the period following its dredge. The</p>

ExQ1	Question to:	Question:
		anticipated detailed plans should also show the process by which the remote methods trigger further on-site measurements to investigate unexpected changes. Please see the SOCG for our updated comments on the Coastal Processes Monitoring and Mitigation Plan. We would like to further highlight the Environment Agency, Natural England and East Suffolk Council as interested parties on the Coastal Processes Monitoring and Mitigation Plan.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes the MMO's position relating to monitoring of the nearshore bars and will discuss this further with the MMO (and MTF) in consultation of the Coastal Processes MMP.
CG.1.27	The Applicant, MMO	<p><b>Impacts on coastal processes</b></p> <p>The draft Coastal Processes Monitoring and Mitigation Plan [AS-237], Section 5.2, indicates that all Beach Landing Facilities (BLF) effects have been classified as not significant, although some were minor and some negligible. Minor effects were predicted to arise from the reprofiled navigation channel leading to the permanent BLF jetty and propeller wash from tugboats on the longshore bars. It confirms that seabed reprofiling (dredging) would be required in order to gain safe navigational access to the enhanced permanent BLF jetty. Please explain in further detail:</p> <p>(i) why the altered bed shear stress over this area would have low impact duration and probability;</p> <p>(ii) why the occurrence of a storm could be relied upon to result in rapid shrinkage of the effect;</p> <p>(iii) the reliability of the conclusion reached that higher than natural quiescent levels of suspended sediment concentration arising from propeller wash from tugboats would be directed to the south.</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) Please note that no reference is made to probability in the EIA method. The statement in the monitoring plan is a reference to the low magnitude of impact outside of storm periods, and the infrequency of storms occurring during the summer BLF operational period each year. As bed shear stress is proportional to wave heights, the peak bed shear stresses during a storm reduce as wave heights lessen when a storm passes. However, paragraph 20.8.17 of <b>Volume 2, Chapter 20</b> of the <b>ES</b> [APP-311] applied a precautionary definition of duration as 'high', in recognition of the length of the 5-10 year

ExQ1	Question to:	Question:
		<p>period over which access is required and this was unchanged in the Accepted Change (see paragraph 2.15.52 of <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>].</p> <p>(ii) Storm activity increases the amount of sediment (sand in particular) in motion. The wave orbital velocity at the seabed (the speed of the current induced at the seabed by a passing wave) which is responsible for sediment motion decreases as water depth increases. Therefore, sediment transported over a deeper dredged area will experience reduced velocities, increasing deposition there, leading to infilling. During calmer conditions there would be less sediment in motion, and so infilling would occur more slowly. The dredged sediments themselves, cast laterally by the plough dredger, are expected to constitute some of the material depositing in the dredged area.</p> <p>(iii) Sediment suspended by tugboat wash will move in the direction of the tide at the time of generation (there being little wave-driven transport when tugs approach the shore owing to the navigational wave height limit of 0.5 m). As detailed in Section 4.2.2 of <b>Appendix 20A</b> of <b>Volume 2</b> of the <b>ES</b> [<a href="#">APP-312</a>], the barge will approach and dock on the flooding tide, during which the tidal current flows south. The barge approach will take place at a similar stage of the tide on each occasion. Barges will unload while grounded over the subsequent low water and then depart on the following flood tide.</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO has no comments to make at present on the Applicant's response to this question.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
CG.1.28	The Applicant, MMO	<p><b>Impacts on coastal processes</b></p> <p>The draft Coastal Processes Monitoring and Mitigation Plan [<a href="#">AS-237</a>], Section 5.2, indicates that as the BLF is close to the Minsmere-Walberswick SPA and Minsmere to Walberswick Heaths and Marshes SAC, precautionary monitoring associated with BLF-use is proposed in order to confirm the predicted no significant effect of bed reprofiling and tugboat propeller wash. However, it is proposed that this aspect of the beach and longshore bar monitoring would be cease once shown that these activities have no significant effect on the designated sites. Given the designation of these particular sites, does the proposed continuation of background monitoring provide sufficient safeguards for the longer term?</p>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	Continuous monitoring of the shoreline and barlines is part of the proposed monitoring strategy. The proposed change is a matter of measurement frequency. The intention is to undertake an adaptive monitoring programme. This consists of initially assessing the impact during operation with a higher-frequency mapping and reporting to determine what, if any, impacts are detectable in the short term. Longer term, the BLF would be in use very infrequently and no direct impacts would be occurring. Therefore, the longer-term monitoring is designed to ensure sufficient data collection to detect any impacts occurring over extended periods consistent with any long-term processes. As noted in the quoted section (Section 5.2) of the <b>Coastal Processes MMP (Volume 3, Appendix 2.15.A of the ES Addendum [AS-237])</b> , the background monitoring (terrestrial remote sensing and occasional topographic and bathymetric surveys) is expected to remain in place, effectively providing continued high frequency data, available for analysis should future changes indicate higher frequency assessment is appropriate.
	<b>Response by the MMO for Deadline 2</b>	The MMO comments as follows in light of the Applicant's response. We note that the approach of more intensive monitoring at the outset of the construction phase of the development which is then reviewed and amended as the scale of changes is confirmed is a reasonable approach. There may be a case for preparing for additional surveys following the first 1 or 2 storm periods following the commencement of construction activities to provide further confidence in the background remote methods capturing any deleterious changes. The MMO identifies Natural England as an appropriate body for comments on protected SPA and SAC sites, as the Statutory Natural Conservation Body, and specialists on this topic area.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes the MMO comments and will discuss this further with the MMO (and MTF) during consultation of the Coastal Processes MMP.
CG.1.31	The Applicant, MMO	<b>Impacts on coastal processes</b> The draft Coastal Processes Monitoring and Mitigation Plan [AS-237], Section 6.2 and 6.3, set out the proposed beach management framework and the mitigation trigger (beach volume). Please confirm that these sections of the draft plan have been agreed and, if not, why not and highlight any changes sought.
	<b>Response by SZC Co. for Deadline 2</b>	Written feedback from the MMO on their review of Version 1 of the draft Coastal Processes MMP (Appendix 2.15.A, Volume 3, Appendix 2.15.A of the ES Addendum [AS-237])

ExQ1	Question to:	Question:
		(received by email on 22 September 2020) stated for Section 6: <i>"This section is very thorough, no significant comments."</i>
	<b>Response by the MMO for Deadline 2</b>	Following our review of the Applicant's response, our only comment at present is to request a view of what the baseline will be- i.e. over which period will it be calculated; the whole 30-year data period or representing more recent variability in beach volumes? Please see the SOCG for our updated comments on the Coastal Processes Monitoring and Mitigation Plan. We would like to further highlight the Environment Agency, Natural England and East Suffolk Council as interested parties on the Coastal Processes Monitoring and Mitigation Plan.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes the MMO response and will discuss this further with the MMO (and MTF) during consultation of the Coastal Processes MMP. The intention would be to use both the immediate, recent history and the longer historical data.
CG.1.32	The Applicant, MMO	<b>Impacts on coastal processes</b> The draft Coastal Processes Monitoring and Mitigation Plan [AS-237], Section 6.5.4, states that the proposed beach maintenance/sediment management approaches would not have an adverse effect on designated supra-tidal shingle habitats. (i) Please confirm that this section of the draft plan has been agreed. If not, please explain why that is the case and highlight any changes sought. (ii) Is it agreed that the Leiston - Aldeburgh SSSI is too distant to be affected by beach management activity at SZC?
	<b>Response by SZC Co. for Deadline 2</b>	Both questions (i) and (ii) pertain to content in Section 6. As stated in the response to CG.1.31, written feedback from the MMO on Section 6 of Volume 3, Appendix 2.15.A of the ES Addendum [ <a href="#">AS-237</a> ] stated <i>"This section is very thorough, no significant comments."</i>
	<b>Response by the MMO for Deadline 2</b>	The MMO are content with the answers from the Applicant for this question. However, ultimately, the MMO defers to Natural England on comments regarding the SSSI. Please see the SOCG for our updated comments on the Coastal Processes Monitoring and Mitigation Plan.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1      Question to:      Question:		
Chapter 11 - CA.1.      Compulsory acquisition		
CA.1.1	The Applicant	<p><b>The scope and purpose of the Compulsory Acquisition Powers sought</b></p> <p>The SoR [APP-062], paragraph 5.5.8, states that Article 25 would authorise SZC Co. to enter onto any land within the Order Limits or which may be affected by the authorised development (whether or not that land is within the Order Limits) to undertake various survey and investigative works, including trial holes. Article 25(2) provides for a 14 day notice period to be given to the owner/occupier of the land. Please provide justification for a 14 day notice period and consider whether this is unreasonably short and should be extended to 28 days?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Article 25 authorises the Undertaker to enter onto any land within the Order limits or which may be affected by the authorised development to undertake various survey and investigative works. Except in cases of emergency, the Undertaker must give no less than 14 days' notice of its intention to exercise its powers under this article.</p> <p>The 14-day period is intended to strike an appropriate balance between giving the owner/occupier a reasonable degree of advance notice of entry on the one hand, and the need to ensure that necessary surveys and investigations are carried out as soon as reasonably practicable on the other. That latter consideration is not simply a matter of avoiding unnecessary delay to the works overall, importantly it also affects the speed with which steps are taken to address the impacts that arise from the authorised development, insofar as these are ascertained using the Article 25 powers. The avoidance of undue delay in both respects is a significant public interest consideration, helping to ensure prompt action is taken where possible to address adverse environmental effects as and when they occur.</p> <p>There is a parallel with the equivalent notice period under Article 24 (Protective works to buildings). Article 24(3) provides the Undertaker with a right to enter and survey a building for the purpose of determining how the functions under Article 24 are to be exercised. Before exercising that right, Article 24(5) requires the Undertaker to give not less than 14 days' notice (save in an emergency).</p>

ExQ1	Question to:	Question:
		The 14-day notice periods in each case are the same as those provided for in the Southampton to London Pipeline DCO <sup>1</sup> (Articles 19 and 20), the Riverside Energy Park DCO <sup>2</sup> (Articles 19 and 20), the Silvertown Tunnel DCO <sup>3</sup> (Articles 15 and 16), the Thames Tideway Tunnel DCO <sup>4</sup> and the Wylfa dDCO <sup>5</sup> as amended by the ExA (Articles 23 and 24). SZC Co. is not aware of any relevant circumstances that would justify a longer notice period in this case, or would mean that the notice period considered appropriate in those other cases ought to be regarded as unreasonably short here. Nor is SZC Co. aware of any particular circumstances in this case that would justify doubling the notice period to 28 days.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC considers that a notice period of 28 days is more appropriate and would urge the Applicant to make this change.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
CA.1.57	The Applicant	<p><b>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</b></p> <p>The relevant representation of Pinsent Masons LLP on behalf of Magnox Limited [RR-0991] and Nuclear Decommissioning Authority [RR-0992], indicates that regardless of Article 26 in the draft DCO, the NDA and Magnox are of the opinion that land plots MDS/05/06 and MDS/05/07 should be excluded from the BoR [APP-067] altogether. Please respond to their concerns and indicate whether the BoR will be amended in that respect?</p>

<sup>1</sup> Southampton to London Pipeline Development Consent Order (SI 2020 No. 1099)

<sup>2</sup> Riverside Energy Park Order (SI 2020 No. 419)

<sup>3</sup> The Silvertown Tunnel Order 2018 (SI 2018 No. 574)

<sup>4</sup> Thames Water Utilities Limited (Thames Tideway Tunnel) Order (SI 2014 No. 2384)

<sup>5</sup> Examining Authority's Report of Findings and Conclusions for the Wylfa Newydd Nuclear Power Station dated 23 July 2019. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010007/EN010007-003948-Recommendation%20Report%20-%20English.pdf>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	These matters are considered within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> (Doc Ref. 9.10.19).
	<b>Response by NDA and Magnox for Deadline 2</b>	<p>It is noted that parts of MDS/05/06 have now been removed from the Order Limits as part of the changes made by the Applicant to the Application on 22 January 2021. However, the NDA and Magnox do not agree with the Applicant's proposals to obtain Class 4 powers in respect of any land which for which the NDA has statutory responsibility for decommissioning and cleaning-up in accordance with the Energy Act 2004 and the Sizewell A Directions as this would produce potential conflict with the legal obligations and duties in relation to decommissioning and clean-up. Therefore, land plots MDS/05/06 and MDS/05/07 should be excluded from the Book of Reference altogether.</p> <p>The NDA and Magnox welcome the Applicant's intention to include a new Article 26(2)(c) in the next Draft DCO to preclude the compulsory acquisition of any rights required by the NDA and Magnox to carry out their regulatory responsibilities and statutory functions, but await the detail and understanding of the effects of these proposed changes, reserving their position. Furthermore, this proposed amendment would support the NDA and Magnox's position that plots MDS/05/06 and MDS/05/07 should be excluded from the Book of Reference altogether.</p>
	<b>Response by SZC Co. for Deadline 3</b>	These matters are part of continued ongoing discussions and are considered within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> <a href="#">[REP2-083]</a> . An updated statement will be submitted at Deadline 5.
CA.1.66	The Applicant	<p><b>Adequacy of any Protective Provisions set out in the dDCO and the need for any other Protective Provisions to safeguard relevant interests</b></p> <p>The relevant representation of Pinsent Masons LLP on behalf of Magnox Limited [RR-0991] and Nuclear Decommissioning Authority [RR-0992], states that Protective Provisions should be included in the draft DCO in order to preserve and protect their respective abilities to effectively carry out their statutory functions and regulatory responsibilities and to reflect agreement reached on the exercise of compulsory acquisition powers. Please provide an update on progress and indicate whether such protective provisions have been agreed. If not, please set out any areas of disagreement?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	These matters are considered further within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> (Doc Ref. 9.10.19).
	<b>Response by NDA and Magnox for Deadline 2</b>	Neither the NDA nor Magnox has had any discussions with the Applicant regarding the Protective Provisions. However, the NDA and Magnox are in the process of discussing the terms of a Statement of Common Ground. The NDA and Magnox are of the view that Protective Provisions should be included in the Draft DCO to preserve and protect their respective abilities to carry out their statutory functions and regulatory responsibilities for the reasons set out in their Relevant Representation and Written Representation.
	<b>Response by SZC Co. for Deadline 3</b>	These matters are part of continued ongoing discussions and are considered within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> [ <a href="#">REP2-083</a> ]. An updated statement will be submitted at Deadline 5.
CA.1.80	The Applicant	<p><b>Objections to the grant of powers of compulsory acquisition and temporary possession</b></p> <p>The relevant representation of Pinsent Masons LLP on behalf of Magnox Limited [RR-0991] and Nuclear Decommissioning Authority [RR-0992], indicates that they oppose the acquisition of any land, or the extinguishment of any rights etc, in any land plots which are: (a) within the boundary of the nuclear site licence, held by Magnox, for the Sizewell A Nuclear Site, and (b) land which the NDA has responsibility for decommissioning and cleaning-up in accordance with the Energy Act 2004 and the Sizewell A Directions, being land plots MDS/05/06 and MDS/05/07. Please respond to the specific concerns raised including:</p> <ul style="list-style-type: none"> <li>(i) Why the Applicant may need to acquire the plots detailed in column (2) of Part 1 of Schedule 15 to the draft DCO;</li> <li>(ii) Why land plot MDS/02/28, in respect of which Magnox is a Category 1 person, is not detailed in column (2) of Part 1 of Schedule 15 to the draft DCO;</li> <li>(iii) Why the protection afforded to the Sizewell B Nuclear Site in Article 26(2)(b) of the draft DCO should not be extended also to the Sizewell A Nuclear Site;</li> <li>(iv) Whether Article 30 should be made subject to Article 26?</li> <li>(v) the implications of these powers for those plots that abut the nuclear site licence area, being plots MDS/05/02 and MDS/05/13;</li> </ul>

ExQ1	Question to:	Question:
		<p>(vi) Whether the Applicant has undertaken diligent enquiry as to why the relevant Class 4 powers are required, or how the compulsory acquisition of Class 4 powers may affect more widely the ability of the NDA and Magnox to carry out their respective statutory functions and regulatory responsibilities?</p> <p>(vii) Whether there is a need to for a Nuclear Site Licensees' Co-operation Agreement(s) to be entered into between the NDA, Magnox, the Applicant and EDF?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>These matters are considered within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> (Doc Ref. 9.10.19).</p>
	<b>Response by NDA and Magnox for Deadline 2</b>	<p>Commercial discussions with EDF Energy Nuclear Generation Limited, as owner and operator of Sizewell B Nuclear Site, have commenced regarding the proposed sale of part of plot MDS/05/06 and the entirety of plot MDS/05/07. However, neither the NDA nor Magnox has had any discussions with the Applicant regarding other land plots where the Applicant is seeking compulsory acquisition and / or the extinguishment of any rights.</p> <p>(i) Clarity is still required as to why the Applicant may need the to acquire the plots detailed in column (2) of Part 1 of Schedule 15.</p> <p>(ii) The surrender of plot MDS/02/28 has now been completed and therefore Magnox is no longer a Category 1 person for this plot of land.</p> <p>(iii) The NDA and Magnox are of the view that the protection in Article 26(2)(b) should extend to Sizewell A Nuclear Site to preclude the compulsory acquisition and ensure voluntary agreement in respect of this land.</p> <p>(v) The NDA and Magnox would welcome urgent clarification and understanding from the Applicant on the implications of these powers for the plots that about the nuclear site licence.</p> <p>(vi) The NDA and Magnox have not yet seen any reporting or evidence that the Applicant has undertaken diligent enquiry.</p> <p>(vii) The NDA and Magnox strongly emphasise the need to ensure that a Nuclear Site Licensees' Co-operation Agreement(s) is entered into between the NDA, Magnox, the</p>

ExQ1	Question to:	Question:
		Applicant and EDF NGL in order to ensure that there is in place a contractual framework which seeks to avoid conflict between the Sizewell A Nuclear Site, the Sizewell B Nuclear Site and the proposed Sizewell C Nuclear Generating Station, and to ensure that the relevant legal obligations of all parties are not compromised.
	<b>Response by SZC Co. for Deadline 3</b>	These matters are part of continued ongoing discussions and are considered within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> <a href="#">[REP2-083]</a> . An updated statement will be submitted at Deadline 5.
<b>Chapter 12 - CI.1 Community Issues</b>		
CI.1.0	The Applicant ESC	<p><b>Accommodation Strategy</b></p> <p>Within the Accommodation Strategy [APP 613] para 5.4.10 – reference is made to the layout being shared with ESC.</p> <p>(i) Please provide a copy of the layout and indicate the facilities that are to be included.</p> <p>(ii) Please provide an update of the latest position on the delivery, operation and management of the site and how these components would be secured through the DCO</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Response to (i)</u></p> <p>A copy of the LEEIE caravan park layout is provided in <b>Figure 2.9</b> of the written responses.</p> <p>Each pitch will be provided with electricity and the site will provide separate toilet and shower facilities. Spacing of pitches and the ratio of toilets / showers required are in line with ESC advised standards. A foul treatment plant is proposed to address concerns about local capacity raised during consultation.</p> <p>The amenity building is expected to include laundry facilities and a vending machine for snacks. No bar or restaurant is proposed as lessons learnt from external caravan site owners at Hinkley Point C indicate that workers bringing caravans do not tend to use on-site bars and restaurants. In addition, the facilities of Leiston are close by and workers' use of these will deliver local economic benefits.</p> <p>The site will include 24/7 security and a vehicle inspection cabin would be provided to support this.</p>



ExQ1	Question to:	Question:
		<p>(ii) In terms of securing mechanisms, for the LEEIE caravan park, Work No. 1A(ee) has been added to the latest <b>draft Development Consent Order</b> (DCO) (Doc Ref. 3.1(C)) which reads: '<i>serviced pitches for up to 400 caravans and 400 temporary car parking spaces</i>'.</p> <p>The delivery of the caravan park and timings are set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)), with reference to the implementation plan. This reads: '<i>3.2.1 Unless otherwise agreed with the Accommodation Working Group, SZC Co shall use reasonable endeavours to deliver the LEEIE Caravan Park in accordance with the Implementation Plan</i>'.</p> <p>The <b>Implementation Plan</b> (Doc Ref. 8.4I(A)) indicates that the LEEIE caravan park is planned to open at the end of year 1 of construction.</p> <p>It is proposed that the caravan park be operated and managed by an experienced accommodation operator and since submission of the Application for development consent, SZC Co. has been meeting with a number of local site operators to gauge interest in this opportunity.</p> <p>In terms of operation, the LEEIE caravan park will be open to Sizewell C workers only with no families or pets (including dogs) permitted. A 24/7 security presence will be maintained to manage entry to the site, keep residents safe and ensure that high standards of worker behaviour are maintained, in line with the Worker Code of Conduct that all Sizewell C workers will be required to sign (see section 4.5 Part A and section 1.2 Part B <b>Code of Construction Practice</b> (Doc Ref. 8.11(B)) and appendix to the <b>Community Safety Management Plan</b> for HPC example [<a href="#">APP-636</a>]). Workers will be able to access the site 24/7 to accommodate all shift patterns and direct bussing will be provided to the main development site from the park and ride site at LEEIE. This will be secured through the <b>Construction Worker Travel Plan</b> (Doc Ref. 8.8(A)) (see response to <b>CI.1.1</b> below).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	The Applicant will provide a response to (i) and (ii).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
CI.1.1	The Applicant Leiston Town Council ESC SCC	<b>Land East of Eastlands Industrial Estate (LEEIE)</b>

ExQ1	Question to:	Question:
		Please provide an update on the strategy that has been developed for the movement of workers from the main development site to and from the LEEIE and between the LEEIE and Leiston Town.
	<b>Response by SZC Co. for Deadline 2</b>	<p>Construction workers living at the caravan park at the LEEIE would be bussed between the LEEIE and the main development site by dedicated buses provided free of charge by SZC Co. This is secured via the <b>Construction Worker Travel Plan</b> (Doc Ref 8.8(A)). In addition, the workers would be able to walk/cycle between the LEEIE and the main development site via Bridleway 19, once the proposed works are complete.</p> <p>With regards to workers living at the caravan park and accessing Leiston town centre, the LEEIE caravan park layout provided in <b>Figure 2.9</b> of the written responses shows the location of a secure walking route that would be provided between the caravan pitches and Valley Road.</p> <p>SZC Co. is also aware of Leiston Town Council's aspiration to stop vehicular traffic along the east end of Valley Road, locally known as Kemps Hill. This would be to make the route safe and desirable for residents, cyclists and, workers staying at the caravan park to get to and from town. SZC Co. continues to liaise with Leiston Town Council to agree a package of transport mitigation measures for Leiston to be secured in the <b>Draft Deed of Obligation</b> (Doc Ref 8.17(C)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	The Applicant should answer with regards to the strategy. From an ESC perspective we expect there to be promotion of alternatives to motorised vehicles such as pedestrian and cycling opportunities to move between the main development site, the LEEIE and the town centre. In addition, it is expected that the Applicant will provide motorised transport – hopefully electric or hydrogen powered between the campus / main development site / LEEIE / Leiston town centre and Leiston Leisure Centre.
	<b>Response by Leiston Town Council for Deadline 2</b>	<p>CI.1.1 LEEIE Movement of Workers</p> <p>There has been discussion about how workers will move from the caravan site and the Park and Ride at the LEEIE site to the main construction site and into Leiston town centre. This has focused on shuttle buses with a request for buses to be fuelled by electricity or hydrogen rather than diesel to minimize air pollution and support the efforts of Leiston to become a zero carbon town. There has also been a proposal for improved cycle routes and footpaths including the closure of Kemps Hill to vehicles.</p>

ExQ1	Question to:	Question:
		<p>However, in spite of these measures being discussed the Town Council remains exceedingly concerned about traffic entering and leaving the LEEIE site and the pressure this will put on Lovers Lane. In addition to the traffic associated with movement of workers, there will also be the freight arriving by train but needing to be transported to the construction site by road. The caravan site will have no amenities; maybe there could be a scheme for local businesses to provide satellite or pop-up outlets on site?</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>The assessment of the early years of construction includes 180 bus movements between the Main Site (split evenly between the Sizewell B access and the Secondary Site Entrance). This reflects the presence of the LEEIE Park and Ride during the Early Years of construction. The assessment of peak construction indicates 24 bus movements between the Main site and the LEEIE, and approximately 160 direct bus movements between Leiston and the main site to support sustainable staff movements between the site and the town. Whilst specific bus movements have been assessed within the transport modelling, the actual services will reflect relevant demand at that period of the construction programme.</p> <p>Through the proposed workforce travel plan, workers would not be able to drive between the LEEIE and Main Site and therefore would be expected to walk, cycle (using the walk/cycle route parallel to Lover's Lane once completed) or use the bus services provided. There is a commitment within the workforce travel plan to achieve the assessed proportions of staff travelling by public transport including staff by Park and Ride bus during the Early Years (i.e. the LEEIE), as well as associated monitoring of staff travel patterns.</p> <p>Closure of Valley Road to vehicles would provide an acceptable route for workers to walk or cycle between the LEEIE and Leiston town centre. See also responses AR.1.29 and AR.1.30.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Further to the SZC Co. response at Deadline 2 [<a href="#">REP2-100</a>], the package of transport mitigation measures in Leiston will create an environment within and around the town that is safe and attractive for cycling and walking. The proposed measures include new cycling infrastructure, improved (wider, resurfaced) footways and crossings as well as one-way streets which will discourage drivers from travelling through the town. Also see responses to <b>TT.1.68</b> (Leiston crossroads improvements), <b>TT.1.69</b> (Leiston public realm improvements) and <b>TT.1.87</b> (proposed construction phase signage strategy in Leiston)</p>

ExQ1	Question to:	Question:
		The discussions with potential bus operators are ongoing and there is a drive to commit to a green bus fleet. SZC Co. is not yet in a position to set out the details of the commitment but will be able to do so over the course of the examination.
CI.1.8	ESC, SCC	<b>Accommodation Strategy</b> Are there any concerns regarding the effect of demand for temporary worker accommodation and any effect this may have on the private rented sector and or holiday accommodation?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	Please see Chapter 29 of the LIR [REP1-045] for ESC's assessment of the effect of demand for temporary worker accommodation and any effect this may have on the private rented sector and / or holiday accommodation.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is comfortable with the assessment of likely significant effects related to private housing and tourist accommodation. Please refer to <b>SZC Co's Response to the Local Impact Report</b> (Chapter 29) (Doc Ref. 9.29) for further information. Development of mitigation via the Housing Fund and Public Services Resilience Fund has been aided by subsequent meetings between SZC Co., ESC and SCC to understand potential routes to mitigate for risks and this is reflected in the <b>Initial Statement of Common Ground</b> [ <a href="#">REP2-076</a> ] submitted at Deadline 2
CI.1.9	The Applicant, ESC	<b>Accommodation Strategy</b> Licensing or planning restrictions may exist for caravanning and camping sites regarding occupancy. (i) Are there similar restrictions for example planning conditions for other property within the tourism stock such as holiday cottages? (ii) If there are, how would this effect the availability of such accommodation and has this been factored in? (iii) Would ESC support the temporary removal/suspension of such conditions or licence restrictions to enable this stock to be used for worker accommodation during the construction period?

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(i) SZC Co. is not aware of any planning restrictions on the year-round use of holiday cottages (and ESC has not raised the issue).</p> <p>(ii) If these restrictions existed, their impact would depend on what they controlled. The controls on camping and caravan sites typically restrict winter use when spare capacity is highest, so would have least effect on the assessment (which is based on summer peak availability).</p> <p>As set out at <b>paragraph 4.2.11</b> of the <b>Accommodation Strategy</b> [<a href="#">APP-613</a>], assumptions have been made on the availability and affordability of tourist sector accommodation, based primarily on affordability (using observed per-night rates and accommodation allowance available to non-home-based (NHB) workers under the Construction Industry Joint Council Working Rule Agreement).</p> <p>Additional discounts have been applied where:</p> <ul style="list-style-type: none"> <li>• There are occupancy restrictions - for example some caravan sites are only licenced to operate for 10 months of the year; and</li> <li>• Engagement with stakeholders has suggested that some types of accommodation are inappropriate - such as holiday parks.</li> </ul> <p>To SZC Co.'s knowledge, there are no restrictions on year-round occupancy of other types of tourist accommodation, though like caravan accommodation, there are some limitations on continuous occupancy of self-catering and other tourist sector accommodation (in some cases this is determined by the East Suffolk Local Plan<sup>6</sup> (e.g. Policy SCLP6.6, SCLP6.5, and in others would be related to determination of tax benefits by HMRC<sup>7</sup>).</p> <p>The assessment takes a conservative approach to discounting for year-round occupancy for caravan sites, reducing assumed availability by 50%, though it is likely that in most cases occupancy is allowed for most of the year. Those workers using tourist sector accommodation are least likely to stay for longer periods than the limited continuous occupancy advised by the East Suffolk Local Plan or HMRC – if staying longer, the price of</p>

<sup>6</sup> <https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-Local-Plan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf>

<sup>7</sup> <https://www.gov.uk/government/publications/furnished-holiday-lettings-hs253-self-assessment-helpsheet/hs253-furnished-holiday-lettings-2020>

ExQ1	Question to:	Question:
		<p>tourist accommodation would be far more expensive than a tenancy in the private rented sector.</p> <p>As such, SZC Co. is confident that the assumptions on affordability and availability used within the assessment of demand for accommodation are sound and in fact conservative (iii) SZC Co. has worked with ESC (as detailed in the <b>Accommodation Strategy</b> [<a href="#">APP-613</a>]) to understand limitations and opportunities, and the potential for review of licence restrictions and support for expansion, re-configuration or improvement of tourist sector accommodation sites through an element of the Housing Fund, as described within the <b>Draft Deed of Obligation, Schedule 3</b> (Doc Ref. 8.17(C)). This includes resourcing for East Suffolk Council to support any additional planning or licencing advice and support that providers require in order to increase supply of tourist sector accommodation, subject to such increases being sustainable, in-line with local policy, and temporary (where appropriate). The use of such resourcing would be guided by a Tourism Accommodation Plan to be produced by ESC. At Hinkley Point C, Sedgemoor District Council produced a management plan to this effect, which could be referenced as good practice here to support ESC.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(I) There will be some restrictions on some tourism stock such as holiday cottages that limits the time they may be rented to one person for, or requiring a break period but this would need to be checked on planning consents across the District.</p> <p>(ii) The Applicant is aware and has factored in that not all accommodation will be available to workers throughout the year.</p> <p>(iii) This has been discussed with the Applicant, and the support we could offer is discussed further at 29.36 of the LIR [REP1-045].</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
CI.1.11	The Applicant, ESC, SCC	<p><b>Leiston</b></p> <p>The Town Council express concern that the mitigation for impacts from a large influx of predominantly male workers has not been fully addressed, with the only specific mitigation proposed the sports facilities at the Academy.</p> <p>The concerns in respect of the potential community impacts are much broader than just the effects on sports provision.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Please respond to these concerns and explain how the ES has considered the broader community effects of a large influx of largely male workers and what mitigation would be secured to address these community effects.</p> <p>Leiston-cum-Sizewell Town Council's representation [<a href="#">RR-0679</a>] states:</p> <p><i>"Personnel movement into and out of the town to access services, leisure and businesses will put a lot of pressure on the amenity of local residents – particularly with housing, access to footpaths and social cohesion - it will also make huge changes to the current socio-economic activity. The effect on residents needs to be acknowledged and mitigated for", and</i></p> <p><i>"The provision of sports facilities is welcome. Sport is not the only cultural or recreational activity in the town however and further mitigation in this area is requested. Especially as, during construction, the provided sports facilities, which are there for SZC workforce, would not be as readily accessible as maybe wished by residents. LTC has a positive and wide ranging mitigation proposal to offset this for both residents and workers families which would need SZC Co. support. It will be important to ensure robust community cohesion during the inevitable upheaval this project brings and it is intended to provide an oasis for families where this can be achieved at the Waterloo Centre".</i></p> <p>SZC Co. recognises Leiston will experience temporary and permanent change as a result of the Sizewell C Project and has designed a package of mitigation measures which will proportionately focus on Leiston's residents, workers and businesses, including generating a range of legacy benefits for Leiston's future advantage.</p> <p><b>Volume 2, Chapter 9</b> (Socio-Economics) of the <b>ES</b> [<a href="#">APP-195</a>] provides an assessment of the likely significant effects on public services and community facilities (paragraphs 9.7.159 to 9.7.210); crime, anti-social behaviour and policing (paragraphs 9.7.211 to 9.7.230); and community cohesion and integration (paragraphs 9.7.241 to 9.7.246) during the construction of the Sizewell C Project.</p> <p><b>Volume 2, Chapter 9</b> (Socio-Economics) of the <b>ES</b> [<a href="#">APP-195</a>] provides an assessment of the likely significant effects on public services (paragraphs 9.7.280 to 9.7.281); and community cohesion and integration (paragraphs 9.7.282 to 9.7.284) during the operation of the Sizewell C Project.</p>

ExQ1	Question to:	Question:
		<p><b>Volume 2, Chapter 9</b> (Socio-Economics) of the <b>ES</b> [<a href="#">APP-195</a>] provides the mitigation proposed for the significant impacts of the Sizewell C Project. A wide range of embedded and additional mitigation is proposed to support the community during the construction and operation of the Sizewell C Project, including in relation to an increase in non-home based workers. The programme of mitigation includes:</p> <ul style="list-style-type: none"> <li>• A temporary accommodation campus for construction workers, including facilities such as a gym, restaurant, bar and informal recreation activities, and welfare, contributing to reducing potential effects on public safety and emergency services (paragraphs 9.6.6 to 9.6.7);</li> <li>• A temporary caravan park for construction workers, designed to contribute to reducing potential effects on public safety and emergency services (paragraphs 9.6.8 and 9.6.9);</li> <li>• Permanent off-site sports facilities, in the form of a 3G pitch and two multi-use games areas at Alde Valley School in Leiston, providing facilities to respond to the likely rise in demand from the workforce as well as investment in facilities to make a positive contribution to integration and the experience of the workforce and local community. Measures would be built into the design to reduce safeguarding risks, such as physical and temporal segregation of use by workers and the community, and the school (paragraphs 9.6.12 to 9.6.15);</li> <li>• The <b>Code of Construction Practice (CoCP)</b> (Doc Ref 8.11(B)) will include a strategy for communication, community and stakeholder engagement, and community liaison activities, to address issues relating to community cohesion and integration that may arise from members of the public (paragraph 9.6.36);</li> <li>• A Worker Code of Conduct, Appendix 1.A.1 of the <b>Community Safety Management Plan</b> [<a href="#">APP-636</a>], will be put in place to set required standards on behaviour both on and off-site, and includes the use of security vetting for potential workers (paragraphs 9.6.37 to 9.6.40);</li> <li>• Transport measures related to road safety include a <b>Traffic Incident Management Plan</b> (Doc Ref. 8.6(A)), <b>Construction Traffic Management Plan</b> (Doc Ref. 8.7(A)), and the <b>Construction Worker Travel Plan</b> (Doc Ref. 8.8(A)). These will be secured through an obligation in the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)). These implementation strategies would contribute to a reduction in significance of potential</li> </ul>



ExQ1	Question to:	Question:
		<p>effects on emergency services, which rely on local roads to respond to incidents (paragraphs 9.6.41 to 9.6.42);</p> <ul style="list-style-type: none"> <li>• Localised effects on the accommodation market, as a result of the influx of non-home based workers, will be managed by the <b>Accommodation Strategy</b> [APP-613] which contains measures to specifically target hard to reach and vulnerable groups that may experience difficulties accessing or retaining housing as a result of the Sizewell C Project's effects on the lower end of the private rented sector. The Housing Fund, secured through the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)), would be capable of delivering additional capacity and providing resilience in the build up to peak demand and during the peak, and may have the potential to leave a lasting legacy in terms of improvements to the existing housing stock (paragraphs 9.8.15 to 9.8.22);</li> <li>• To help manage the distribution of workers and avoid or reduce potential adverse effects on accommodation capacity in local areas in a responsive way, SZC Co. would work with partners to deliver and implement an Accommodation Management System, secured through the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) (paragraph 9.8.23 to 9.8.24);</li> <li>• An information management and database/portal would hold and manage information about the local accommodation market which can be used to provide contractors and workers with a means of finding the most suitable accommodation and location.</li> <li>• In addition, information would be provided to prospective or existing landlords that could help ensure they are providing accommodation that meets safety and quality standards. This would help to avoid the risk of landlords being unaware of rules and regulations that apply to letting property, or new providers entering the market with accommodation of an unacceptably low standard (paragraphs 9.8.25 to 9.8.31);</li> <li>• The Public Services Resilience Fund will be drawn on to expand education provision in locations with limited capacity where the net additional effect of the workforce exceeds education capacity. The Fund would be secured through <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) (paragraphs 9.8.32 to 9.8.36);</li> <li>• The Public Services Resilience Fund would additionally be made available to respond to any residual effects of the Sizewell C Project on the provision of social services, alongside measures set out in the <b>Accommodation Strategy</b> (including the Housing</li> </ul>

ExQ1	Question to:	Question:
		<p>Fund), the <b>Community Safety Management Plan</b>, and the Accommodation Management System (paragraphs 9.8.37 to 9.8.41);</p> <ul style="list-style-type: none"> <li>• The <b>Community Safety Management Plan</b> [<a href="#">APP-635</a>] has been developed in collaboration with the Councils, emergency services and health stakeholders and includes appropriate means of monitoring and mitigating potential impacts relating to community safety, community cohesion, and the provision of policing, fire and rescue services (paragraphs 9.8.46 to 9.8.57); and</li> <li>• The Sizewell C Community Fund will be made available to fund schemes, measures and projects to help mitigate intangible, residual in-combination effects on local communities as a result of combined environmental effects, both perceived and real. The Community Fund will be secured through the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) (paragraphs 9.8.65 to 9.8.69).</li> </ul> <p>The <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) will secure a number of these mitigation measures. Many of the measures, including the Public Services Contingency Fund and Housing Fund will be managed by a combination of East Suffolk Council, Suffolk County Council and/or other public service providers who will retain the statutory powers to direct resources in the most appropriate way.</p> <p>SZC Co. has undertaken extensive engagement with stakeholders across a wide range of issues and matters. The <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) provides the latest position generated through joint working, notably for reference:</p> <ul style="list-style-type: none"> <li>• Schedule 14 (paragraph 2.5) states that a ringfenced sum from the Sizewell C Community Fund will be applied solely for projects within the ward of Leiston, and “<i>in particular Leiston-cum-Sizewell</i>”. The Sizewell C Community Fund will be used to mitigate intangible and residual impacts of the Sizewell C Project on communities via grants for schemes, measures and projects which promote economic, social and environmental well-being and improvements to quality of life. This may include cultural or recreational activities tied to these principles.</li> <li>• Schedule 7 sets out the employment, skills, education and supply chain measures that will be delivered, including the Sizewell C Employment Outreach Initiatives which will focus on hard-to-reach groups and communities within Suffolk experiencing relative deprivation, and the Sizewell C Bursary Scheme which is aimed at supporting the removal of barriers to employment for local people, particularly in areas of relative deprivation. Together these mitigation measures aim to address</li> </ul>

ExQ1	Question to:	Question:
		<p>social mobility in areas immediately close to the Sizewell C Project, notably in Leiston.</p> <ul style="list-style-type: none"> <li>• Schedule 8 sets out the localised heritage interventions that include payments towards the enhancement of heritage sites at Leiston Abbey.</li> <li>• Schedule 16 explains the Leiston Improvement Scheme for transport improvements which include walking, cycling and public realm interventions to enhance the built environment and sustainable accessibility in the area, including along Main Street, High Street, Cross Street, Sizewell Road, Valley Road, and near Leiston Library. The Leiston Transport Contribution will help pay for this work and the Leiston Working Group will oversee the Scheme.</li> <li>• Schedule 15 sets out details of the Tourism Fund, which is intended to mitigate potential impacts on tourism from the Sizewell C Project, and will be implemented to support areas where the benefits will be most greatly felt.</li> </ul>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>A number of these concerns will be addressed through the Community Safety theme of the Section 106 agreement which covers:</p> <p>(a) community safety initiatives with the aim of reducing crime and disorder and anti-social behaviour;</p> <p>(b) safeguarding initiatives;</p> <p>(c) initiatives that promote community cohesion and wellbeing;</p> <p>(d) community health/wellbeing (including mental and sexual health) services and initiatives;</p> <p>(e) initiatives with the aim of protecting vulnerable people against violence (e.g. gang violence), domestic abuse, and exploitation (e.g. trafficking, prostitution and modern slavery);</p> <p>(f) initiatives with the aim of raising awareness of and promoting the safe use of drugs and alcohol; and</p> <p>(g) initiatives with the aim of promoting road safety.</p> <p>There will also be the opportunity for specific projects led by the voluntary sector and community organisations to be funded through the Community Fund.</p> <p>Through the S.106 mitigation measures, ESC also recognises the impact and issues that will be created through an influx of 5,900 NHB workers into East Suffolk and surrounding</p>

ExQ1	Question to:	Question:
		<p>areas, with a particular impact on the Leiston community, where the local population will increase by 48% during the peak construction period, which will radically change the demographic of this town particularly and other towns and surrounding areas across East Suffolk. The East Suffolk CSP is proposing a number of mitigating measures to address the risk effects of the projected influx of NHB workers and provide support to the workers and local community to diffuse the potential tension in the area including – bolstering local Voluntary Community Social Enterprise groups to provide activities and support. Re-introducing successful schemes including pubwatch, Nightsafe and Town pastor schemes and bolstering existing schemes to promote responsible drinking, reduce risks and fears experienced by communities and to support vulnerable people in terms of the night-time economy. Training will be provided to local communities including publicans in conflict management.</p> <p>Raising awareness provides necessary information in relation to the likely risks and effects and mitigating actions and measures to enable communities to stay safe. Provision of information packs and support to arriving workers to enable them to settle within the local community. Provision community events and activities to facilitate community cohesion and alleviate any potential tension between the Sizewell C workers and the local community.</p> <p>It is essential that the CSP mitigation measures and support to be provided through the CSP is secured through the s.106 support to recruit the Community Liaisons officers to work on behalf of the CSP to work closely with local communities to encourage reporting of impacts and issues, provide support and make referrals to local agencies to take the necessary action to promote community cohesion across local communities through a range of planned and proposed measures and actions. Regular monitoring of issues and impacts and working with local communities will ensure the appropriate reporting of issues and the appropriate action and address through the CSP and relevant partner or agency. Further detail in Chapter 28 of the LIR [REP1-045].</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>From a Community Safety perspective, SCC is concerned that there is a risk that a large influx of predominantly male workers could impact a number of crime types, including criminal exploitation, gangs, county lines, domestic abuse, sexual violence, and hate crime. SCC expects to participate in mitigation through use of Public Sector Resilience Fund and/or Community Fund. We would use this to enhance our existing work</p>

ExQ1	Question to:	Question:
		programmes to ensure that more support services/awareness raising, and training are available from years 1 to 12 of the Sizewell C project.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co.'s response for Deadline 2 – please refer also to SZC Co's responses within the <b>Comments on the Councils' Local Impact Report</b> (Chapters 27 and 28) (Doc Ref. 9.29).
CI.1.14	The Applicant, Suffolk Constabulary	<p><b>Community Safety</b></p> <p>The Suffolk Constabulary [RR-1140] express concern that important community safety and policing impacts raised during the pre-application consultation stage have yet to be addressed. Please advise what progress has been made between the parties in this regard.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. has worked with Suffolk Constabulary during the pre-application phase, and since submission of the DCO to fully assess the likely significant effects of the Sizewell C Project based on information available.</p> <p>A key concern of Suffolk Constabulary was the potential for non-crime incidents (as well as recorded crime) to result in additional demand for police resourcing. At <b>paragraph 9.7.229 of Volume 2, Chapter 9</b> (Socio-Economics) of the <b>ES</b> [<a href="#">APP-195</a>] it is noted that <i>'SZC Co. recognises through engagement with Suffolk Constabulary, that recorded crimes (the metric used in this assessment) are only one contributor towards police resourcing, and that information on response to non-reported incidents and dealing with crimes not categorised by the Home Office definitions can lead to greater demand for police resourcing'</i>.</p> <p>Following submission of the DCO, Suffolk Constabulary provided SZC Co. with information not previously in the public domain relating to non-crime incidents, and SZC Co. sourced non-crime (and reported crime) rates from HPC – this information was submitted in <b>Volume 1, Chapter 2, section 2.4</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>].</p> <p>SZC Co. has provided funding to Suffolk Constabulary to model potential crime and non-crime impacts in order to agree mitigation to be secured through the <b>Deed of Obligation</b> (latest draft Doc Ref. 8.17(C)). There are currently significant differences between SZC Co. and Suffolk Constabulary in the interpretation of the model, including the use of</p>

ExQ1	Question to:	Question:
		selected demographic characteristics, their weight and the evidential basis of additional demand as a result, especially when evidence from actual recorded crimes and incidents from Hinkley Point C is considered, but work is ongoing to address them.
	<b>Response by Suffolk Constabulary at Deadline 2</b>	<p>The Constabulary's concerns regarding the approach adopted by the Applicant are detailed in full within the Constabulary's Written Representation, which comprises:</p> <ul style="list-style-type: none"> <li>• Part 1 – Summary</li> <li>• Part 2 – Policing Impact Assessment (PIA)</li> <li>• Part 3 – Collated comments regarding the assessment and acceptability of community safety impacts as predicted by the Applicant in the published SZC DCO application.</li> </ul> <p>In November 2020, prior to the ES Addendum being submitted, the Constabulary advised the Applicant that whilst the inclusion of additional baseline data would be welcome in terms of helping to contextualise the assessment, in isolation this alone would not rectify identified deficiencies within the published impact assessment.</p> <p>To help address the Constabulary's concerns, which have been previously shared with the Applicant, the Applicant included additional baseline data regarding the constabulary's workload within Section 2.4 – Socio-economics of the submitted ES Addendum (AS-181). However, the Applicant's actual assessment of likely effects on crime and policing, including EIA conclusions and proposed approach to mitigation, remains unchanged from the limited and narrow assessment provided in Chapter 9 – Socio-economics (paragraphs 9.7.216 – 9.7.320) of the submitted ES (APP-195).</p> <p>The Constabulary's major concerns therefore remain unresolved, as indicated in the Statement of Common Ground (SOCG) between the Constabulary and the Applicant submitted at Deadline 2. The Constabulary considers that there are significant gaps in the Applicant's assessment of likely significant effects on community safety and policing, discussed further within the Constabulary's Written Representation Part 3 - collated comments on submitted SZC DCO application.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes that the response from Suffolk Constabulary refers to issues raised in their Written Representation [<a href="#">REP2-168</a>] – please refer to SZC Co.'s responses within <b>Comments on Written Representations</b> (Doc Ref. 9.28).</p>
CI.1.15	The Applicant, Suffolk Constabulary	<b>Community Safety</b>

ExQ1	Question to:	Question:
		<p>In light of the concerns raised by the Suffolk Constabulary in respect of what they describe as the narrowness of the assessment please advise what you have done to address this criticism, and what could be put in place to respond to these concerns. Please advise how you consider any appropriate mitigation could be delivered through the DCO in order to achieve a satisfactory level of community safety.</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Please see response to question <b>CI.1.14</b>. Community safety mitigation measures are set out in the <b>Community Safety Management</b> [<a href="#">APP-635</a>]. <b>Table 5.1</b> [<a href="#">APP-635</a>] sets out project mitigation measures contributing to community safety. These will be secured through a combination of measures as follows:</p> <ul style="list-style-type: none"> <li>• Security - Nuclear Site Licence and <b>CoCP</b> (Doc Ref 8.11(B)) (in turn secured by requirement (Project Wide 2: Code of Construction Practice.</li> <li>• On site fire and rescue capability - <b>CoCP</b>.</li> <li>• Emergency co-ordinator - <b>CoCP</b>.</li> <li>• Occupational Health Service – <b>Deed of Obligation</b> (Schedule 6) (Doc Ref. 8.17(C)).</li> <li>• Security vetting - Nuclear Site Licence.</li> <li>• Drug and alcohol testing - Nuclear Site Licence and through Occupational Health Service.</li> <li>• Provision of accommodation campus and caravan site - <b>Implementation Plan</b> (Doc Ref. 8.4I(A)), secured through the Deed of Obligation.</li> <li>• Sports and recreation facilities - on-site will be as for campus, off-site <b>Deed of Obligation</b>, Schedule 10.</li> <li>• Accommodation Strategy – <b>Deed of Obligation</b>, Schedule 3.</li> <li>• Transport mitigation measures - <b>Implementation Plan</b> and <b>Deed of Obligation</b>, Schedule 16.</li> <li>• Employment, Skills and Training Strategy – <b>Deed of Obligation</b>, Schedule 7.</li> </ul> <p>Financial contributions to support community stakeholders will be secured in the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)). This includes contributions to the emergency services (<b>Schedule 4</b>) and the Councils under the Public Services Resilience Fund (<b>Schedule 5</b>), which also provides for multi-agency use to allow cross working with health stakeholders</p>

ExQ1	Question to:	Question:
		and the emergency services. The <b>Deed of Obligation</b> also establishes the Community Safety Working Group which will work together over the construction phase of the project ( <b>Schedule 4</b> ).
	<b>Response by Suffolk Constabulary at Deadline 2</b>	<p>To help address identified assessment gaps it was agreed between the Applicant and the Constabulary that the Constabulary, as the subject matter experts for policing, should undertake an independent assessment of likely community safety and associated policing resourcing impacts. The resulting PIA utilised projected SZC workforce and traffic data provided by the Applicant. Drafts of this PIA were shared with the Applicant in August 2020 and November 2020 for review and to facilitate discussions around the preparation of an initial SOCG (as submitted at Examination Deadline 2).</p> <p>All feedback received from the Applicant was carefully considered and informed several refinements to the PIA, as described in Appendix A of Part 2 of the Constabulary's Written Representation.</p> <p>The Constabulary requires adequate, appropriate and effective mitigation, including resource funding, and associated monitoring to be secured within the terms of the DCO and associated Section 106 Agreement between the Applicant and relevant local planning authorities prior to the determination of the application for the SZC project. In particular, mitigation needs to include adequate financial contribution to ensure that additional police resource is available during the entire construction phase and that such resources are responsive to a fluctuating workforce to help ensure the avoidance of likely significant adverse community safety impacts and any other unacceptable community safety risks, including in relation to local policing and roads policing.</p> <p>The cost of providing adequate additional police resourcing to help mitigate community safety impacts from the SZC project should not be borne by existing taxpayers in Suffolk. Existing police funding mechanisms (Council tax and Home Office grant calculated on a per capita resident basis using ONS data) will not capture much of the required Non-Home Based (NHB) SZC workforce, meaning that without adequate additional funding being provided by the Applicant., policing services for this component of the workforce would not be funded.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes that the response from Suffolk Constabulary refers to issues raised in their Written Representation [<a href="#">REP2-168</a>] – please refer to SZC Co.'s responses within <b>Comments on Written Representations</b> (Doc Ref. 9.28).</p>



ExQ1	Question to:	Question:
CI.1.16	The Applicant Suffolk Constabulary	<p><b>Community Safety</b></p> <p>(i) Please advise on the progress in developing the assessment of likely community safety impacts and policing impacts following the more detailed assessment of transport, staffing and demographic data.</p> <p>(ii) Is it intended to provide a copy of this assessment into the Examination?</p> <p>(iii) Is this assessment now agreed?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The additional data has not changed SZC Co.'s assessment of likely community safety impacts. As set out in response to question <b>CI.1.14</b>, data from Hinkley Point C on non-crime incidents has informed this position.</p> <p>Also as set out in response to question <b>CI.1.14</b>, Sizewell C has funded Suffolk Constabulary to model potential crime and non-crime incidents relating to Sizewell C that would require mitigation. Suffolk Constabulary has shared the results with Sizewell C and SZC Co. is working to reach agreement on the interpretation of the results and the resultant resources that Suffolk Constabulary would require. At present SZC Co. believes the model is substantially over-estimating potential impacts when compared to observed impacts at Hinkley Point C.</p> <p>(ii) <b>Volume 1, Chapter 2, section 2.4</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>] provided an updated assessment by SZC Co.</p> <p>It is not currently proposed to provide a copy of the Suffolk Constabulary assessment into the examination as this is a collaborative process which has involved a number of exchanges of written information and discussions, rather than one single document. However, the outcome of this will be detailed in the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(iii) The assessment is not yet agreed for the reasons set out in question <b>CI.1.4</b> and <b>(i)</b> above. Discussions are ongoing.</p>
	<b>Response by Suffolk Constabulary at Deadline 2</b>	<p>To help address identified assessment gaps it was agreed between the Applicant and the Constabulary that the Constabulary, as the subject matter experts for policing, should undertake an independent assessment of likely community safety and associated policing resourcing impacts. However, at this stage the parties have not been able to agree on the approach to modelling likely community safety impacts (crime and non-crime incidents) and associated policing demands attributable to the SZC project and associated workforce.</p>

ExQ1	Question to:	Question:
		<p>In consequence the level of additional police resourcing required to help mitigate likely community safety impacts has also not been agreed.</p> <p>The PIA prepared by the Constabulary has therefore necessarily been submitted in full (rather than only summary conclusions being drawn from it) to the ExA as Part 2 of the Constabulary's Written Representation in order to evidence the Constabulary's strong views regarding:</p> <ul style="list-style-type: none"> <li>• Community safety and policing impacts likely to arise from the SZC project</li> <li>• Why the Applicant's reliance upon data collated for the Hinkley Point C project to attempt to predict policing impacts from SZC in Suffolk is flawed;</li> <li>• The need for a bespoke mitigation for the SZC project in Suffolk and why it is inappropriate to replicate mitigation proposals from the Hinkley Point C project as the Applicant has proposed; and,</li> <li>• The need for effective mitigation and monitoring to be secured through the terms of any DCO granted and associated Section 106 Agreement for the SZC project. This mitigation solution must be adequate and appropriate for the SZC project in Suffolk</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes that the response from Suffolk Constabulary refers to issues raised in their Written Representation [<a href="#">REP2-168</a>] – please refer to SZC Co.'s responses within <b>Comments on Written Representations</b> (Doc Ref. 9.28).</p>
<b>Chapter 13 - Cu.1 Cumulative impact</b>		
Cu.1.3	The Applicant, ESC, SCC	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>ES Volume 10 Project-wide, Cumulative and Transboundary Effects, Chapter 4, Table 4.16 [APP-578], identifies those effects that have been found to be greater in-combination with the non-Sizewell C schemes than for the proposed development alone. For transport, this includes the A12 at Little Glemham and Marlesford.</p> <p>(i) Please explain further how the proposed mitigation would operate in practice and how this would satisfactorily overcome the anticipated cumulative moderate adverse effect on fear and intimidation;</p> <p>(ii) Please indicate whether there are any other steps which could be taken in mitigation of this adverse effect?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) identifies that SZC Co. will provide a Marlesford and Little Glemham Improvement Contribution to be used by Suffolk County Council for the design and implementation of local improvements to mitigate Sizewell C impacts. Potential improvements in Marlesford and Little Glemham have been discussed with Suffolk County Council and the Parish Council. They include measures to reduce vehicle speeds (e.g. a new 30mph speed limit through Marlesford and extension of the existing 40mph speed limit, traffic calming, gateway features, new and wider footways and pedestrian crossings). Combined these measures would mitigate the forecast environmental impacts.</p> <p>(ii) See response to question <b>TT.1.22</b> within <b>Part 6</b> for description of further monitoring and control measures, and a separate contingency fund, proposed to mitigate potential impacts on the A12.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>This question is highway related so ESC defers to SCC as local highway authority to respond. ESC would like it noted that any mitigation measures proposed such as additional crossing facilities would need to be assessed from a noise and air quality perspective to ensure one adverse effect is not replaced by another.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) SCC considers that mitigation is required at this location in a Sizewell C project only scenario and therefore for all cumulative scenarios as well. For this cumulative scenario, it is understood that the Applicant proposes through communication with EA1N and EA2 projects and the TRG, that if the worst-case Environmental Impacts were predicted to occur then the need for mitigation would be triggered, which would then be delivered. There are a number of potential issues with this approach, the first being that through the EA1N and EA2 examination mitigation at these locations has been agreed between the Applicant and Councils (although no decision has been made on the DCO) to sufficiently mitigate the proportional impact at this location of the EA1N and EA2 proposals. The mitigation proposed is considered proportionate to the scale of EA1N and EA2's impact both in terms of peak impact and the length of impact and is not considered proportionate to Sizewell C's impact. SPR have committed to providing this mitigation which can be viewed at Annex 5 of the Construction Traffic Management Plan, found here: <a href="https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-004832-8.9%20EA1N%20Outline%20Construction%20Traffic%20Management%20Plan.pdf">https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-004832-8.9%20EA1N%20Outline%20Construction%20Traffic%20Management%20Plan.pdf</a>).</p>

ExQ1	Question to:	Question:
		<p>Another issue is that there is no assessment of the exact point mitigation is required; it is only suggested that it is required for a peak scenario, but there would be a threshold prior to the absolute peak that the assessment method used by the Applicant would determine a need for mitigation, and this also requires a level of professional judgement. Given the length of time it can take to book road space and undertake roadworks (including the availability of contractors) it may take several months following identification of the need for mitigation for that mitigation to be delivered. The mitigation itself will have an impact on traffic using the A12 as it is likely that some form of traffic management will be required, which if traffic volumes are high require working outside normal working hours in turn with consequential impacts such as noise on local residents. On that basis, the TRG would then need to determine whether SZC HGV movements needed to be controlled or the extent to which a short-term impact would be considered tolerable on the basis that mitigation was planned to be delivered in the near future, or even if the impact of delivering the mitigation outweighs its own impact; this would also need to be considered in the context of the delivery of EA1N and EA2 mitigation. That being said, the Applicant is currently working on a strategy for mitigating their impacts at this location, which would address the issue as they would be mitigating their proportional impact, which SCC considers necessary.</p> <p>(ii) Mitigation could be provided in the form of controls on HGV numbers or alternatively footway widening, footway extensions and a crossing facility. SCC considers that mitigation is required at this location in all scenarios and believe that mitigation should be delivered very early in the programme to avoid disruption on a haul route for both this Project and the EA1N and EA2 projects, and to minimise disruption on a strategic corridor.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>The draft <b>Deed of Obligation</b> (Doc. Ref. 8.17(D)) identifies a Marlesford and Little Glemham Improvement Contribution to be used by Suffolk County Council (SCC) for the design and implementation of local improvements to mitigate Sizewell C impacts. Discussions are ongoing with Suffolk County Council, East Suffolk Council and the parish councils, with a view to agreeing the proposed scheme. Triggers are not proposed for the mitigation. In addition to the proposed Marlesford and Little Glemham Improvement Contribution, demand management measures are included in the <b>Construction Traffic Management Plan (CTMP)</b> [<a href="#">REP2-054</a>], <b>Construction Worker Travel Plan (CWTP)</b> [<a href="#">REP2-055</a>], which are to be secured through the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)).</p>

ExQ1	Question to:	Question:
Cu.1.7	The Applicant, EA1N	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>EA1N [RR-0340] indicates that its representatives have engaged proactively with Sizewell C representatives to better understand the scope and impact of the proposed Sizewell C Project and its potential cumulative and in-combination effects, in particular on transport related matters. Please confirm that such discussions are ongoing and indicate whether any further information is available at this stage in relation to potential cumulative and in-combination effects of the projects with particular regard to transport- related matters.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. continue to engage with Scottish Power Renewables (SPR) to ensure coordination between East Anglia One North (EA1N) and East Anglia Two (EA2) and Sizewell C Project. See response to <b>TT.1.62</b> within <b>Part 6</b> which describes recent discussions between SZC Co. and SPR in relation to consistency between traffic models. A technical note (refer to <b>Appendix 24B</b>) has been produced summarising the differences in the SPR Preliminary Environmental Information Report (PEIR) and ES traffic inputs.</p> <p>A <b>Statement of Common Ground</b> (SoCG) has also been developed between SZC Co. and SPR (Doc Ref. 9.10.28), setting out a commitment to engage in relation to coordination of highway mitigation proposals and programmes (see response to <b>TT.1.63</b> in <b>Part 6</b> for further information).</p>
	<b>Response by Scottish Power Renewables for Deadline 2</b>	<p>The Statement of Common Ground with NNB Generation Company (SZC) Limited V2, SZC-501 (East Anglia TWO examination reference REP8-112<sup>8</sup>) confirms:</p> <p>“The Applicants and SZC will engage regularly with each other during design and construction of their respective projects so that any interface between the projects can be considered at an early stage, recognising it is in the interests of the Applicants and SZC as well as the wider community that all projects be coordinated as far as reasonably practicable”</p>

<sup>8</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004551-ExA.SoCG-18.D8.V2%20EA1N&EA2%20Statement%20of%20Common%20Ground%20with%20NNB%20Generation%20Company%20\(SZC\)%20Limited.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004551-ExA.SoCG-18.D8.V2%20EA1N&EA2%20Statement%20of%20Common%20Ground%20with%20NNB%20Generation%20Company%20(SZC)%20Limited.pdf)

ExQ1	Question to:	Question:
		EA1N&EA2 Sizewell C Cumulative Impact Assessment Note (Traffic and Transport) - Version 02 (East Anglia TWO examination reference REP6-043 <sup>9</sup> ) sets out the cumulative interactions between the East Anglia ONE North, East Anglia TWO and Sizewell C projects. East Anglia ONE North Limited and East Anglia TWO Limited are currently engaging with SZC to support the interpretation of the data contained in this submission (see response to <b>TT.1.62</b> ).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.8	The Applicant, EA1N, EA2	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>EA1N [RR-0340] and EA2 [RR-0341] explain that the Order limits for the EA1N Project and the Sizewell C Project overlap in three areas of the public highway, namely: Sizewell Gap (close to the Junction of Sizewell Gap/King George's Avenue); the junction of A12/A1094 (Friday Street); and the junction of A1094/A1069 (Snape Road).</p> <p>(i) Please indicate whether any progress has been made in relation to opportunities for co-ordinating works in these areas and how this would be secured by the DCO(s).</p> <p>(ii) If not, what are the perceived obstacles to any such co-ordination?</p> <p>(iii) Explain the way in which the various works for these schemes in these locations could conflict?</p> <p>(iv) Explain how it is proposed that the necessary access for the EA1 North and EA TWO Projects would be maintained?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>i, ii, iii) See response to <b>TT.1.63</b> in <b>Part 6</b> which discusses the coordination of highway mitigation proposed by SZC Co. and SPR for EA1N and EA2. A commitment to regular engagement during design and construction phases is set out in the <b>SoCG</b> between SZC Co. and SPR (Doc Ref. 9.10.28). SZC Co. propose to establish clear communications protocols between all three parties, which will be defined in the terms of reference of the Transport Review Group (TRG).</p> <p>iv) The SPR EA1N and EA2 Works interact with Sizewell Gap at Work Nos. 10, 11 and 15. The EA1N and EA2 draft DCO (Schedule 9) sets out the purpose for which temporary</p>

<sup>9</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20\(Traffic%20and%20Transport\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20(Traffic%20and%20Transport).pdf)

ExQ1	Question to:	Question:
		<p>possession may be taken at these Works (e.g. construction and carrying out of authorised project, vegetation clearance, access for carrying out the project). The <b>SoCG</b> between SZC Co. and SPR (Doc Ref. 9.10.28) notes that these works do not materially conflict with the construction of the Sizewell C Project. The <b>draft DCO</b> (Doc Ref. 3.1(C)) includes protective provisions which adequately protect SZC Co.'s interests with regard to interactions on Sizewell Gap.</p>
	<p><b>Response by Scottish Power Renewables for Deadline 2</b></p>	<p>(i) The overlap in Order limits referred to relate to onshore matters. A further overlap occurs offshore. The EA2 and EA1N draft DCOs include protective provision in favour of SZC which requires East Anglia ONE North Limited and East Anglia TWO Limited to consult with SZC Co. in the formulation of the proposed method of working and timing of execution of works, to the extent that it relates to such overlapping Order Limits. The Applicants seek reciprocal Protective Provisions within the SZC dDCO. A separate side agreement may also be required with SZC (depending on the final wording of the Protective Provisions) to address commercially confidential matters such as indemnity levels. Discussions on this matter are at an early stage between SZC and East Anglia ONE North Limited and East Anglia TWO Limited and are continuing.</p> <p>(ii) see response to (i)</p> <p>(iii) Works at Sizewell Gap and the junction of A1094/A1069 (Snape Road) may conflict in terms of SZC and East Anglia ONE North Limited and East Anglia TWO Limited seeking to undertake works at these junctions at the same time, and potentially seeking to undertake similar works. The protective Provisions referred to in (i) above are intended to ensure early engagement between the parties prevents such conflicts. Interaction at the junction of A12/A1094 (Friday Street) are more significant, with SZC proposing the construction of a roundabout and East Anglia ONE North Limited and East Anglia TWO Limited proposing construction of traffic signals at the same junction to mitigate different magnitudes of impacts resultant from the respective projects. However, the protective Provisions referred in (i) above are intended to ensure early engagement between the parties to prevent any conflict and allow for the effective planning of highway works at this junction</p> <p>(iv) Accesses will be maintained by the Applicants until their removal in order to ensure their safe use throughout the construction period. This will involve management of vegetation along the visibility splays, maintenance of signage; and maintenance of the access surface (including any tarmac joint with the highway) as required. As facilitated by the Protective Provisions with the East Anglia ONE North/East Anglia TWO /SZC DCOs,</p>

ExQ1	Question to:	Question:
		East Anglia TWO Limited, East Anglia ONE North Limited and SZC Co. must liaise during construction to ensure respective rights of access are not compromised. In practice, where potential conflict arises, it is in the interest of all parties to work together to resolve the potential conflict.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.9	The Applicant, EA1N, EA2	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>ES Volume 10 Project-wide, Cumulative and Transboundary Effects [APP-578], Chapter 4, paragraph 4.4.13, indicates that the construction of EA1N and EA2 could overlap with the construction of the Sizewell C Project. Paragraph 4.14, states that the 'concurrent build' traffic flows have been used, derived from the preliminary environmental information for the EA2 development.</p> <p>(i) Please indicate whether any further information is available at this stage as to the likely timing and duration of the overlap should all these projects be approved.</p> <p>(ii) Please comment on the reliability of the ES assessment given that it has utilised preliminary environmental information and indicate whether this has now been superseded?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) As set out within <b>Appendix 13A</b> of this chapter, the new construction programmes for EA1N, EA2 and EA3, as detailed on the new 'East Anglia Hub'<sup>10</sup> website<sup>11</sup>, state that offshore construction of all three schemes will commence in 2023, on shore works will commence in 2024 and all three schemes will be operational by 2026. Information provided by SPR states that construction is likely to be sequential, with parallel construction being the worst-case scenario.</p> <p>An updated construction programme for the Sizewell C Project is provided within the <b>Implementation Plan</b> (Doc Ref. 8.4I(A)) submitted at Deadline 2. The anticipated peak early year of construction remains 2023 and peak year of construction at the main development site is in 2028, with Sizewell C due to become fully operational by 2034, as set out in the ES.</p>

<sup>10</sup> East Anglia Hub is the name for the collective East Anglia THREE, East Anglia TWO and East Anglia ONE North offshore windfarm schemes.

<sup>11</sup> Scottish Power Renewables. The East Anglia Hub. [Online] Available from: [https://www.scottishpowerrenewables.com/pages/east\\_anglia\\_hub.aspx](https://www.scottishpowerrenewables.com/pages/east_anglia_hub.aspx)



ExQ1	Question to:	Question:
		<p>As explained within <b>Volume 10, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-578</a>], the peak SPR construction traffic flows were considered as part of the peak early year (2023) assessment of Sizewell C construction within the ES. Furthermore, although the proposed timeline for concurrent construction shows the SPR schemes to be completed before the Sizewell C peak construction phase, if the construction programme were to be delayed the concurrent build could still be underway by Sizewell C peak construction phase, therefore the SPR 'concurrent build' traffic flows were also assessed in the Sizewell C 2028 peak construction 'cumulative' scenario. The SPR schemes would be completed by the Sizewell C operational stage. This remains robust and valid.</p> <p>(ii) See response to question <b>TT.1.62</b> within <b>Part 6</b> which describes recent engagement between SZC Co. and SPR to check on the validity of the SZC Co. assessment using the latest traffic flows from the EA1N and EA2 Environmental Statements. A note has been produced to summarise the differences in the SPR PEIR and ES traffic inputs (refer to <b>Appendix 24B</b>). The flow differences are small. The conclusion of that review is that there would be no material impact on the SZC Co. environmental assessment, if the updated SPR flows were used. It is also noted that due to the proposed timings and location of the onshore elements of EA3, it is not considered that this would have cumulative transport impacts in combination with the Sizewell C Project and, therefore, the assessment presented within the ES remains robust and valid.</p>
	<p><b>Response by Scottish Power Renewables for Deadline 2</b></p>	<p>i) The EA1N&amp;EA2 Sizewell C Cumulative Impact Assessment Note (Traffic and Transport) - Version 02 (East Anglia TWO examination reference REP6-043<sup>12</sup>) sets out the cumulative interactions between the East Anglia ONE North, East Anglia TWO and Sizewell C projects. The note considers a worst case that peak construction phase for the East Anglia ONE North and East Anglia TWO Projects could overlap with the 'early years' construction for SZC in 2023 and also the peak construction for SZC in 2028.</p> <p>ii) East Anglia ONE North Limited and East Anglia TWO Limited have been provided with the modelling data used by the Sizewell C project to assess the potential for cumulative impacts with the EA1N and EA2 projects. East Anglia ONE North Limited and East Anglia TWO Limited will review this information and revert.</p>

<sup>12</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20\(Traffic%20and%20Transport\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20(Traffic%20and%20Transport).pdf)

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.11	The Applicant, EA1N, EA2, SCC	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>ES Volume 10 Project-wide, Cumulative and Transboundary Effects, Chapter 4 Assessment of Cumulative Effects with Other Plans, Projects and Programmes [APP-578], paragraph 4.4.53, explains that the cumulative assessment for Sizewell C with EA1N and EA2 is based on certain worst case assumptions. Please indicate whether those assumptions are agreed between all parties and that they comprise a complete list of potential 'worst case' factors?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>See response to question <b>TT.1.62</b> within <b>Part 6</b> which describes recent engagement between SZC Co. and SPR to check on the validity of the SZC Co. assessment using the latest traffic flows from the EA1N and EA2 Environmental Statements. A note has been produced to summarise the differences in the SPR PEIR and ES traffic inputs (refer to <b>Appendix 24B</b>). The flow differences are small. The conclusion of that review is that there would be no material impact on the SZC Co. environmental assessment, if the updated SPR flows were used.</p> <p>Furthermore, SPR flows were previously accounted for within the 2023 early years peak assessment year. With the revised programme for East Anglia Hub, the 2023 assessment year remains correct.</p>
	<b>Response by Scottish Power Renewables for Deadline 2</b>	The EA1N&EA2 Sizewell C Cumulative Impact Assessment Note (Traffic and Transport) - Version 02 (East Anglia TWO examination reference REP6-043 <sup>13</sup> ) sets out the worst case cumulative transport metrics that have been utilised to inform the East Anglia ONE North and East Anglia TWO DCO applications.

<sup>13</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20\(Traffic%20and%20Transport\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20(Traffic%20and%20Transport).pdf)

ExQ1	Question to:	Question:
		<p>Deadline 8 Submission - East Anglia ONE North and East Anglia TWO Statement of Common Ground with East Suffolk Council and Suffolk County Council - Version 04, LA10.10 (REP8-114<sup>14</sup>) confirms:</p> <p>"The approach to assessing cumulative impacts with SZC is acceptable."</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>With regards to the assessment of EA1N and EA2, the assumptions are agreed and considered to be acceptable by the Council. For clarity, the Applicant has recently submitted an updated technical note to the Council (see TT.1.62) highlighting that there are some minor differences between the EA1N and EA2 flows assessed in their DCOs and in the Sizewell C DCO; however, these are considered to be minor and highly unlikely to materially impact any conclusions.</p> <p>The assessment here relates to the cumulative impact for the implementation of EA1N, EA2 and SZC. It does not take into account the possible construction of other energy projects in the vicinity.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.12	The Applicant, ESC, SCC	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>ES Volume 10 Project-wide, Cumulative and Transboundary Effects, Chapter 4 Assessment of Cumulative Effects with Other Plans, Projects and Programmes [APP-578], paragraph 4.4.54, indicates that it is possible that the significant adverse effect on fear and intimidation would not arise. The construction programmes for East Anglia ONE North and East Anglia TWO and the Sizewell C Project will be monitored through the transport review group throughout the construction phase of the Sizewell C Project and should there be a potential for the worst case traffic flows to arise concurrently, additional mitigation measures would need to be secured through the transport contingency fund, which is to be secured via the Section 106 Agreement.</p> <p>(i) Please explain further how the effect on fear and intimidation could be satisfactorily managed through the transport review group and transport contingency fund?</p>

<sup>14</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-004595-ExA.SoCG-2.D8.V4%20EA1N&EA2%20Statement%20of%20Common%20Ground%20with%20East%20Suffolk%20Council%20and%20Suffolk%20County%20Council.pdf>

ExQ1	Question to:	Question:
		<p>(ii) Although the contingency fund is referred to in the Mitigation Route Map, Plate 1.1 [APP-616], it does not appear to be mentioned in the main mitigation route map tables. Please explain why not?</p> <p>(iii) Please outline the additional mitigation measures anticipated and explain how this would achieve the desired objective?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The position with regards to mitigation of cumulative effects in Little Glemham and Marlesford has changed since the DCO submission. Since the submission of the Application, SZC Co. has had ongoing discussions with SCC, ESC and local parish councils with regards to transport mitigation. Based on these discussions, SZC Co. is to fund a highway improvement scheme in Little Glemham and Marlesford, which would be implemented by SCC and secured via an obligation in the <b>Deed of Obligation</b> (Doc Ref 8.17(C)).</p> <p>(ii) Refer to (i) for the updated position with regards to mitigation at Little Glemham and Marlesford. Notwithstanding this, in answer to (ii), an updated <b>Mitigation Route Map</b> (Doc Ref. 8.12(B)) has been submitted at Deadline 2, which includes the transport contingency fund in the main mitigation route map tables, to be secured via the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(iii) See response to question <b>TT.1.99</b> within <b>Part 6</b> for description of the Marlesford and Little Glemham Improvement Contribution. SZC Co. will continue to liaise with Suffolk County Council, East Suffolk Council and the parish councils to agree an appropriate improvement scheme.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	This question is highway related so ESC defers to SCC as local highway authority to respond.
	<b>Response by Suffolk County Council for Deadline 2</b>	See our answer to CU.1.3.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.13	The Applicant, EA1N	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>EA1N [RR-0340] in relation to offshore matters notes that whilst the Sizewell C Project's Work Nos. 2B, 2D and 2F fall outside the EA1N Order limits, there remains an overlap in</p>

ExQ1	Question to:	Question:
		the Order limits. The company expresses concern that it must not be hindered from undertaking the necessary works for the EA1N Project as a result of the Sizewell C Project works at these locations. Please indicate the form of assurance sought in this respect and whether this has been provided to the satisfaction of EA1N?
	<b>Response by SZC Co. for Deadline 2</b>	<p>The EA2/EA1N Order limits are located 152m from Work No. 2F and an indicative 500m working width area is required between the EA2/EA1N Projects Order limits and the location of offshore export cables. There is a minimum indicative separation distance of 652m between the Sizewell C cooling water intakes at Work Nos.2B, 2D and 2F. and the nearest potential location of the EA2/EA1N offshore export cables. The construction, operation and decommissioning of the EA2/EA1N projects and the Sizewell C project can be undertaken without unreasonable hinderance. EA2, EA1N and SZC Co. will keep each other informed as to the precise siting of their respective infrastructure during detailed design and will work to ensure that the EA2 and EA1N and the Sizewell C infrastructure can be constructed, operated and decommissioned without unreasonable hinderance.</p> <p><b>A Statement of Common Ground</b> (SoCG) for the EA2/EA1N Projects (Doc Ref. 9.10.28) has been developed on that basis.</p>
	<b>Response by Scottish Power Renewables for Deadline 2</b>	East Anglia ONE North Limited and East Anglia TWO Limited are seeking Protective Provisions within the SZC dDCO in a reciprocal arrangement to those agreed within the East Anglia ONE North and East Anglia TWO draft DCOs. A separate side agreement may also be required with SZC (depending on the final wording of the Protective Provisions) to address commercially confidential matters such as indemnity levels. Discussions on this matter are at an early stage with SZC and East Anglia ONE North Limited and East Anglia TWO Limited and are continuing.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.18	The Applicant, ESC	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>ESC [RR-0342] accepts that the primary issues arising in the cumulative assessment are predominantly managed with the proposed transport strategy. However, one element that continues to raise concern is the A12 west of Woodbridge and the A12/A1094 junction to Aldeburgh pre: Two Village Bypass construction.</p> <p>(i) The Council is requested to explain further its stated intention to work with the</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Highway Authority to understand how capacity here can be increased and indicate the prospects of that objective being achieved?  (ii) Please provide further explanation as to the anticipated timetable for the provision of the Two Village bypass and the scope for the Friday Street roundabout element of the Two Village Bypass to be brought online as soon as possible during the Sizewell C construction.</p> <p>i) No response from SZC Co. required.  ii) There has been further work on the anticipated construction sequence for the two village bypass, which has been validated against the indicative <b>Implementation Plan</b> (Doc Ref. 8.4I(A)). The two village bypass will be delivered in the early years of the Sizewell C Project, with the delivery of the A12/A1094 (Friday Street) roundabout prioritised, as shown on the <b>Implementation Plan</b> (Doc Ref. 8.4I(A)). The delivery of the Sizewell C Project in line with the Implementation Plan is secured through Schedule 9 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>The anticipated construction sequence would include:</p> <p><b>1) Preparatory Works</b></p> <p>Preparatory works include the provision of mitigation measures for the following items:</p> <ul style="list-style-type: none"> <li>• archaeology;</li> <li>• ecology;</li> <li>• environment;</li> <li>• utility investigation.</li> </ul> <p>All preparatory works will be undertaken in compliance with the required permits and consents. Once completed, the preparatory works will facilitate the commencement of construction of the two village bypass.</p> <p><b>2) Construction works</b></p> <p><b>2.1) Friday Street Roundabout</b></p> <p>Construction of the Friday Street roundabout will be prioritised early in the construction of the two village bypass. The construction of the Friday Street roundabout will involve substantial works off-line with no disruption to the existing A12 and A1094 road networks. This work will then be followed by a Phased Traffic Management Plan to facilitate the connection of the proposed two village bypass with the existing A12 and</p>

ExQ1	Question to:	Question:
		<p>A1094. The Friday Street roundabout will be completed and operational early in the construction phase.</p> <p><b>2.2) Two Village Bypass</b></p> <p>Construction on the remaining areas of the two village bypass will involve the following activities:</p> <ul style="list-style-type: none"> <li>• temporary contractor compounds;</li> <li>• utility diversions/protections;</li> <li>• earthworks;</li> <li>• drainage;</li> <li>• fencing &amp; safety barriers;</li> <li>• road construction &amp; surfacing;</li> <li>• River Alde overbridge;</li> <li>• Foxburrow non-motorised users overbridge;</li> <li>• pavements, kerbs &amp; footways;</li> <li>• road lighting;</li> <li>• connections to existing road networks;</li> <li>• landscaping.</li> </ul> <p>The construction of the two village bypass will be in accordance with the indicative <b>Implementation Plan</b> (Doc Ref. 8.4I(A)).</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) ESC works closely with SCC as local highway authority and in particular with regards to SCC's Major Road Network consultation that it recently undertook consulting on improvements to the A12 between the A14 junction at 'Seven Hills' and the A1152 at Woods Lane. The outcome of that consultation and the next stages will be revealed by SCC in due course.</p> <p>ESC would welcome the enhancements to the A12 proposed in the MRN bid as these would address some known highway constraints that need to be addressed in order to enable the delivery of planned growth in the Local Plans. ESC's clear focus is to prioritise the Two Village Bypass in order to address impacts the proposal is likely to have on the Stratford St Andrew AQMA.</p>

ExQ1	Question to:	Question:
		(ii) ESC would prefer to see the provision of the Friday Street element of the Two Village Bypass prioritised in the Applicant's Implementation Plan and we will continue to work with SCC as local highway authority and the Applicant to achieve this in an appropriate timetable.
	<b>Response by SZC Co. for Deadline 3</b>	<p>(i) Refer to SZC Co. response to Chapter 15 of the Local Impact Report [<a href="#">REP1-045</a>] with regards to SZC Co. position on the impact of Sizewell C on the A12 corridor between Seven Hills and A1152.</p> <p>(ii) As set out in the <b>Implementation Plan</b> [<a href="#">REP2-044</a>], the proposed Friday Street roundabout element of the two village bypass has been prioritised by SZC Co.</p>
Cu.1.19	The Applicant, ESC	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>ESC [RR-0342] in relation to amenity and recreation notes that during the early years of construction there may be impacts in some areas should other NSIPs be under construction simultaneously. The majority of these impacts will be on receptor groups using public footpaths. The majority are considered to be not significant, but receptors at Aldringham Common and The Walks are likely to experience significant effects.</p> <p>(i) Please indicate whether it is considered that any further mitigation other than that already proposed is necessary for receptors in these locations.</p> <p>(ii) If not, why not?</p> <p>(iii) If so, what additional mitigation is sought and how could that be secured through the draft DCO?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The additional cumulative effects on Receptor Group 19: Aldringham Common and The Walks would occur mainly due to construction of the landfall and cable route elements of East Anglia ONE North, East Anglia TWO, Nautilus Interconnector, Eurolink Interconnector, Greater Gabbard extension and Galloper Extension Offshore Wind Farm which are likely to take place within this receptor group. Mitigation should be provided by those projects for adverse impacts they generate.</p> <p>Having said this, SZC Co. is in discussion with Suffolk County Council and East Suffolk Council regarding additional mitigation required for recreational receptors within Receptor Group 19 for the Sizewell C Project, through measures such as PRow improvements and signage. These will be progressed through Deed of Obligation.</p>



ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	(I) - (iii) Chapter 17 of the LIR [REP1-045] builds upon the [RR-0342] submission. 17.119 - 17.133 details the mitigation considered necessary by ESC to address effects on the local PRoW network. The Applicant is proposing a Public Rights of Way Fund to minimise negative impacts and ESC will continue to work with SCC (responsible authority for PRoW) to ensure the Fund is of an appropriate size and suitably flexible.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.20	The Applicant, National Grid (in relation to (i))	<p><b>Cumulative effects with other plans, projects and programmes</b></p> <p>Norfolk County Council [RR-0906] raises cross-boundary electricity transmission issues in respect of the 400kV network which runs between Norfolk and Suffolk including the potential for reinforcement and new lines in both Norfolk and Suffolk.</p> <p>(i) Please indicate whether there is likely to be any requirement in the wider area for either: (a) reinforcement; of the existing 400 kV network; or (b) new overhead lines (400kV).</p> <p>(ii) Please explain how the cumulative impact on the 400 kV transmission network in the wider strategic area has been considered by the ES?</p> <p>(iii) Please comment on the need for further evidence and studies setting out the full implications of both Sizewell C and the planned/emerging offshore wind energy projects on the existing 400 kV network across the two Counties.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) A summary of the work required to connect Sizewell C to the National Electricity Transmission System is provided in the <b>Grid Connection Statement</b> [APP-583]. Paragraph 1.3.13 of that document clarifies the specific works for which SZC Co. is seeking development consent in relation to the grid connection.</p> <p>In response to the specific clarification questions posed:</p> <p>(a) The <b>Grid Connection Statement</b> [APP-583] confirms at paragraph 1.3.14 that reinforcement works to the surrounding National Electricity Transmission System would be carried out by National Grid, as appropriate.</p> <p>(b) Any requirement for new overhead lines would be determined by National Grid and would form part of the reinforcement works referred to above. SZC Co. is not aware of a requirement for new overhead lines arising directly as a result of the proposed</p>

ExQ1	Question to:	Question:												
		<p>development. SZC Co. is continuing engagement with National Grid to inform the need for any works required to the transmission network.</p> <p>(ii) The ES does not consider the cumulative impact on the 400 kV transmission network in the wider strategic area as an individual receptor as it is not identified as an environmental resource or a receptor that is likely to experience an environmental effect as a result of the proposed development. The table below summarises how the ES has considered any environmental effects from the National Grid transmission network works.</p> <table> <tr> <th>Description of works</th><th>Included in the Sizewell C Application?</th><th>Comments</th></tr> <tr> <td>Build new 16-bay 400kV substation at Sizewell C, connect to the existing Sizewell B substation and install 400kV fault current limiting reactors</td><td>Yes</td><td>Assessed as part of the proposed development at the main development site. Refer to description of permanent development within paragraphs 2.5.65 to 2.5.66, <b>Volume 3, Appendix 2.2.A</b> of the <b>ES Addendum</b> [<a href="#">AS-202</a>].</td></tr> <tr> <td>Divert existing overhead line circuits from Sizewell B substation into the new Sizewell C substation</td><td>Yes</td><td>Assessed as part of the proposed development at the main development site. Refer to description of permanent development within paragraphs 2.5.65 to 2.5.66, <b>Volume 3, Appendix 2.2.A</b> of the <b>ES Addendum</b> [<a href="#">AS-202</a>].</td></tr> <tr> <td>Replace all conductors on four overhead line circuits between Sizewell and Bramford (near Ipswich)</td><td>No</td><td>These works comprise minimal upgrades to existing development and are assumed to be completed under permitted development rights. Therefore, they do not</td></tr> </table>	Description of works	Included in the Sizewell C Application?	Comments	Build new 16-bay 400kV substation at Sizewell C, connect to the existing Sizewell B substation and install 400kV fault current limiting reactors	Yes	Assessed as part of the proposed development at the main development site. Refer to description of permanent development within paragraphs 2.5.65 to 2.5.66, <b>Volume 3, Appendix 2.2.A</b> of the <b>ES Addendum</b> [ <a href="#">AS-202</a> ].	Divert existing overhead line circuits from Sizewell B substation into the new Sizewell C substation	Yes	Assessed as part of the proposed development at the main development site. Refer to description of permanent development within paragraphs 2.5.65 to 2.5.66, <b>Volume 3, Appendix 2.2.A</b> of the <b>ES Addendum</b> [ <a href="#">AS-202</a> ].	Replace all conductors on four overhead line circuits between Sizewell and Bramford (near Ipswich)	No	These works comprise minimal upgrades to existing development and are assumed to be completed under permitted development rights. Therefore, they do not
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	<b>Response by National Grid Electricity Transmission Plc for Deadline 2</b>	<p>NGET believes it is able to assist with two of the questions posed by the ExA, and has set out its response to these below. The ExA's third question relates to scope of the Applicant's Environmental Statement and should therefore be answered by the Applicant.</p> <p><i>1. Please indicate whether there is likely to be any requirement in the wider area for either: (a) reinforcement; of the existing 400 kV network; or (b) new overhead lines (400kV)</i></p>												

ExQ1	Question to:	Question:
		<p>Within the National Grid group there are a number of different business, each operating separately, and each playing a role in the UK energy industry, transporting energy from producers to local network operators. NGET, the interested party in this examination, is an electricity network business and is a subsidiary of National Grid plc. It owns, maintains and manages the regulated electricity transmission network in England and Wales. NGET's network comprises approximately 7,211 kilometres of overhead line, 2,279 kilometres of underground cable and 347 substations.</p> <p>NGET has had business separation obligations in its licence for a long time, requiring it to be separate from National Grid group businesses operating in the markets of Interconnectors, Carbon Capture and Storage and Offshore Transmission. With effect from 1 April 2019, following the creation of National Grid Electricity System Operator Ltd ("NGESO"), NGET's business separation obligations were updated to require separation from NGESO.</p> <p>NGESO's role is to balance the system, making sure supply meets demand, and to move high voltage electricity from where it is generated (such as a wind farm) through the energy system. It operates the system, but is not responsible for the infrastructure (e.g. the pylons and cables) needed to carry the electricity. Using the infrastructure owned by three transmission companies (including NGET) the high voltage electricity is passed onto one of the fourteen Distribution Network Operators ("DNOs") across the country. The DNOs own the local networks; they convert the electricity into a more manageable voltage suitable for domestic use and feed low voltage electricity through to homes and businesses.</p> <p>NGET and NGESO are legally separate companies operating within the National Grid group as separate businesses. Since separation in 2019, interactions between the two businesses are formalised and NGET is not in a position to respond to the Examining Authority on matters which are the responsibility of NGESO.</p> <p>Identification of the need for network reinforcement is a matter for which NGESO is responsible, and NGET is therefore not able to provide a detailed response in relation to the requirements for such reinforcement. In general terms, however, it is well established that improvements to the electricity transmission network in East Anglia are required over the next decade to accommodate the increased amount of electricity that will come from offshore wind and interconnector developments, as well as Sizewell C. The most recent</p>

ExQ1	Question to:	Question:
		<p>Network Options Assessment ("NOA") prepared by NGESO (available here) identifies a number of options for addressing this, beginning with upgrades to the existing network. Options that require new overhead lines include the proposed new transmission line between Bramford substation in Suffolk and Twinstead Tee in Essex. NGET carried out a public consultation on these proposals between 25 March and 6 May 2021, and anticipates submitting a development consent order application in relation to the final scheme during 2022. Further information on the proposals can be found in the consultation pages on NGET's website here.</p> <p>The NOA also identifies a potential requirement for a further two new 400kV double circuit transmission lines, in north and south East Anglia, respectively. These projects are at an early stage of development, however, and there are currently no firm proposals in existence for either scheme. Additional work is required to consider options for those projects and it is not yet known when they will come forward.</p> <p><i>2. Please comment on the need for further evidence and studies setting out the full implications of both Sizewell C and the planned/emerging offshore wind energy projects on the existing 400 kV network across the two Counties.</i></p> <p>As already noted, offshore wind and interconnector developments, as well as Sizewell C, will mean that improvements to East Anglia's transmission system are required in the ten years to 2030. NGESO will make recommendations as to which reinforcement projects should be taken forward through the annual NOA process. NGET will then respond to the NOA in its Network Development Policy ("NDP"). The NDP confirms which network proposals NGET will take forward. The Bramford to Twinstead proposal discussed above was included in NGET's most recent NDP in June 2020. Further proposals for the improvement of the East Anglia transmission system will be addressed through the NOA and NDP process in the coming years.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
Cu.1.25	The Applicant, SCC	<b>Cumulative effects with other plans, projects and programmes</b>

ExQ1	Question to:	Question:
		<p>SCC [RR-1174] considers that the cumulative pressure on the local housing stock may increase impacts in East Suffolk and may push workers to look further afield creating pressures on adjacent authorities such as Ipswich and Mid Suffolk.</p> <p>(i) Please respond to the criticism that appropriate monitoring and mitigation measures need to be put in place for all affected areas, to ensure housing impacts are managed and mitigated.</p> <p>(ii) Should anything else be included in the accommodation strategy and other measures related to housing in addition to those measures already set out in the Mitigation Route Map?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p><u>Response to (i)</u></p> <p>The cumulative effect on demand for accommodation is considered in <b>Volume 10, Chapter 4, paragraphs 4.3.64-4.3.66</b> (Project-wide, Cumulative and Transboundary Effects) of the <b>ES</b> [APP-578].</p> <p>It is not clear from information provided by other projects in the public domain that there would be a substantial demand for accommodation from their NHB workforce, particularly in the areas around Sizewell C's main development site where accommodation effects from the Sizewell C Project are likely to be greatest.</p> <p>From review of offshore wind projects, it appears that there are significant differences in the demand for accommodation both in terms of the sector of accommodation being sought (most demand would be for tourist sector accommodation rather than PRS or owner occupied accommodation); and peak demand would occur well before the peak of Sizewell C's demand.</p> <p>SZC Co. notes that this conclusion has also been reached by SPR in its further consideration of cumulative accommodation effects related to East Anglia ONE North and East Anglia TWO with Sizewell C.</p> <p>As such, the cumulative effects on local housing stock are considered to be greatest as a result of the effect of the Sizewell C Project's peak NHB construction workforce. As set out in <b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> [APP-195], those effects are likely to be negligible at the wider scale with localised significant adverse effects likely to be concentrated in areas of east Suffolk very close to the main development site, prior to mitigation.</p>

ExQ1	Question to:	Question:
		<p>SZC Co. has developed a detailed set of measures including a Housing Fund capable of delivering in the region of 1,200 bedspaces by the peak of the Sizewell C Project's workforce profile (i.e. as many private rented bedspaces as are predicted to be sought by NHB workers at peak), alongside an Accommodation Management System and measures to support the tourist accommodation sector and the resilience of statutory housing services for ESC. Proposed measures are detailed in the <b>Accommodation Strategy</b> [<a href="#">APP-613</a>] and the <b>Draft Deed of Obligation, Schedule 3</b> (Doc Ref. 8.17(C)).</p> <p>Effects and the effectiveness of mitigation will be monitored through an Accommodation Working Group including monitoring of workforce size, location and accommodation sector, and measures of stress on the housing market, and governed so that the Housing Fund is largely within the ability of ESC to direct to mitigate for potential effects. Proposed measures are detailed in the <b>Accommodation Strategy</b> [<a href="#">APP-613</a>] and the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>As such, it is not considered that the residual effect of the Sizewell C Project would push workers to look further afield creating pressures on adjacent authorities. Effects are not likely to be significant at a wider scale, and are anticipated to be fully mitigated, and supported by a responsive governance system to monitor effects. SZC Co. notes that Suffolk County Council recognise that (<b>paragraph 161</b> [<a href="#">RR-1174</a>]): "<i>Pressure on existing housing stock in east Suffolk [is] proposed to be mitigated by a Housing Fund</i>"; and "<i>Non-Sizewell C projects may have similar or alternative means to address impacts on housing stock</i>".</p> <p><u>Response to (ii)</u></p> <p>For the reasons set out above, it is therefore not considered that anything else should be included in the accommodation strategy and other measures related to housing, in addition to those measures already set out in the <b>Mitigation Route Map</b> (Doc Ref. 8.12(B)).</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>SCC has concerns that the large influx of SZC workers could push some local housing needs onto adjacent housing authorities. SCC has a particular service responsibility for specialist and supporting housing customers. By way of background, the Ipswich Strategic Planning Area (ISPA) which includes SCC as a partner organisation – Ipswich Borough Council (IBC), the former Suffolk Coastal District Council (SCDC, now ESC), Babergh District Council (BDC) &amp; Mid Suffolk District Council (MSDC) jointly commissioned the production of a Strategic Housing Market Assessment (SHMA) in 2016. The SHMA</p>

ExQ1	Question to:	Question:
		concluded that the areas covered by IBC, the former SCDC, and BDC and MSDC represents one Housing Market Area (the Ipswich Housing Market Area) (IHMA) based upon the functional relationships between the areas such as being relatively self-contained in terms of travel to work areas. Lowestoft is separately covered in the Waveney HMA. The IMHA confirms that for strategic planning purposes the housing market area is wider than ESC.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co recognises the scale and remit of the IHMA as the functional geography for planning for housing demand. SZC Co's assessment of effects is considered at the level of housing service provision, and taking into account the propensity for NHB workers seeking accommodation to look within 60 minutes of the Main Development Site, and predominantly in the local area (Leiston and surrounding wards), resulting in a negligible effect at wider scales.</p> <p>See SZC Co's response to CU.1.25 <a href="#">[REP2-100]</a> which sets out the proposed approach to mitigation, and approach to cumulative NHB worker assumptions for other projects.</p> <p>Please also refer to Chapter 29 of SZC Co's response within <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).</p>
Cu.1.37	The Applicant	<p><b>Project-wide effects</b></p> <p>ES Volume 10 Project-wide, Cumulative and Transboundary Effects, Chapter 3 Assessment of Project-wide Effects [APP-577] Table 3.1, identifies receptors or receptor groups where there is potential overlap of noise impacts from different elements of the project, and where two or more of the project elements could be close enough to receptors such that combined noise levels may have a significant effect. This includes Receptor 13 (Leiston Abbey, including Pro Corda music school) combined effects are therefore considered significant.</p> <p>(i) Please provide further details and the timing of the proposed bespoke assessment of impacts from the Sizewell C Project on the Pro Corda Music School at Leiston Abbey;</p> <p>(ii) Please indicate whether there has been any progress in relation to the provision of any additional mitigation requirements?</p> <p>(iii) Please explain exactly how that mitigation would be secured through planning obligations.</p>



ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(i) A site visit by an acoustics specialist was undertaken in July 2020 to better understand Pro Corda’s activities, their specific sensitivities and facilities, and how the predicted noise and vibration levels might affect them in a way that might be different from a more typical receptor, such as a dwelling. Following that meeting, a paper was prepared expanding on the potential noise and vibration effects at Pro Corda; the paper is appended to the <b>SoCG</b> with Pro Corda (Doc Ref. 9.10.21).</p> <p>Regular discussions with Pro Corda are ongoing to further that understanding, and to determine what mitigation would be of benefit to address the particular needs of the school.</p> <p>Without prejudicing the outcome of those discussions, it is anticipated that any agreed measures that are designed to directly mitigate noise effects would be in place before the works that give rise to the effects take place. Any agreed measures that seek to off-set adverse effects will be implemented in accordance with a timetable to be agreed between the parties.</p> <p>(ii) Good progress has been made in determining what effects require mitigation, and which measures would be of benefit to Pro Corda without giving rise to secondary issues for the school. Because of the particular sensitivity of the school and its clients, regular, in-depth discussions have been held so that the needs of the school are not compromised. The current position is recorded within the SoCG with Pro Corda (Doc Ref. 9.10.21).</p> <p>(iii) Alterations to glazing and/or ventilation provision for the residential parts of Pro Corda will either be secured through the <b>Noise Mitigation Scheme</b>, the original version of which was contained in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [<a href="#">APP-210</a>] with a revised version provided within Doc Ref. 6.3 11H(A). Implementation of the Noise Mitigation Scheme is secured through Schedule 12 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) or through the Pro Corda Resilience Fund which will be secured in the Schedule 13 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>Other measures would be funded through the Pro Corda Resilience Fund which will be secured in the Schedule 13 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p>
	<p><b>Response by Pro Corda Trust for Deadline 2</b></p>	<p>(i) Our position is that much more work needs to be done here.</p> <p>There has been positive engagement over recent months between Pro Corda and EDF’s Noise Impact Consultant. This has been, to date, a fact finding mission by the consultant</p>

ExQ1	Question to:	Question:
		<p>to discover the full impacts of new, increased, and irregular noise patterns on the hundreds of students with autism who access Pro Corda's SEND programme.</p> <p>Autism forms a particular focus of the SEND courses taking place at Leiston Abbey. As Pro Corda have set out to EDF and the consultant, one of the main benefits for students with autism who come to us from SEND schools nationally is the unique combination of our curriculum and the tranquility of the site. The biggest disruption to their curriculum and its life-transforming outcomes over the construction period is the noise disturbance.</p> <p>Pro Corda were completely dissatisfied with previous baseline noise surveys EDF carried out via its former consultants, and we need to see far more survey work carried out on noise impact.</p> <p>(ii) Some initial work has taken place between EDF and Pro Corda within the development of an outdoor sensory space for our autistic students to act as a "safe space" for anxieties caused by noise interruption, but more detail is needed here</p> <p>Pro Corda's other main concerns on noise – and where mitigation is needed – are:</p> <ol style="list-style-type: none"> <li>1. The impact on the very regular series of public community concerts which are now run by Pro Corda at Leiston Abbey (as well as being a highly valued community resource, these form a significant income source for Pro Corda which helps sustain our charitable work.</li> <li>2. The impact on our music coaching across all our other courses for talented young instrumentalists from across UK and beyond.</li> </ol>
	<p><b>Response by English Heritage Trust for Deadline 2</b></p>	<p>EHT is concerned about the noise effects of the Sizewell C Project on the setting and heritage significance of the Leiston Abbey (second site). EHT is not directly involved with the separate discussions with Pro Corda.</p> <p>The Abbey site has developed over the centuries as a fairly remote and tranquil location (which is why of course the Pro Corda music school also use part of the site), and any changes to this setting and feel will disproportionately affect the heritage significance, visitor experience, and understanding of the site.</p>

ExQ1	Question to:	Question:
		<p>Management and mitigation from the Sizewell C project, to protect the Scheduled Monument and listed buildings, is required. EHT is pleased to note the proposed separate S106 contributions for its work (for heritage management and conservation), and for Pro Corda.</p> <p>Appropriate financial contributions, through the S106 agreement, for EHT can help to offset the harm to the site by improving the visitor experience in many ways. This will, in turn, help visitors to better understand the site, and better reveal the site's significance. Most critically S106 contributions would help EHT to promote and achieve a sustainable state of conservation and maintenance at the ruined site. This underpins the public's continued long-term enjoyment of the site. Day to day upkeep, security, and improved interpretation are all also important.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. continues to engage with Pro Corda Trust to determine the most appropriate measures to mitigate and minimise adverse noise effects on their recreational and educational provision, including the creation of a sensory garden and options to provide enhanced noise insulation to the accommodation areas.</p> <p>Progress has been made since Deadline 2 and SZC Co. welcomes the constructive discussions that have been held with Pro Corda and EHT.</p> <p>The current position with Pro Corda is set out in the updated <b>Statement of Common Ground</b> submitted at Deadline 3 (Doc Ref. 9.10.21(A)).</p> <p>Discussions will continue to agree the detailed scope and quantum of mitigation with EHT and Pro Corda.</p>
Cu.1.42	The Applicant, ESC	<p><b>Cumulative effects with other plans etc [APP-578]</b></p> <p>Para 4.8.33 – bats – this conclusion of no significant effect relies on an explicit assumption. How likely is that assumption to hold good?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Paragraph 4.8.33 of <b>Volume 10, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-578</a>] states that '<i>Assuming the appropriate mitigation measures are implemented across all developments, and landscape design begins to sufficiently establish, minor adverse cumulative effects are anticipated which are considered <b>not significant</b></i>'. Within this statement, reference to all developments is to those identified within paragraph 4.8.21.</p>

ExQ1	Question to:	Question:
		<p>The implementation of mitigation measures referenced within the planning applications of the cumulative schemes would be enforced by East Suffolk Council through planning conditions and the Section 106 agreements of these schemes.</p> <p>In addition, all bats in the UK are protected under Council Directive 92/43/EEC 1992 on the conservation of natural habitats and of wild fauna and flora (the European Council (EC) 'Habitats Directive') through their inclusion in Annex IV (animal and plant species of community interest in need of strict protection), as transposed into the UK legislation by the Conservation of Habitats and Species Regulations 2017. Therefore, where relevant protected species licensing requirements will apply and will be enforced by Natural England.</p> <p>For compliance with legislation, it is envisaged that all of the cumulative schemes would also apply at least the following tertiary mitigation in addition to any specific mitigation identified within their application documents:</p> <ul style="list-style-type: none"> <li>- tool-box talks to be provided to contractors;</li> <li>- minimising vegetation clearance, particularly around site margins; and</li> <li>- undertaking pre works checks and surveys.</li> </ul> <p>Given the enforcement of the mitigation requirements by East Suffolk Council and any relevant licensing and legislative requirements, it is considered to be a reasonable assumption that the appropriate mitigation measures will be implemented across all developments, and landscape designs will sufficiently establish.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>The assumption of a Minor Adverse, Not Significant cumulative impact made in paragraph 4.8.33 [APP-578] relies on the success of a number of bat mitigation measures which ESC are concerned are either inadequate or do not currently have sufficient certainty of success (please see the LIR [REP1-045] 'bats' section for our further comments on these). The ES for the Main Development Site is also predicting a Moderate Adverse, Significant construction phase impact on the barbastelle bat population from the project alone as a result of fragmentation effects, despite the proposed mitigation measures. Given these uncertainties we are concerned that cumulative impacts on some bat Important Ecological Features (IEF), particularly in association with the Main Development Site (bat species are divided into a number of separate IEFs for the Main Development Site), during this construction phase may be greater than presented in paragraph 4.8.33.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. response to the concerns raised by ESC is provided within Chapter 8 of <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).



## **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)**

#### **PART 4 OF 6**

Chapter 14 DCO.1	<a href="#">Draft Development Consent Order (DCO)</a>
Chapter 15 FR.1	<a href="#">Flood risk, ground water, surface water</a>
Chapter 16 HW.1	<a href="#">Health and wellbeing</a>
Chapter 17 HE.1	<a href="#">Historic environment (terrestrial and marine)</a>
Chapter 18 LI.1	<a href="#">Landscape impact, visual effects and design</a>

ExQ1 Question to: Question:		
Chapter 14 - DCO.1 Draft Development Consent Order (DCO)		
DCO.1.0	The Applicant	<p>Art 2. Definition of “commence” and the exclusions from it.</p> <p>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.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The activities excluded from the definition of the commencement of construction as defined within the <b>Explanatory Memorandum (EM)</b> (Doc Ref. 3.2(B)) para. 3.6. are referenced within the <b>Description of Development</b> Chapters of the <b>ES Volume 2, Chapter 3</b> (Doc Ref. 6.14(A)) and <b>Chapter 2</b> of each of <b>Volumes 3-9</b> <a href="#">[AS-240]</a> (NPR), <a href="#">[AS-242]</a> (SPR) <a href="#">[AS-248]</a> (SLR), <a href="#">[AS-256]</a> (Rail), <a href="#">[PDB-003]</a> (TVBP) and <a href="#">[APP-480]</a> (OHI) and assessed as part of the construction phase as a whole within the relevant technical environmental assessment chapters.</p> <p>Where significant effects have been identified within the ES, these are in relation to specific activities or the peak construction period. No significant effects have been identified within the ES that relate to the activities excluded from the definition of the commencement of construction as defined within the EM para. 3.6.</p> <p>This is with the following exceptions:</p> <ol style="list-style-type: none"> <li>1) The removal of vegetation and site clearance works at the main development site would result in significant residual effects on ecological receptors due to habitat loss. The habitats would be reinstated through the landscape scale restoration of the EDF Energy estate at the end of the construction period, which would overall deliver biodiversity net gain and as such would provide a long-term significant beneficial effect during the operational phase. However, the effects during construction are significant adverse.</li> <li>2) A residual significant adverse effect on the historic landscape character at the main development site has also been identified due to the removal of potentially important historic hedgerows. It is proposed that the historic landscape features would be recorded in accordance with an agreed written scheme of investigation prior to the start of construction.</li> </ol> <p>The conclusion of ‘<i>no likely significant residual effects</i>’ has also been reached on the basis that measures set out within the <b>Code of Construction Practice</b> (Doc Ref. 8.11(B)) and other pre-commencement conditions will be implemented, as appropriate.</p>

ExQ1	Question to:	Question:
		<p>The text in para. 3.6 of the Explanatory Memorandum has been updated accordingly. The exclusion of the specified activities from the definition of 'commence' remains appropriate for the reasons identified in para. 3.6 of the <b>Explanatory Memorandum</b> (Doc Ref. 3.2(B)). Note that the drafting in Revision 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) now removes from the exclusions to the definition of 'commence' the removal of hedgerows, and dewatering, following the ExA's comments. These elements of the project therefore would fall within the definition of 'commence'.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>ESC is concerned that the definition of "commence" and precommencement activities is quite wide and that such activities excluded from the definition of commence may in fact have significant environmental effects and yet can be carried out without mitigation in place. It therefore proposes the following amendments to the draft DCO [AS-143]:</p> <p><u>Amendment to the requirements:</u></p> <p>Definition of "pre-commencement activities" to be inserted: "Pre-commencement activities" means any and all of those activities excluded from the definition of "commence".</p> <p>New requirement to be inserted:</p> <p><i>"Pre-commencement activities</i></p> <p><i>(1) No part of the pre-commencement activities may take place until environmental surveying for those activities has been completed to the satisfaction of the local planning authority.</i></p> <p><i>(2) Should the local planning authority deem it necessary for subsequent monitoring to be carried out in relation to any precommencement activity, no such activities are to be carried out until details of such monitoring has been agreed.</i></p> <p><i>(3) Pre-commencement activities must be carried out in accordance with any monitoring requirements of the local planning authority."</i></p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>For the reasons given by SZC Co. at Deadline 2, and taking into account the updates that were made to the definition of "commence" in revision 4 of the <b>draft DCO</b> [REP2-015] (namely the inclusion of further carve-outs to the exceptions, SZC Co.'s position is that the pre-commencement activities (as defined in the DCO) will not give rise to significant environmental effects. It is also noted that all construction works will be undertaken in accordance with the mitigation and monitoring measures set out in the CoCP, secured by Requirement 2. This ensures all the measures secured by the CoCP, and relied on by the ES, will be implemented from the outset of construction activities, including those works excluded from the definition of commencement. As such, SZC Co. does not consider it necessary to include the drafting that ESC has suggested in its response at Deadline 2. SZC Co. does, however, acknowledge that ESC would not have</p>



ExQ1	Question to:	Question:
		had the benefit of SZC Co.'s full response to this question and the updates it made to the draft DCO at the time ESC submitted its response to this question. SZC Co. hopes that the position is now clearer. SZC Co. also refers the ExA to its response to <b>DCO 1.2</b> for Deadline 2.
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?
	<b>Response by SZC Co. for Deadline 2</b>	To the extent remediation works are required in the land comprised in Work No. 1D or 1E, any such works of themselves would not be likely to have significant environmental effects provided the measures set out within the <b>Code of Construction Practice</b> (Doc. Ref. 8.11(B)) are implemented. For this reason, and the other reasons identified in para. 3.6 of the <b>Explanatory Memorandum</b> (Doc Ref. 3.2(B)), these works are appropriately included in the list of exceptions.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC does not consider it appropriate for this to be excluded from the definition of "commence".
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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.
	<b>Response by SZC Co. for Deadline 2</b>	(i) It is considered appropriate and justified that the exclusions (as updated in Revision 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) to make an exception of important hedgerow and dewatering works on the main development site) apply to all of the authorised development. The site clearance and hedgerow removal works described in <b>DCO.1.0</b> must be carried out in general accordance with the <b>Code of Construction Practice</b> (Doc. Ref. 8.11(B)), in accordance with the <b>Terrestrial Ecological Monitoring and Mitigation Plan (TEMMP)</b> [ <a href="#">REP1-016</a> ] and the <b>Main Development Site Clearance Plans</b> [ <a href="#">AS-120</a> ], as required by Requirements 2, 4 and 6 respectively. Requirements 2, 4 and 6 are not pre-commencement requirements and therefore the definition of 'commence' (and,

ExQ1	Question to:	Question:
		<p>in particular, the '<i>site preparation and clearance works</i>' exception) have no bearing on the applicability of these requirements.</p> <p>It should be noted that</p> <ul style="list-style-type: none"> <li>the Applicant has updated the drafting of Requirements 14A and 14B in revision 4 of the <b>draft DCO</b> (Doc. Ref 3.1(C)) to ensure that the '<i>site preparation and clearance works</i>' exception could not be interpreted as having the effect of overriding the requirement to submit and obtain approval of a fen meadow plan and wet woodland plan before vegetation clearance is carried out within the Sizewell Marshes SSSI; and</li> <li>the Applicant has added to the '<i>site preparation and clearance works</i>' exception in revision 4 of the <b>draft DCO</b> (Doc. Ref 3.1(C)) a carve out for the removal of any important hedgerows within Work No. 1A to ensure that Requirement 3 must still be complied with in respect of such activities to ensure that site specific WSIs are submitted to and approved by SCC in relation to their removal.</li> </ul> <p>(ii) For the reasons given in response to questions <b>DCO 1.0, DCO 1.1</b> and part (i) above, it is considered that the exceptions to the definition of '<i>commence</i>' (as amended) are appropriate and justifiable, and that there are no gaps in mitigation (as secured by Requirement) created as a result. As such, the Applicant considers that it is not necessary to limit any or all of the exclusions to earlier phases of the development.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>(i) and (ii) ESC is of the view that the exclusions from the definition of commence are unjustified and that they allow for various activities to take place that may have environmental effects, but without mitigation. In particular, ESC is concerned that site preparation and clearance works are being included – if these are outwith environmental surveys and monitoring then this could cause problems.</p> <p>ESC suggests that the following amendments are made to the requirements in order to deal with this concern:</p> <p>Amendments to the requirements:</p> <p>Definition of “pre-commencement activities” to be inserted:</p> <p>“Pre-commencement activities” means any and all of those activities excluded from the definition of “commence”.</p> <p>New requirement to be inserted:</p> <p>Pre-commencement activities</p> <p>1. No part of the pre-commencement activities may take place until environmental surveying for those activities has been completed to the satisfaction of the local planning authority.</p>

ExQ1	Question to:	Question:
		<p>2. Should the local planning authority deem it necessary for subsequent monitoring to be carried out in relation to any precommencement activity, no such activities are to be carried out until details of such monitoring has been agreed. Pre-commencement activities must be carried out in accordance with any monitoring requirements of the local planning authority.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>As the Applicant explains in the EM, the excluded operations could be carried out without the need to wait for certain requirements to be discharged.</p> <p>The exclusions (save for two) are precededented in other recently made energy DCOs. The two unprecedented ones are (d) removal of hedgerows, trees and shrubs; and (j) erection of temporary buildings and structures (except the park and ride facilities and freight management facility). The Applicant refers to precedent in the (unmade) Wylfa Order.</p> <p>Advice Note 15 (para 21) mentions cases where the definition/exclusions have been removed because the Secretary of State considered them to be inappropriate, particularly where such advance works were themselves likely to have significant environmental effects, for example, in terms of noise or impacts on protected species or archaeological remains.</p> <p>The Applicant justifies the exclusions on the basis that the excluded operations will take place before detailed design is completed, that Advice Note 15 is complied with (because there will be no significant environmental effects) and that there will be control via the CoCP.</p> <p>(i) SCC considers that the precededented exclusions are acceptable but in relation to paragraphs (d) and (j) considers that the Applicant should justify why they are necessary. In particular a height limit should be considered for those temporary buildings which are exempted (as in Wylfa, where there was a two-storey limit). "Temporary" buildings could be in place for a number of years, and SCC considers it inappropriate for them to be included within scope, at least without some limitation on size.</p> <p>(ii) SCC has no view in particular on the phasing question.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>In response to ESC's response to DCO 1.2, SZC Co. refers to its response to DCO 1.0 for Deadline 3 (above).</p> <p>In response to SCC's response to DCO 1.2, SZC Co. would point out that:</p> <ul style="list-style-type: none"> <li>• references to the Wylfa Order were removed from the <b>Explanatory Memorandum</b> at Deadline 2 (see revision 3 (<a href="#">REP2-016</a>));</li> <li>• the erection of temporary buildings is controlled by Requirement 8 (Main development site: Temporary construction-related development), which sets out the defined height parameters for each part of the main development site; and</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>as explained in SZC Co.'s responses to DCO 1.0, 1.1. and 1.2 for Deadline 2, it is considered that the exceptions to the definition of 'commence' (as amended) are appropriate and justifiable, and that there are no gaps in mitigation (as secured by Requirement) created as a result. For this reason, the inclusion of exceptions (d) and (j) are considered appropriate.</li> </ul>
DCO.1.3	The Applicant, the Host Authorities	<p>Art 2 definition of "harbour" and the harbour provisions in general in the DCO.</p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Section 145(1) of the Planning Act 2008 authorises the creation of a harbour authority if the development to which the order relates is, or includes, the construction or alteration of harbour facilities; and the creation of a harbour authority is necessary or expedient for the purposes of the development.</p> <p>Neither the Planning Act 2008, the Harbours Act 1964 nor the Harbours, Docks, and Piers Clauses Act 1847 define '<i>harbour facilities</i>'. The proposed development includes the construction of soft and hard coastal defence features and both a permanent and a temporary beach landing facility which the Applicant considers to be harbour facilities. The Applicant considers it essential to designate a harbour authority to ensure the safe and efficient management of the waters and harbour facilities forming part of the development for which development consent is sought.</p> <p>For the purposes of section 57 of the Harbours Act 1964, a harbour is defined as '<i>...any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and includes a dock, [and] a wharf...</i>'. Therefore, it is not necessary for a harbour to have physical limits (e.g. a harbour wall) to define its limits.</p> <p>Section 145(5) of the Planning Act 2008 specifies examples of what can be included in a DCO in relation to a harbour authority and suggests it may include '<i>in particular</i>' any matter that could be included in a harbour revision order under section 14 of the Harbours Act 1964. This is not a definitive or exhaustive list and, therefore, provided the DCO does not include any matters that are included in a harbour revision order or harbour empowerment order, the DCO could legitimately include powers under section 16 of the Harbours Act 1964, which includes the creation of a harbour.</p>
	<b>Response by East Suffolk</b>	<p>ESC's understanding is that the Applicant is not intending to undertake any works in order to construct a harbour. The "construction" of the harbour is intended to designate a particular area as a harbour so that the Applicant is able to maintain some level of control, including the usage, over the area.</p>

ExQ1	Question to:	Question:
	<b>Council for Deadline 2</b>	ESC considers that the harbour is outside its jurisdiction, and that the Marine Management Organisation (MMO) will be the responsible authority for the area designated as harbour. In terms of the effect of such a designation, ESC therefore defers to the MMO.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC considers it is possible to designate an area as a statutory harbour without any harbour works being constructed.</p> <p>Work No 1A(bb) (the TBLF) has now been added in the deemed marine licence and the permanent BLF is also listed as work 1A(m) in Schedule 1 to the Order.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The harbour limits have been drawn to mirror existing longitude and latitude lines to aid mariners in navigation and include the geographical extent of all the marine construction elements of the project.</p> <p>(i) Neither the Planning Act 2008, nor Regulations made pursuant to the Act use the term '<i>Order limits</i>' or require such limits to be shown or referred to in DCO.</p> <p>However, The Planning Act 2008 requires that a DCO is required for '<i>development</i>' (as defined by the Town and Country Planning Act 1990, see s32 PA) to the extent that the '<i>development</i>' is or forms part of a nationally significant infrastructure project (s31 PA).</p> <p>'<i>Order limits</i>' is defined in the <b>draft DCO</b> (Doc Ref. 3.1(C)) as meaning '<i>the limits shown on the Works Plans within which the authorised development may be carried out</i>'. The <b>draft DCO</b> (Doc Ref. 3.1(C)) defines '<i>authorised development</i>' as any development within the meaning of s32 PA authorised by the DCO. The concept of '<i>Order limits</i>' is primarily a clear way of defining the limits within which '<i>development</i>' within the meaning of s32 may be carried out. This follows the convention used in multiple '<i>works Orders</i>' of various types (such as Hybrid Acts and Transport and Works Act Orders). However, in some cases it is</p>

ExQ1	Question to:	Question:
		<p>also a useful concept to employ in an article of the DCO where it is appropriate to tie the Order powers to the boundaries of the physical development authorised (eg use of airspace within the Order limits, art 45). As explained in (ii) below, this is not to say that it is necessary or appropriate to limit all DCO powers to within a defined Order limit as shown on a plan.</p> <p>(ii) Nothing in the Planning Act 2008 or related Regulations requires the powers in a DCO to be limited by reference to a plan showing the boundaries within which all Order powers may be exercised. The need or otherwise to circumscribe the areas over which powers of different sorts must be exercised is a matter of judgement for the Secretary of State within the bounds of his/her discretion under s120 Planning Act 2008. It is common for DCOs and other '<i>works Orders</i>' to contain some powers which are not circumscribed by reference to an '<i>Order limits</i>' boundary, but are instead constrained by reference to the words in the Order which describe the circumstances in which they may be exercised, or (as in the case of the proposed Sizewell harbour) by reference to the coordinates set out in Schedule 19.</p> <p>(iii) No '<i>development</i>' within the meaning of s32 PA would be authorised by the DCO outside of the Order Limits as drafted. Even the '<i>Other Associated Development</i>' set out in Schedule 1 Part 2 is only authorised within the Order limits. Therefore, no development has been assessed outside the Order limits.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>i) ESC's understanding is that the Order Limits shown on the Works Plans identify the area within which the works forming part of the authorised development may be carried out; in contrast, the harbour limits, as described in Article 51, shows the area falling within the jurisdiction of the Applicant as harbour authority [AS-284].</p> <p>(ii) The order limits are the limits of development; it is permitted to have other powers that extend beyond that as long as they do not involve development (e.g. rights of way, harbour jurisdiction).</p> <p>(iii) ESC would expect the ES to assess the extent of all of the development due to be authorised by the draft DCO whether or not within the order limits, and asks the Applicant to confirm this as a matter of urgency.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC has no comment on this matter.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>(i) And (ii) no further comments to add to SZC Co. response for Deadline 2.</p> <p>(iii) Confirmed in SZC Co's response.</p>
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 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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC considers that by defining, “local planning authority” as “East Suffolk Council”, the Applicant is ensuring clarity for all those affected by the development consent order. ESC does not consider that there is any need to specifically reference a ‘successor’ or any legislation pertaining to the same as that is something that will automatically take place should any changes in structure or reallocation of functions

ExQ1	Question to:	Question:
		occur. ESC notes that such an approach is precedented, for example, in both the A303 Sparkford to Ilchester Dualling and the A303 Stonehenge development consent orders.
	<b>Response by Suffolk Contract Council for Deadline 2</b>	<p>ExA is correct to point out that "successors in title" is inappropriate. It should be deleted without replacement. If ESC were to be succeeded as LPA by another body (e.g. as a result of further local government reorganisation, or by the establishment of a development corporation) the legislation under which that happened can be expected to ensure that planning control powers are transferred over.</p> <p>The latest version of the DCO shows that the term "local planning authority" appears to be used in only 3 substantive provisions of the order: articles 5 and 76 and Schedule 24, paragraph 6. In every other case where it was previously used, it has now been altered to a specific reference to either SCC or ESC. SCC is content with that approach.</p> <p>SCC is content that the LPA should be ESC in the 3 remaining cases mentioned above and is therefore content with the current definition of local planning authority as being ESC but without "successors in title" or other similar embellishment.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2 save for responding to SCC on articles 5, 76 and Schedule 24 specifically:</p> <ul style="list-style-type: none"> <li>• Article 5 has now been amended in revision 4 of the <b>draft DCO</b> [<a href="#">REP2-015</a>] with "local planning authority" replaced with "East Suffolk Council";</li> <li>• In article 76 the reference is to "relevant local planning authority" because these provisions relate to the statutory regime that governs removal of human remains and so to refer to East Suffolk Council (which pursuant to article 2(5)(A) would be referring to ESC in its capacity as local planning authority) would not be appropriate in this context; and</li> <li>• In Schedule 24 "local planning authority" has been retained because these provisions relate to a separate statutory regime (namely the Control of Pollution Act 1974) and therefore it is considered appropriate to retain use of "local planning authority" as opposed to specifying "East Suffolk Council".</li> </ul>



ExQ1	Question to:	Question:
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 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?</p> <p>Please will the Host Authorities also consider question (iv) and respond?</p>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14F - DCO Drafting Note 6.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) ESC agrees with the ExA that the words ‘remove’ and ‘reconstruct’ ought to be removed from the definition of ‘maintain’.</p> <p>(ii) Although ESC is comfortable that this is not the Applicant’s intention, it agrees with the ExA that the current definition is too wide and that, on the face of it, it could allow the Applicant to carry out decommissioning works and the construction of a new power station.</p>

ExQ1	Question to:	Question:
		<p>The definition suggested by the ExA under point (i) is considered sufficient by ESC to address this concern.</p> <p>(iii) N/A – for the Applicant.</p> <p>(iv) ESC would expect the Applicant to approach it should there be an instance in which any works or any operation was different to how it had been planned within the DCO application documents. ESC would then expect to be consulted on whether something had any new or materially different environmental effects to those identified in the environmental information.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) It is for the Applicant to say whether the ExA's proposed alternative definition is adequate. SCC would comment that it is not common practice for "remove" and "reconstruct" to be in the definition in made power DCOs (though it is commonplace in road schemes, which of course do not usually include buildings). SCC considers they should be removed.</p> <p>(ii) SCC has seen ESC's response and concurs with it. SCC consider in particular that any new or reconstructed buildings should be within planning control (in addition to development which would result in new or different significant environmental effects).</p> <p>(iv) In practice, SCC would expect (if it were the relevant authority) to be consulted by the Applicant if any "maintenance" had the potential to result in new or materially different environmental effects. SCC's response would not be determinative on the matter of course, but it might guide the Applicant. As the question supposes, the Applicant would be at risk of prosecution in borderline cases.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2. In SZC Co.'s view <b>Appendix 14F – Drafting Note 6</b> <a href="#">[REP2-111]</a> addresses ESC's and SCC's comments in response to this question. SZC Co. would be grateful if the ExA and ESC/SCC would consider Drafting Note 6 as it explains why, in SZC Co.'s view, the words "remove or reconstruct" serve an important and necessary purpose, and why their scope is inherently and sufficiently constrained.</p>
DCO.1.9	The Applicant, the Host Authorities, MMO	<p>Art 2, definition of "mean high water springs".</p> <p>Does the time period need to be specified?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant does not consider that it is necessary to specify the time period. The suggested definition is frequently used in granted development consent orders to express the landward boundary of the MMO's jurisdiction, for examples see: The Cleve Hill Solar Park Order 2020; The Hornsea Three Offshore Wind Farm Order 2020; The Norfolk Vanguard Offshore Wind Farm Order 2020; The Walney Extension Offshore</p>

ExQ1	Question to:	Question:
		Wind Farm Order 2014; Rampion Offshore Wind Farm Order 2014; Hornsea One Offshore Wind Farm Order 2014; Galloper Wind Farm Order 2013; and Triton Knoll Offshore Wind Farm Order 2013.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC considers that this is a well understood term and that no time period needs to be specified.
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that the definition of "mean high water springs" does not need to have a specified period of time. This wording is found in other DCOs, for instance Hornsea 3- ""mean high water springs" or "MHWS" means the highest-level which spring tides reach on average over a period of time". The MMO notes that we have not yet received a copy of the Applicant's responses to any of the questions on the DCO and so cannot comment on their answers at this stage (this applies the entire "DCO" comments section).
	<b>Response by Suffolk County Council for Deadline 2</b>	Although SCC considers no time period need be specified. In harbour revision orders, for example, it is common for the following definition to be used: "level of high water" means the level of mean high-water springs; Though it is acknowledged that the definition used by the Applicant has been used in recent off-shore wind farm DCOs
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. agrees with the responses regarding the use of a time period within this definition and considers that the definition included in the <b>draft DCO</b> submitted at Deadline 2 [ <a href="#">REP2-015</a> ] is suitable.
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 it's 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)</p>

ExQ1	Question to:	Question:
		<p>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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by National Grid Electricity Transmission Plc for Deadline 2</b>	NGET agrees with SZC Co.'s response to this questions in its submission "DCO Drafting Note 1".
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.11	The Applicant	<p>Art 2 – order land.</p> <p>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.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant confirms that this is correct.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC agrees with the ExA that it is not currently clear whether the Land Plans and the Book of Reference refer to the same land exactly. In addition, ESC is also concerned that the Works Plans may refer to a slightly different area of land. ESC would welcome an explanation from the Applicant as to whether or not these three documents all refer to the same land and, if not, why that is the case.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. confirms that the <b>Land Plans</b> [REP2-003], <b>Book of Reference</b> [REP2-023] and <b>Works Plans</b> [REP2-004 to REP2-006] refer to the same land.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC can confirm that this is the correct description, date and reference number for the permission granted in 2019. However, there has since been a further permission granted. This permission has the reference number DC/20/4646/FUL and was granted on 18 February 2021. Both permissions need to be referenced appropriately within the draft DCO.
	<b>Response by SZC Co. for Deadline 3</b>	Revision 4 of the <b>draft DCO</b> [REP2-015] includes definitions of both relocated facilities permissions with their respective reference numbers and dates. These references are accurate and complete.
DCO.1.17	The Applicant, Host Authorities, EA	Art 2 – definition of watercourse. 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”  (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

ExQ1	Question to:	Question:
		<p>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>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(i) The Applicant confirms that the definition of watercourse includes private storm water drains, private foul drains and private sewers.</p> <p>The Applicant considers this definition of ‘<i>watercourse</i>’ to be appropriate.</p> <p>This definition is only used in Article 23, which provides that the Applicant may use watercourses for the drainage of water in connection with the Project and, within the Order limits, may make openings into and connections with watercourses. The consent of the person to whom the watercourse belongs must be sought in accordance with Article 23(2) and they may impose reasonable terms and conditions. Article 23(6) requires the Applicant to take reasonable steps to ensure that the discharged water is as ‘<i>free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension</i>’.</p> <p>In addition to The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, the proposed definition is used in many granted DCOs, including by way of example: The Hinkley Point C (Nuclear Generating Station) Order 2013; The National Grid (Hinkley Point C Connection Project) Order 2016; The West Burton C (Gas Fired Generating Station) Order 2020; The Great Yarmouth Third River Crossing Development Consent Order 2020; The A303 Sparkford to Ilchester Dualling Development Consent Order 2021; The A1 Birtley to Coal House Development Consent Order 2021; The A38 Derby Junctions Development Consent Order 2021.</p> <p>(ii) The word “and” has been deleted from Rev 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>ESC considers that this is a question for the Applicant and for the Environment Agency, as responsible authority, to address.</p>
	<p><b>Response by Environment Agency at Deadline 2</b></p>	<p>Yes this is an appropriate definition. With regards to the need for an Environmental Permit for Flood Risk Activity works to main rivers, it is specified in Part 4, Section 23 – (9) that nothing in the article regarding discharge of water and works to watercourses overrides the requirement to obtain Environmental Permits. Consequently we have no concerns.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	It appears the term is only used in article 23 (discharge of water) and condition 25 of the marine licence. SCC has no comments on its use in either.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.18	The Applicant, Host Authorities	Art 2(5) – references to statutory bodies. 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?
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC does not consider the words, “that have jurisdiction over the authorised development” to be necessary. It also notes, that there are many other development consent orders where such wording is not used, for example: A303 Amesbury, A19 Testo’s, Drax.
	<b>Response by Suffolk County Council for Deadline 2</b>	It is not clear what “having jurisdiction over the authorised development” means, and if this paragraph is to be retained, then SCC does not consider the words are helpful. It is questionable whether the provision is required at all, because as mentioned in an earlier reply, where a statutory body is succeeded by another body, it usually happens by a statutory process which ensures the functions are inherited by the new body. But SCC acknowledges the paragraph has been included in other power DCOs.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 (see in particular paragraph 4.6 of <b>Appendix 14A – DCO Drafting Note 1</b> [ <a href="#">REP2-111</a> ]).

ExQ1	Question to:	Question:
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> <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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14I – DCO Drafting Note 9.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC shares the ExA’s concerns in relation to the clarity over the seeming lack of limits of deviation [AS-143] and refers the ExA to its response to question G.1.0.



ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	Although not directed at SCC, SCC has seen the response of ESC on this question and concurs with it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2; specifically <b>Appendix 14I – DCO Drafting Note 9</b> [ <a href="#">REP2-111</a> ].
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?
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14C - DCO Drafting Note 3</b> .
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC has reviewed this Article and the related Schedule 8 [AS-143] carefully and is comfortable that this limitation is appropriate.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC has seen the response of ESC on this question and concurs with it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 (see in particular paragraph 2.3 of <b>Appendix 14C – DCO Drafting Note 3</b> [ <a href="#">REP2-111</a> ]).
DCO.1.23	The Applicant, the Host Authorities	Art 5(3). 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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14C - DCO Drafting Note 3.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC is of the view that this has been inserted simply for the avoidance of doubt, but it would welcome the Applicant's confirmation of this [APP-143].
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC will await the response of the Applicant on this question but assumes the paragraph was inserted for the avoidance of doubt.
	<b>Response by SZC Co. for Deadline 3</b>	Confirmation in SZC Co. response for Deadline 2.
DCO.1.24	The Host Authorities	Art 5(5). 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
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Whilst ESC understands the Applicant's approach in Schedule 8, it is concerned that certain conditions in Permissions 1 and 2 are not appropriately reflected in the Requirement which is drafted as corresponding to the conditions [APP-143]. ESC has the following particular concerns:</p> <p>Schedule 8, Part 1, row 3, and Part 2, row 3:</p> <p>There appears to be no equivalent of conditions 7, 9, 10, 12, 13 or 17 in the CoCP (or other control documents or in the Requirements themselves). ESC would welcome an explanation from the Applicant as to how it considers that the provisions in these conditions are replicated in Requirement 2.</p>

ExQ1	Question to:	Question:
		<p>In relation to conditions 7 and 10 in particular, ESC considers that this would be best addressed through a new separate requirement in Schedule 2 of the draft DCO.</p> <p>In addition, there also appears to be no equivalent of conditions 18 and 19 in relation to emergency plans. Although ESC notes that there is now a new Requirement 5A in draft DCO v.3.1, this requirement does not reflect the conditions.</p> <p>Schedule 8, Part 1, row 4, and Part 2, row 4: Requirement 14, or the OLEMP sitting under it, does not appear to specify any maintenance period whereas condition 12 refers explicitly to a 5 year maintenance period.</p> <p>Schedule 8, Part 1, row 5: Condition 26 appears to be covered by Requirement 7 rather than Requirement 5.</p> <p>Schedule 8, Part 2, row 6: Not all of condition 21 is covered by Requirement 3. In particular, the following isn't: "None of the buildings hereby approved shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programmes set out in the Written Scheme of Investigation approved under Condition [20] and the provision made for analysis, publication and dissemination of results and archive deposition."</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC has seen the response of ESC on this question and defers to it.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>It should be noted that Schedule 8 of the <b>Draft DCO</b> <a href="#">[REP2-015]</a> sets out the conditions from RF1 and RF2 that would approve details that pertain to the delivery of the Sizewell C project. In many instances the controls that were deemed necessary for RF1 and RF2 would not be the same as those needed in the construction of Sizewell C. Documents such as the <b>CoCP Part B</b> <a href="#">[REP2-056]</a> and the <b>Lighting Management Plan</b> (Doc Ref. 6.3 2B (A)) have been drafted to include all necessary measures that would be needed to control the impacts of constructing Work No. 1. These measures are comprehensive and include an appropriate level of detail that would ensure that works would be delivered in a manner that is consistent with the ES. It is therefore deliberate that not all of the controls set out in the RF1 and RF2</p>

ExQ1	Question to:	Question:
		<p>permissions would be transferred across to the DCO when the Undertaker serves notice under Article 5 of the DCO.</p> <ul style="list-style-type: none"> <li>• Condition 7: Access to the main development site during construction: the DCO includes the <b>Construction Traffic Management Plan</b> <a href="#">[REP2-054]</a> which sets out the controls that would be put in place for construction vehicles entering and leaving the site. A requirement relating to Condition 7 is therefore not required.</li> <li>• Condition 9: Schedule of Plant: On a construction site of the scale and complexity of the Sizewell C project it would clearly not be practicable for the LPA to review and approve all plant and equipment to be used on the main development site. In order to ensure that the LAs have appropriate oversight of the construction process in so far as they relate to noise, the CoCP includes a commitment to prepare a Noise and Vibration Management Plan, which would be a separate and more comprehensive management plan than RF2 requires. Deemed approval or replication of this condition is therefore not required.</li> <li>• Condition 10: Construction Working Hours: the working hours for the main development site are set out within the <b>CoCP Part B</b> <a href="#">[REP2-056]</a>. These working hours are consistent with those assumed in the ES and the mitigation measures set out in order to minimise and reduce noise impacts. Deemed approval or replication of this condition is therefore not required.</li> <li>• Condition 12: Landscape plan: Requirement 14 of the <b>Draft DCO</b> <a href="#">[REP2-015]</a> relates to the detailed design of the landscape restoration works. This includes the commitment to prepare a Landscape and Ecological Management Plan, which would set out the long-term management arrangements for the works. ESC have noted that this does not include a specific timescale, with 5 years mentioned in RF2 Condition 12. This omission is deliberate, as the LEMP would cover the maintenance of the landscape for the duration of the operation of the project. Deemed approval or replication of this condition is therefore not required.</li> <li>• Condition 13: Ground Contamination: the <b>CoCP Part B</b> <a href="#">[REP2-056]</a> includes the relevant ground contamination measures that are necessary to avoid and limit impacts from potential ground contamination. No further measures are considered necessary. Deemed approval or replication of this condition is therefore not required.</li> <li>• Condition 17: Construction Environmental Management Plan: RF1 and RF2 are not supported by a Code of Construction Practice. Instead, those applications include commitments to prepare CEMPs, the scope of which was based on the outline CEMPs submitted with the applications and as set out within Condition 17. The Sizewell C CoCP has been prepared to include the mitigation measures necessary to reduce and minimise environmental impacts during the course of construction works.</li> </ul>

ExQ1	Question to:	Question:
		<p>The CoCP includes the mitigation measures that are in the CEMPs. Deemed approval or replication of this condition is therefore not required.</p> <ul style="list-style-type: none"> <li>Condition 18: Emergency Planning: RF1 and RF2 relate to the preparation of an emergency plan. The DCO includes Requirement 5A which relates to the construction stage. Once Sizewell C is in operation, the Nuclear Site Licence would then require an ongoing plan to be in place for the duration of operations. Deemed approval or replication of this condition is therefore not required.</li> <li>Condition 21: Archaeological WSI: It should be noted that discussions are ongoing with SCC regarding the wording of Requirement 3 and it is expected that the wording will be updated to reflect the agreed position as part of Deadline 5.</li> </ul>
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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14C - DCO Drafting Note 3.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC anticipates that in such a circumstance Article 82, Arbitration, would come into operation [AS-143]. However, ESC would welcome confirmation from the Applicant that this is the intention.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC considers that Article 82 (arbitration) would apply, as it would be a "difference under any provision of this Order".
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 (see in particular paragraph 2.7 of <b>Appendix 14C – DCO Drafting Note 3</b> [ <a href="#">REP2-111</a> ]).

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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>i) Having the benefit of the DCO is not an interest in land for the purposes of s106(1) and therefore s106(3) will not apply as the obligations are not provided as planning obligations pursuant to s106 (1) TCPA in the absence of a proprietary interest in the development site. Questions therefore arise regarding the legitimacy of providing mitigation through an alternative means to a s106 agreement.</p> <p>ii) If the person with the proprietary interest in the land signs the s106 agreement than no issue with this provided the transferee covenants directly with the Councils to perform the "planning obligations", as such obligation would run with the land (assuming such obligations fall within s106(1)(a) – (d)). Where the signatory has no proprietary interest in land, any agreement could not be entered into pursuant to s106 and any such agreement would not automatically run with the land. In such circumstances other powers will need to be considered. However, such alternative powers/provisions should only be considered where there is a legitimate reason why the landowner cannot sign a s106 agreement. Section 111 of the Local Government Act 1972 is an incidental power and cannot be used unilaterally, other LPA Powers would need to be used in conjunction with s111. In these circumstances, the agreement would have to include provisions that ensure that the signatory is not released from any of the obligations in the agreement until such time as the new transferee had provided mirror covenants to the relevant LPAs.</p>

ExQ1	Question to:	Question:
		<p>iii) Yes, provided that the transferor's liability only ends once the transferee is on the hook for the "planning obligations" and only if the transferor parts with all of its interest in the DCO as set out in the paragraph above.</p> <p>iv) Yes, once the new transferee has provided mirror covenants to the LPAs as set out above or if the owner of the land entered into the s106 agreement, the s106 agreement can provide that the owner is released (save for antecedent breaches) upon disposal of its proprietary interest.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC understands that the Applicant is putting forward an alternative proposition as regards the section 106 agreement which may affect these questions. However, SCC's responses are:</p> <p>(i) SCC agrees that it is essential that any section 106 obligations will be binding on transferees and lessees under this article. However, the mechanism to secure this outcome is a matter of ongoing discussion with the Applicant. Paragraph 5(2) of Schedule 24 to the Order has the effect of saying that the Applicant and any transferee will be deemed to have interests in the Order land so any s106 agreement will bind them. SCC reserves its position on that proposition until it has considered the alternative fully, but whatever the outcome, the DCO must make it clear that transferees and lessees must be bound by a s106 or equivalent. Whatever the outcome, the s106 (or equivalent) must ensure transferees / lessees are bound by the s106 or alternative arrangements are put in place to ensure that the commitments are enforceable.</p> <p>(ii) SCC reserves its position on this question until it has considered the new proposals mentioned above in detail but its initial view is that the default position would need to be that obligations should be contained in a s106 and bind the land in the usual way</p> <p>(iii) SCC's initial view is that the s106 obligations should remain enforceable against only those with interests in the land</p> <p>(iv) SCC's view is that if the Applicant is to "escape" its obligations, as the ExA puts it, then it must be made crystal clear in the DCO and the agreement that SCC should be able to enforce the provisions of the agreement as if it were a "normal" s106 agreement.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In addition to <b>Appendix 14A – DCO Drafting Note 1</b> [<a href="#">REP2-111</a>], SZC Co. has set out its approach to securing these obligations through a Deed of Obligation in Appendix 26A to Responses to ExQ1 [<a href="#">REP2-113</a>].</p> <p><b>Appendix 26A</b> of this document 'Obligations Enforcement Paper' (Doc. Ref. 9.30A) sets out SZC Co's proposed enforcement measures for the Deed of Obligation.</p>

ExQ1	Question to:	Question:
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 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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>



ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) and (ii) The transfer of the benefit of the Order, including the transfer of any compulsory acquisition powers, is subject to obtaining the written consent of the Secretary of State, save for two very specific entities identified in Article 9(7) [AS-143]. ESC is of the view that the Secretary of State, before consenting to any such transfer, would ensure that the transferee or lessee would have adequate resources to pay compensation.</p> <p>(iii) ESC considers that this is a matter for the Secretary of State to consider.</p> <p>(iv) ESC considers that the Secretary of State's decision on matters under Article 9 should be final and that it is not a decision that should be subject to arbitration.</p> <p>(v), (vi), (vii), (viii) – ESC considers that these are considerations for the Applicant to respond on.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) SCC acknowledges that it is not unusual for DCOs to allow CA powers to be transferred. The Secretary of State would need to consent to the transfer and would no doubt satisfy him/herself that the transferee/lessee would have sufficient funding</p> <p>(ii) As above. Ultimately this would be a matter for the Secretary of State.</p> <p>(iii) This would be for the Secretary of State to decide.</p> <p>(iv) Again, this is for the Secretary of State, but SCC are not aware of any precedent to say that the Secretary of State's decision is subject to arbitration. SCC also note that article 9(2) would impose a time limit on the Secretary of State to give consent. Again this will be a matter for the Secretary of State but SCC is not aware of a recent precedent.</p> <p>(v) to (vii) These are questions for the Applicant.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC has concerns over the drafting of this Article. In particular, as the local authority who would deal with any noise complaints, ESC considers that it ought to have some control over this potential issue and therefore suggests the insertion of the following words in Article 10(1)(b) [AS-143] after the word "cannot": ", to the reasonable satisfaction of the local planning authority," so that Article 10(1)(b) reads: "... no order may be made, and no fine may be imposed ... if the defendant shows that the nuisance ...(b) is a consequence of the use of the authorised development and that it cannot, to the reasonable satisfaction of the local planning authority, reasonably be avoided."
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC defer to ESC on this question as it is the enforcement authority under the Environmental Protection Act.
	<b>Response by SZC Co. for Deadline 3</b>	The amendment to Article 10 suggested by ESC has been made in revision 4 of the <b>draft DCO</b> [ <a href="#">REP2-015</a> ].
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.
	<b>Response by SZC Co. for Deadline 2</b>	<p>The construction and maintenance of any new or altered streets is provided for in Article 20 of the <b>draft DCO</b> (Doc. Ref. 3.1(C)). As set out in Article 20(1):</p> <p>the construction must be to the '<i>reasonable satisfaction of the highway authority</i>'; the undertaker will be responsible for maintenance for 12 months following completion; and the new or altered street '<i>must... be maintained .... at the expiry of that [12 month] period by and at the expense of the highway authority</i>', unless otherwise agreed between SZC Co and the highway authority.</p> <p>Further details of the types of agreements which may be entered into are then set out in Article 21.</p> <p>Articles 20 and 21 are similar to those included in the Hinkley Point C Development Consent Order and it is expected that they will be used in a similar way for the Sizewell C Project.</p> <p>Therefore, in practice, highway works at the Sizewell C Project will be carried out pursuant to agreements made with the highway authority under Article 21.</p> <p>These agreements perform the same role as agreements made pursuant to section 278 and section 38 of the Highways Act 1980, documenting the agreed specification of the works in detail and the sign-off</p>

ExQ1	Question to:	Question:
		<p>process for the carrying out of the works. In this way, what constitutes the completion of the highway works '<i>to the reasonable satisfaction of the highway authority</i>' is captured and documented, such that it is clear when the 12 month maintenance period commences prior to adoption by the highway authority.</p> <p>At Hinkley Point C, such agreements have been based on an amended version of the highway authority's standard section 278 agreement and include the usual provisions typically included in such an agreement, including provision for:</p> <ul style="list-style-type: none"> <li>(i) approval by the highway authority of the detailed design and specifications for the highway works and approval of a programme of works;</li> <li>(ii) arrangements for any required traffic regulation orders to be obtained and for the undertaker to be responsible for the highway authority's costs associated with those;</li> <li>(iii) a performance bond to be put in place before works commence, and associated step-in rights for the highway authority in the event that the undertaker is in default under the agreement;</li> <li>(iv) monitoring and supervision by the highway authority of the works (including safety audits and the production of a health and safety file);</li> <li>(v) the usual indemnities in favour of the highway authority against claims arising out of the execution or use of the works;</li> <li>(vi) payment of a commuted sum for ongoing maintenance costs post-adoption (where applicable);</li> <li>(vii) arrangements to provide evidence of compliance with Construction (Design and Management) Regulations 2007 and for the undertaker to be responsible for such compliance;</li> <li>(viii) the issuance by the highway authority of a Certificate of Completion where it is satisfied the works have been completed in accordance with the terms of the agreement; and</li> <li>(ix) a minimum 12 month maintenance period and provision for a Final Certificate to be issued once the relevant requirements under the agreement have been met (following which the highway works become maintainable by the highway authority).</li> </ul>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>Although this may be for the Applicant to explain, SCC's understanding of the position in summary is as follows:</p> <ol style="list-style-type: none"> <li>1) Article 20(1) provides that any "street" to be constructed under the Order must be completed to the reasonable satisfaction of the highway authority.</li> <li>2) Art 20(1) says new "streets" are to be maintained for 12 months by the Applicant, then at the highway authority's expense</li> </ol>

ExQ1	Question to:	Question:
		<p>3) "Street" is defined in article 2 and includes (amongst other things) the whole or any part of any highway or road</p> <p>4) Scheduled Works to be constructed under this provision include, for instance, the Two Village Bypass and the Sizewell Link Road</p> <p>5) It is, of course, acceptable for a statute to create a new highway, but it is not usually done in DCOs by saying "X road is designated as a highway from X date"</p> <p>6) The DCO could be clearer as regards the descriptions of the Two village bypass (Work 11B) and Sizewell Link Road (Work 12B); for instance, by amending slightly the description of each as follows – "A highway, being a bypass..."</p> <p>In respect of 2) above, the Council considers the Applicant's maintenance period is far too short. 24 months, or to the end of the construction period (whichever is longer) would be appropriate. This timescale would be based on the usual guarantee periods for highways surfacing materials.</p> <p>SCC's responses are without prejudice to its contention that the SLR should be a temporary road.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In relation to point 6) of SCC's response, it is considered unnecessary and potentially misleading to add reference to "highway" at the front end of the Two Village Bypass and Sizewell Link Road works descriptions. This is because not all of the relevant works area will become adopted highway following completion of the works meaning that to categorise the entire works description as "highway" (which is a term defined by reference to the Highways Act 1980) could be inaccurate.</p> <p>In relation to the point raised in SCC's response regarding the length of the maintenance period provided for at article 20(1) of the <b>draft DCO</b> <a href="#">[REP2-015]</a>, a 12 month maintenance period is usual for highway schemes secured under section 278/38 agreements entered into in connection with developments consented under the Town and Country Planning Act 1990 and SZC Co does not see why the highway schemes comprised in the authorised development should be treated any differently. SZC Co. is also not aware of any DCOs that impose maintenance periods longer than 12 months. Against this context, it is considered reasonable for the maintenance period to be 12 months.</p>
DCO.1.34	The Applicant, SCC	<p>Art 22(5)(b).</p> <p>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.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by Suffolk County Council for Deadline 2</b>	In section 32 of the Road Traffic Regulation Act 1984, only the County Council can authorise the use of any part of a road in its area as a parking place. (See also section 36(3) of the 1984 Act). SCC would have no objection to the paragraph saying, for example, "(b) Suffolk County Council (in its capacity as a local authority for the purposes of section 32 of the 1984 Act) as an order under that section of that Act..." but does not consider it necessary.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 save for pointing out that the inclusion of "(in its capacity as a local authority for the purposes of section 32 of the 1984 Act)" has not been included in revision 4 of the <b>draft DCO</b> [ <a href="#">REP2-015</a> ] because SZC Co. agrees with SCC that it is not necessary especially since SZC Co. has now included the new article 2(5)(A) in revision 4 of the <b>draft DCO</b> [ <a href="#">REP2-015</a> ], which clarifies the function of Suffolk County Council.
DCO.1.38	DfT, BPA, Chamber of Shipping, UKMPG, Trinity House, Maritime and Coastguard Agency, MoJ	Part 6 – Harbour powers. 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. 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by UK Chamber of Shipping at Deadline 2</b>	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.

ExQ1	Question to:	Question:
	<b>Response by Trinity House at Deadline 2</b>	<p>Extract from the Response by Trinity House:</p> <p><i>"Trinity House is generally content with Part 6 of the draft DCO. In particular, the saving for Trinity House (article 74) is incorporated in its standard form and its inclusion in the draft DCO is welcomed. Articles 58 (lights on marine works etc. during construction), 59 (provision against danger to navigation) and 60 (permanent lights on marine works) are standard provisions in Orders which confer powers in relation to the marine environment.</i></p> <p><i>Again, their inclusion is welcomed by Trinity House and we have no comments in relation to the drafting of these provisions.</i></p> <p><i>We do however, have some comments to make in relation to article 52 (application of Marine and Coastal Access Act 2009), article 61 (safety of navigation) and article 82 (arbitration) of the draft DCO.</i></p> <p><i>."</i></p> <p>Please refer to [<a href="#">REP2-169</a>] for full response.</p>
	<b>Response by The Maritime and Coastguard Agency at Deadline 2</b>	<p>The MCA understands that due to the nature of the site and the safety critical requirements, the establishment of a SHA is considered an appropriate mitigation measure to empower the proposed authority to regulate vessel movements within the area.</p> <p>The MCA has no objections or concerns to raise with regards to this approach or the application of the Harbours, Docks and Piers Clauses Act 1847 within the DCO, and is considered wholly appropriate for safety.</p> <p>However, the MCA would like the following two points clarified:</p> <ol style="list-style-type: none"> <li>1) Whether the SHA ceases to exist once the site is decommissioned in 2035;</li> <li>2) The specific reasoning why a CHA is required under the Pilotage Act for this site, as is included in the DCO.</li> </ol>
	<b>Response by SZC Co. for Deadline 3</b>	<p><b>Trinity House</b></p> <p>The Applicant thanks Trinity House for its comments on the <b>draft DCO</b>. Article 52 has been corrected to refer to Article 74 rather than 69 in the <b>draft DCO</b> submitted at Deadline 2 [<a href="#">REP2-015</a>] and will amend Article 52(1) as proposed by Trinity House in the next version of the <b>draft DCO</b>.</p> <p>Article 61 has been moved to Condition 38 of the DML in the <b>draft DCO</b> submitted at Deadline 2 [<a href="#">REP2-015</a>], as requested by the MMO but we will consider Trinity House's comments on the scheme of safety</p>

ExQ1	Question to:	Question:
		<p>navigation with the MMO making any necessary changes to the next version of the draft DCO which will be submitted at Deadline 5. The Applicant considers that Article 82 is sufficiently clear to include the MMO and the additional wording is not required.</p> <p><b>MCA</b></p> <p>1)SZC Co confirms that the SHA will cease to exist once the site is decommissioned in 2035. Clarity on this point will be included in the next version of the draft DCO which will be submitted at Deadline 5.</p> <p>2)The purpose of making the undertaker a competent harbour authority for the purposes of the Pilotage Act 1987 (the "1987 Act") is to ensure that it has all necessary controls over any vessels entering the harbour limits. Competent harbour authority status will enable the undertaker to provide pilotage services within the harbour limits to ensure the safety of the harbour in accordance with the 1987 Act. It is not uncommon for a harbour authority to also be a competent harbour authority for the purposes of the 1987 Act and, in this instance, it is particularly important and necessary due to the nature of the proposed NSIP development.</p> <p>The basis on which Article 50 is incorporated into the Order is explained in paragraph 8.21 and 8.22 of the <b>Explanatory Memorandum</b> for the Order [<a href="#">REP2-016</a>].</p>
DCO.1.42	The Applicant, MMO	<p>Art 46(1).</p> <p>(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?</p> <p>(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.</p>

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?
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The purpose of incorporating section 63 of the 1847 Act is for the undertaker to control the proximity of vessels to the authorised development and to ensure the safe and efficient management and operation of the harbour. Harbours often have limits that extend beyond harbour infrastructure such as harbour walls/arms and the entrance to the harbour limits is not always defined by a physical feature. However, the Applicant acknowledges the query regarding the entrance to the harbour and will amend the DCO to refer solely to vessels '<i>within the harbour limits</i>'.</p> <p>As noted above, there need not be physical works of construction to create a harbour. The Applicant requires the powers to manage the harbour limits from the date the DCO comes into force and will update the DCO drafting accordingly.</p> <p>(ii) Case law relevant to the application of section 74 indicates that this is not a tort of strict liability, but requires an element of negligence on the part of the ship's master. Therefore, if it was not reasonably foreseeable that damage would be caused by a drifting boat or timber, then there would not be any liability.</p> <p>(iii) Article 46 (Incorporation of the Harbours, Docks and Piers Clauses Act 1847) of the DCO to be updated to expressly refer to summary conviction for offences under section 84 of the 1847 Act.</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant. The MMO would like to further clarify that we have no control over the drafting of any part of the DCO. Please see the SOCG for the MMO's comments and advice on Part 6- the Harbour Powers.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.45	The Applicant, MMO	<p>Art 62.</p> <p>(i) This begins with an A which appears to be a typographical error.</p> <p>(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.</p> <p>(iii) Is the reference to "grant" intended to include the grant of a freehold?</p> <p>(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?</p>



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?
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Typo corrected in Rev 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>(ii) Object 17 of Schedule 2 to the Harbours Act 1964 permits the inclusion in a harbour order of provisions which, although not the subject of their own object in Schedule 2, <i>'appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour'</i>. Article 62(1) (Rights to lease etc.) gives the undertaker/harbour authority the authority to lease harbour land, should it be necessary for the purposes of the harbour undertaking. The inclusion of this power in the DCO is necessary to ensure the harbour authority can at all times efficiently and economically manage the harbour. Provisions of this nature are frequently included in harbour orders and drafting to this effect is also included in Hinkley Point C (Nuclear Generation Station) Order 2013.</p> <p>(iii) The reference to grant is not intended to relate to freehold interests. Under the Harbours Act 1964, harbour orders may provide for the disposal of land (i.e. freehold interests) where such land is no longer needed for harbour purposes. This is not envisioned by the DCO during the lifetime of the project.</p> <p>(iv) Article 62(1) (Rights to lease etc.) provides that the terms on which the grant of leases or interests in the harbour land will be agreed between the undertaker and the lessee/grantee, and it is acknowledged that under Article 62(2), the undertaker may delegate certain powers and duties to the lessee or grantee. In granting such leases or interests, it is not the intention of the Applicant that it will be relieved of its duties and powers as harbour authority (or undertaker more generally) under the DCO. The harbour authority is expressly defined as the undertaker. The undertaker will continue to be bound by the terms of the DCO in the usual way. The lessee/grantee will nonetheless be required to comply with certain terms of the DCO to avoid criminal liability for any breach that it causes.</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant. The MMO would like to further clarify that we have no control over the drafting of any part of the DCO. Please see the SOCG for the MMO's comments and advice on Part 6- the Harbour Powers.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.46	The Applicant, MMO	Art 64(9).

ExQ1	Question to:	Question:
		This provides for byelaws to be available at the harbour master's office. Should they not also be available online?
	<b>Response by SZC Co. for Deadline 2</b>	Online availability has been provided for in Rev 4.0 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant. The MMO would like to further clarify that we have no control over the drafting of any part of the DCO. Please see the SOCG for the MMO's comments and advice on Part 6- the Harbour Powers. The MMO would like to further note that we have not yet been provided a copy of the applicant response to this question. Our current advice to the applicant identifies that the confirmation of byelaws is a process carried out by the Secretary of State – this is a Department for Transport (DfT) function and the procedures set out in this provision should be checked with the DfT policy team. We also recommended having these available online (with a weblink in a footnote). We would advise that this request is appropriate, that the MMO have requested similar within our Harbour Order applications allowing for better public accessibility of certain aspects.
	<b>Response by SZC Co. for Deadline 3</b>	As confirmed, online availability has been provided for and the Applicant has engaged with DfT who have now deferred these matters to the Maritime Coastguard Agency.
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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The MMO have worked to compile their fullest advice for the applicant and the ExA on Part 6 of the DCO, we provide this within our SOCG.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
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.
	<b>Response by SZC Co. for Deadline 2</b>	This is included in the <b>SoCG with the MMO</b> (Doc Ref. 9.10.18).
	<b>Response by the MMO for Deadline 2</b>	The MMO have worked to compile their fullest advice for the applicant and the ExA on Part 6 of the DCO, we provide this within our SOCG.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.50	The Applicant, The Host Authorities	Art 79. 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?
	<b>Response by SZC Co. for Deadline 2</b>	<p>Article 79 only permits trees or shrubs to be felled or lopped where the Applicant reasonably believes that this is necessary to prevent that tree or shrub from obstructing or interfering with the authorised development or constituting a danger to those using the authorised development. It is in this context that the reference to the tree or shrub being ‘near’ should be interpreted. The greater the distance between the individual tree or shrub and the proposed development, the less reasonable any belief that the Applicant may have that works are required. The reasonable distance will vary depending on the part of the authorised development concerned and so the concept of nearness must be flexible. Moreover, given that felling or lopping may be required to avert danger, the Applicant considers that it would be inappropriate to define ‘near’ by reference to a maximum distance.</p> <p>Compensation is payable under Article 79(2) to any person who sustains any loss or damage arising from the Applicant's carrying out of such felling or lopping.</p> <p>Provisions equivalent to Article 79 of the draft DCO using the word ‘near’ can be found in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 as well as many other granted DCOs, including: The Cleve Hill Solar Park Order 2020; The Norfolk Vanguard Offshore Wind Farm Order 2020;</p>

ExQ1	Question to:	Question:
		The National Grid (Hinkley Point C Connection Project) Order 2016; The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014; and The Hinkley Point C (Nuclear Generating Station) Order 2013.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC is concerned that this Article [AS-143] is currently drafted to include a power that is far too wide and which is unjustified. ESC considers that it would be sufficient for the Applicant to have the power to fell trees etc. solely within the Order Limits. It therefore proposes that this Article be amended so that it reads: "The undertaker may fell or lop any tree or shrub within the Order limits, or cut back its roots or branches to the extent that they are within the Order limits, if it reasonably believes it to be necessary to do so..."
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC has seen the response of ESC, and concurs with it, but would also add that if the ExA were minded to recommend some flexibility to the Applicant then article 79(1) could begin: "The undertaker may fell or lop any tree or shrub within or overhanging land within the Order limits," This wording is precedented, for example, in article 35 of the A63 Castle Street Improvement Hull Order 2020
	<b>Response by SZC Co. for Deadline 3</b>	For the reasons given in SZC Co.'s response for Deadline 2, it would not be appropriate or necessary to confine the power to trees solely within or overhanging the Order Limits.
DCO.1.54	<b>Response</b>	<p>Art 83 and Sch 23 – procedure for approvals, consents and appeals.</p> <p>(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.</p> <p>(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.</p> <p>(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?</p> <p>(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 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.</p>

ExQ1	Question to:	Question:
		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 6 <sup>th</sup> March 2014 or any circular or guidance which may from time to time replace it" which is the wording in Appendix 1 of AN15?
	<b>Response by SZC Co. for Deadline 2</b>	<p>i) Not for the Applicant.</p> <p>ii) Not for the Applicant.</p> <p>iii) Para (1)(2)(b) has been updated to allow for six weeks as per the model schedule at Appendix 1 of Advice Note 15.</p> <p>iv) Council resources will be included in the next revision of the <b>draft Deed of Obligation</b> which will be submitted at Deadline 3 so it is not considered necessary to add fees-related drafting to the draft DCO. To confirm, in revision 3 of the <b>draft DCO</b> <a href="#">[AS-143]</a> the reference to Circular 03/2009 was replaced with reference to the Planning Practice Guidance.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) ESC has a number of comments to raise in relation to Schedule 23 <a href="#">[AS-143]</a>, as follows:</p> <p>1(2)(b) is considered unnecessary as, as far as ESC is aware, there is never a situation in which a body does not have to consult further. If the Applicant considers that this is necessary, ESC would welcome an explanation of when such a situation would arise.</p> <p>2(1): ESC considers it important that it is explicitly set out within this Schedule that it is not confined to being able to ask for further information just once and would invite the Applicant to make an appropriate change to 2(1) in response to this concern.</p> <p>2(2): 7 working days is considered too short a period, and shorter than the proposed period in Advice Note 15 which advises 10 business days. ESC considers that 10 working days would be more appropriate.</p> <p>2(3): 3 working days is considered too short a period, in particular as this does not even cover a full working week when the relevant person may be on leave or not working; ESC considers that 10 working days would be more appropriate.</p> <p>3(2)(d) and (e): 10 working days is considered too short a period, and shorter than the proposed period in Advice Note 15 which advises 20 business days. ESC considers that 20 working days would be more appropriate.</p>

ExQ1	Question to:	Question:
		<p>(ii) ESC has commented under (i) above.</p> <p>(iii) ESC has provided a comment on this under (i) above.</p> <p>(iv) ESC agrees that reference to fees ought to be made within Schedule 23 and considers that it would be appropriate for Schedule 23 to cross refer to the section 106 agreement to the extent that it relates to staffing costs for the discharge of requirements. ESC would welcome the Applicant providing some wording in this regard.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC has seen the replies of ESC on questions (i) to (iv) and concurs with them all.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In response to each of ESC's comments:</p> <ul style="list-style-type: none"> <li>• 1(2)(b): as stated in SZC Co.'s response at Deadline 2, paragraph (1)(2)(b) has been updated to allow for six weeks as per the model schedule at Appendix 1 of Advice Note 15. An example of where ESC's approval is required without further consultation can be found in Requirement 12A (Sports Facilities: Reserved matters).</li> <li>• 2(1): the drafting of paragraph 2(1) does not preclude ESC from requesting further information on more than one occasion; indeed, it is considered that the reference in 2(1)(4) to "or otherwise fails to request any further information within the timescales provided" makes it clear that as part of the approval process further information can be requested in respect of the same matter more than once.</li> <li>• 2(2): this update was made to revision 4 of the <b>draft DCO</b> [<a href="#">REP2-015</a>].</li> <li>• 2(3): updates were made to revision 4 of the <b>draft DCO</b> [<a href="#">REP2-015</a>] to reflect that the undertaker must issue the consultation to the requirement consultee, as opposed to the discharging authority.</li> <li>• 3(2)(d) and (e): this update was made to revision 4 of the <b>draft DCO</b> [<a href="#">REP2-015</a>].</li> <li>• (iv): SZC Co. has nothing further to add to its response for Deadline 2 on this point.</li> </ul>

ExQ1	Question to:	Question:
DCO.1.56	The Applicant (I) – (v) The Applicant and the Host Authorities (vi)	<p>Sch 1.</p> <p>(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?</p> <p>(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.</p> <p>(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)”.</p> <p>(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> <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>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) In accordance with section 115 of the PA 2008, a development consent order may be granted by the Secretary of State for:</p> <p>a. development for which a development consent is required (i.e. an NSIP); or</p> <p>b. ‘associated development’.</p> <p>So long as the proposed development (i.e. the ‘authorised development’ as defined in the <b>draft DCO</b> (Doc Ref. 3.1(C))):</p> <ul style="list-style-type: none"> <li>contains at least one element within (a) (see s.55(3)(c) PA 2008); and</li> <li>only contains elements which are within either (a) or (b) (s.115 PA 2008), a development consent order may be granted.</li> </ul> <p>The Applicant considers it apparent that the ‘authorised development’ contains development for which a DCO is required (i.e. the nuclear powered generating station). Furthermore, the Applicant considers it apparent that each part of the ‘authorised development’ is associated with the Project’s principle aim of generating nuclear power and satisfies section 115(2) PA 2008 (see the response to (ii) below in relation to</p>

ExQ1	Question to:	Question:
		<p>S.115(2)(b) PA 2008) and the 'Associated Development Principles' set out in the Department for Communities and Local Government's 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects' (April 2013).</p> <p>Therefore, there is no legal necessity in respect of the Application to determine whether each element of the 'authorised development' is associated development or forms part of the primary NSIP.</p> <p>In addition, the Applicant considers that there is no practical necessity to making this determination for the purposes of examining and determining the Application.</p> <p>The provisions for the <b>draft DCO</b> (Doc Ref. 3.1(C)) for the Project do not require such a determination to be made. Indeed, many granted DCOs do not make such a determination in Schedule 1, including: The A38 Derby Junctions Development Consent Order 2021; The A1 Birtley to Coal House Development Consent Order 2021; The Wheelabrator Kemsley K3 Generating Station Order 2021; The Immingham Open Cycle Gas Turbine Order 2020; The Southampton to London Pipeline Development Consent Order 2020; The Riverside Energy Park Order 2020; The Great Yarmouth Third River Crossing Development Consent Order 2020; The Cleve Hill Solar Park Order 2020; The National Grid (Hinkley Point C Connection Project) Order 2016; and The Hinkley Point C (Nuclear Generating Station) Order 2013.</p> <p>ii) The interpretation of the word dwellings in s.115(2)(b) of the Planning Act 2008 was considered by the High Court in the context of the application for the Hinkley PointC DCO (see <i>R (on the application of Innovia Cellophane Ltd, Innovia Films Ltd) v The Infrastructure Planning Commission</i> [2011] EWHC 2883 (Admin)). Mr Justice Cranston decided that the limitation in s.115(2)(b) of the Planning Act 2008 should not be interpreted to prevent the provision of specially built, temporary, campus-type accommodation required to house construction workers as associated development.</p> <p>iii) Noted. Please also refer to the last bullet point of the response to <b>DCO.1.20</b>.</p> <p>iv) Sections 14(1)(k) and 25 of the Planning Act 2008 together provide that '<i>the construction or alteration of a railway</i>' will be an NSIP if certain conditions are met.</p> <p>As set out in S.25(2A) PA 2008, such construction or alteration will not be an NSIP to the extent that it takes place on the existing operational land of a railway undertaker. Work No. 4C is the alteration of the existing Saxmundham to Leiston branch line and is excluded from being an NSIP on this basis.</p> <p>As set out in S.25(3) PA 2008, such construction or alteration will not be an NSIP to the extent that it forms part of a rail freight interchange, unless the separate conditions in S.26 PA 2008 apply. The Applicant considers that the conditions in s.26 PA 2008 do not apply to Work No. 4D.</p> <p>The '<i>green rail route</i>' (Work Nos. 4A and 4B) will not be part of a network operated by an approved operator meaning that the relevant condition at s.25(1)(b) will not be satisfied.</p>



ExQ1	Question to:	Question:
		<p>v) Sections 14(1)(h) and 22 of the Planning Act 2008 together provide that '<i>highway-related development</i>' (i.e. the construction, alteration or improvement of a highway) will be an NSIP if certain conditions are met.</p> <p>The two village bypass (Works No.s 11A and 11B) meets some of these conditions. It will be wholly in England (ss.22(2)(a), 22(3)(a) and 22(5)(a) PA 2008) and its area of development is expected to be over 12.5 hectares (ss.22(2)(c), 22(3)(c) and 24(b) PA 2008) (see paras 2.2.1 and 2.5.1 of <b>Volume 3, Appendix 5.2.A</b> of the <b>ES Addendum</b> <a href="#">[PDB-003]</a>).</p> <p>However, the two village bypass, once constructed, will not be a trunk road forming part of the Strategic Road Network. Therefore, Suffolk County Council will be the relevant highway authority for the two village bypass under section 1 of the Highways Act 1980. As neither the Secretary of State nor a strategic highways company (e.g. Highways England) is to be the highway authority for the two village bypass, the condition in s.22(2)(b) PA 2008 is not met in respect of this development and so Works 11A and 11B do not constitute an NSIP in their own right.</p> <p>(vi) For the reasons given above, it is considered that the Works 4A-4D and 11A-11B are not NSIPs in their own right. If they were, though, then the Secretary of State would need to have regard to the National Policy Statement for National Networks (NNNPS) in respect of these works. As explained above, though, the Applicant considers that this is not required given that the relevant criteria are not met.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>vi) ESC does not consider that any of Works 4A, 4B, 4C or 4D [AS-143], either individually or together in any combination, would constitute a separate NSIP or NSIPs. However, should the ExA conclude that they do, then ESC would expect that each extra NSIP within the overall application be treated in the same way as any individual NSIP of that type would be, in terms of application of the relevant NPS, inclusion of relevant consultees etc.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC considers there should be no consequences for the Examination i.e. it has been happy to proceed with the application as submitted and that position would not be changed by (say) elements of the scheme comprising separate NSIPs. SCC would certainly not want the Applicant to have to start again with another element of the scheme. It has no interest in delay.</p> <p>With regard to the position on the NPS, it seems to SCC that if part of the scheme is a rail NSIP, then the SoS would have to determine the Order (or part of it) in accordance with the relevant NPS, which would be the National Networks NPS. In order to consider the rail scheme an NSIP it could be necessary for the SoS to determine whether the rail scheme meets a national need by way of a S35 direction.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The boundary within which the cooling water and fish return tunnels (Work Nos 2A, 2C, 2E, 2G, 2I and 2K) may be carried out is shown on the Works Plans 2, 4, 5 and 6 by reference to the green dotted line shown in the key which refers to these works. The description of these works in Schedule 2 expressly cross-refers to these Works Plans. The Applicant confirms that these works will not extend outside the Order limits. This is clear on the plans, since the boundary of the green dotted line within which these works are to be carried out does not extend outside the solid red line on the Works Plans which indicates the Order limits. It was not considered necessary to show the exact alignment of the completed tunnel within these areas, since:</p> <p>(i) the alignment of the tunnels will be constrained in practice by the location of the outfalls for each tunnel, which are shown by dotted black lines in the form of circles/ovals shown on the Works Plans and</p>

ExQ1	Question to:	Question:
		<p>labelled as Work Nos, 2B, 2D, 2F, 2H, 2J and 2K, and the need for the tunnels to be built in straight lines from the power station onshore; and (ii) the deemed marine licence requires details of the tunnels to be approved by the MMO prior to commencement of these works. See DML condition 44 and 48 which refer to <i>'the alignment (horizontal and vertical)'</i> of these tunnels.</p> <p>Abstraction of cooling water is not only part of the conventional electricity generating process of a direct-cooled station, but it also serves to cool essential and safety systems. Therefore, the cooling water infrastructure is safety classified and needs a degree of redundancy built in, such that if cooling water from one source is lost then cooling can still be maintained from another source. Relative geographic separation of the two intake tunnels achieves this redundancy (each intake tunnel also has two intake heads, separated by 100m for the same reason). The ExA is correct that the tunnel lengths simply reflect the shortest route to the intake heads. There is no significance attached to this.</p> <p>The alignment of the three cooling water tunnels is completely disregarded in the ES and HRA assessments as, being several tens of metres below the seabed there is no pathway for them to cause environmental impacts (concerns regarding bentonite frack-out from the Tunnel Boring Machines notwithstanding as that has no relevance to the route of the tunnels). Indeed, it is likely that the tunnels themselves will be exempt from needing a Marine Licence for those same reasons.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC agrees with the ExA that it is not clear if, or where, the routes of the tunnels are shown on the plans submitted as part of the application. Furthermore, ESC agrees that the limits of deviation for the bored tunnels appear to be unlimited within the harbour area and ESC is concerned with this approach [AS-143]. In particular, ESC's concern relates to the adequacy of environmental assessment carried out and reported in the ES. ESC would welcome the Applicant's explanation as to how the environmental impact assessment has been carried out and what assumptions about tunnel locations have been made in coming to conclusions on the likely significant effects of these works.</p>
	<b>Response by the MMO for Deadline 2</b>	<p>The MMO notes that this question is for the Applicant. The MMO would like to further note that we have not yet been provided with the applicant's response to this, and as such will defer to a later deadline should we wish to comment on their response.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Natural England have no comment to provide on this matter at this deadline.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 in response to ESC's comments on the route of the tunnels on plans, limits of deviation and the EIA assessment of the tunnels.
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" ( <a href="https://www.gov.uk/guidance/dredging">https://www.gov.uk/guidance/dredging</a> ). 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?
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant is not aware that ' <i>capital dredging</i> ' has been defined in other DCOs. If the MMO and Environment Agency feel it is necessary to define it, the Applicant is content to consider whatever definition they suggest. No change has however been made to Rev 4.0 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) pending the views of the MMO and the Environment Agency.
	<b>Response by Environment Agency at Deadline 2</b>	Marine Management Organisation guidance provides the following meaning for capital dredging. "Capital dredging is dredging to a depth not previously dredged, or to a depth not dredged within the last 10 years. Capital dredging is generally undertaken to create or deepen navigational channels, berths or to remove material deemed unsuitable for the foundation of a construction project. " <a href="https://www.gov.uk/guidance/dredging#dredging-by-type">https://www.gov.uk/guidance/dredging#dredging-by-type</a> The Environment Agency is content with the use of the phrase "capital dredging" with this meaning.
	<b>Response by the MMO for Deadline 2</b>	The MMO agrees that if the definition of capital dredging is added to the DCO, this wording is the appropriate definition. We further note that the definition for "capital dredging activity" is currently drafted into Schedule 20 (DML) Paragraph 1 as: "means an activity which comprises the excavation of the seabed, in an area or down to a level (relative to Ordnance Datum) not previously dredged during the preceding 10 years".
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant will add a definition of "capital dredging works" to Part 1 of the draft DCO. This definition will be consistent with the definition of "capital dredging activity" in the deemed marine licence, which aligns with the MMO guidance cited in the EA's response to this question.
DCO.1.66	The Applicant, SCC	Sch 1 Part 1, Work No. 9, para (b).

ExQ1	Question to:	Question:
		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.
	<b>Response by SZC Co. for Deadline 2</b>	This is intended to refer to cessation of the operational use of the Northern park and ride site. Clarificatory drafting has been added to Rev 4.0 <b>draft DCO</b> (Doc Ref. 3.1(C))
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC considers it would be helpful if para (b) clarified what "operational use" refers to in the next version of the DCO.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.69	The Applicant, ESC	<p>Sch 1 Part 2, Other Associated Development.</p> <p>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).</p> <p>(i) Is it justifiable to have such extensive powers in relation to the operation and maintenance of the Proposed Development?</p> <p>(ii) Is the location of the works limited to the Order Limits?</p> <p>(iii) What will be the constraints in the DCO if made on the development they permit?</p> <p>(iv) The EM para 10.4 says they are "minor works". Where is such a limit set out in the dDCO?</p>

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?
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14B - DCO Drafting Note 2.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) and (ii): ESC is of the view that the principle of including such works is justifiable, but this list does appear more extensive than usual and contrasts with the precision with which the numbered works are specified in words and shown on the works plans [AS-143]. Some of the works listed here are of an equivalent nature to the numbered works (e.g. (c) and (n)) and should be their own numbered work; and others would only apply to specific works rather than any of them (e.g. (g) and (l)) and should be included in the descriptions of those works only. ESC would further wish to be satisfied that: - the Applicant has assessed the likely significant effects of these appropriately in the ES; and - that any works are limited to being within the Order Limits. ESC would welcome the Applicant's confirmation on these points as well as clarification and/or confirmation on points (iii), (iv) and (v).
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co's full response is set out in <b>Appendix 14B - DCO Drafting Note 2</b> [ <a href="#">REP2-111</a> ] No further comments to add to SZC Co. response for Deadline 2.
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>

ExQ1	Question to:	Question:
		<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 “unless otherwise agreed” - 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 “subsequent application” 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>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>See <b>Appendix 14E - DCO Drafting Note 5</b>. It should be noted that in considering its response to this question, the Applicant has decided to remove the drafting at Schedule 2, paragraph 1(4) as it is not considered necessary. This is because the Applicant has factored in to the parameter heights for all buildings and structures an allowance for all necessary external projections, and these parameters have been used for the purposes of carrying out the environmental assessment. Notwithstanding this, the Applicant sets out below information in response to the ExA's questions which is hopefully helpful.</p> <p>The construction of the approved buildings or structures, including their design, size and location, is regulated and constrained by Requirements which also apply to external projections. These include, in particular:</p> <ul style="list-style-type: none"> <li>• R11 (Main development site: Approved buildings, structures and plant). This requires the relevant numbered works to be carried out in accordance with the Approved Plans (including elevations and roof plans). Detailed designs for approximately 65 buildings and structures within the main development site have been submitted for approval. Any external projections on those buildings and structures would need to be in accordance with those Approved Plans. In addition, R11 requires those same numbered works to be carried out in accordance with the detailed design principles in <b>Chapter 5</b> of the <b>MDS DAS</b> (Doc Ref. 8.1Ad2(A)).</li> <li>• Authority. The details must accord with the detailed design principles in <b>Chapter 5</b> of the <b>MDS DAS</b> (Doc Ref. 8.1Ad2(A)) (see above).</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• R13 (main development site: Ancillary structures, other building and plant). This requires the relevant numbered works to be carried out in general accordance with the detailed design principles in Chapter 5 of the <b>MDS DAS</b> (Doc Ref. 8.1Ad2(A)) (see above).</li> <li>• R 17 (Accommodation campus: Buildings and structures). This requires the relevant numbered works to be carried out in general accordance with the detailed design principles in <b>Table A.1</b> of the <b>MDS DAS</b> (Doc Ref. 8.1Ad2(A)) (see above). Although these principles do not specifically control the provision of plant, an area of plant is provided within the service area located to the rear of the recreation building, thus making it unlikely that any significant plant would need to be provided on the exterior of the proposed buildings themselves.</li> <li>• R20 (Associated development sites: Buildings and structures). This requires Work No. 9 (northern park and ride), Work No. 10 (southern park and ride) and Work No. 13 (freight management facilities) to be carried out in accordance with the relevant Parameter Plans and Approved Plans, and in general accordance with the relevant sections of the <b>Associated Development Design Principles</b> (Doc Ref. 8.3(A)). These three AD sites are the ones that will have buildings and the parameters for their dimensions, including heights, are stipulated on the for approval general arrangement and parameter plans.</li> </ul> <p>The heights secured by the Requirements summarised above have been assessed in the relevant chapters of the ES and can be found in the descriptions of development – please refer to the <b>DCO Signposting Document</b> (Doc. Ref. 3.4(B)).</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) ESC considers that with this provision the Applicant is appropriately trying to limit the amount of changes that can be made to the authorised development once consented, however ESC agrees that the wording is perhaps not as clear as it could be. The provision is intended to mean that any approvals given can only be given to activities within the scope of the environmental assessment [AS-143]. ESC suggests the following wording would be more appropriate:</p> <p>“(3) Where an approval of details or other document is required under the terms of any requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that giving such approval would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.”</p>



ExQ1	Question to:	Question:
		<p>(ii) It is not considered appropriate for the authorised development to be subject to an ongoing assessment which compares any potential new effects to a changing baseline. The future changing baseline is taken into account in the ES: the ES assesses the likely significant effects of the authorised development and predicts the expected changes to the baseline in the cumulative effects section.</p> <p>(iii) ESC would welcome an approach to subsequent approvals similar to that set out in the Northampton Gateway Strategic Railfreight Interchange DCO, as made. In particular, Article 44 of that DCO gives clarity to the process for subsequent approval under the Requirements. It makes it abundantly clear what can and cannot be given approval, and it references an appropriate procedure within Schedule 2 'Requirements' for applying for and obtaining such approval.</p> <p>ESC notes that Schedule 23 of the draft DCO appears to be an attempt on behalf of the Applicant to set out a similar procedure, but ESC would welcome the Applicant reviewing this procedure in light of the approach and the procedure in the Northampton Gateway Strategic Railfreight Interchange DCO.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>In response to ESC's response, the Applicant has the following comments:</p> <p>(i) Please see <b>Appendix 14E - DCO Drafting Note 5</b> [<a href="#">REP2-111</a>] and the amendments made to Schedule 2, para. 1(3) and the definition of "environmental information" in revision 4 of the <b>draft DCO</b> [<a href="#">REP2-015</a>]. The suggested amendment (i.e. changing "the subject matter of the approval or agreement sought does" to "giving such approval would") is not considered acceptable to SZC Co. as it is the material submitted, not the decision made, which needs to be compared against the environmental information (as defined).</p> <p>(ii) Please see <b>Appendix 14E - DCO Drafting Note 5</b> [<a href="#">REP2-111</a>].</p> <p>(iii) SZC Co. considers that Schedule 2, para. 1(3) and Schedule 23 provide ample clarity on what the procedure for approvals of requirements is and what can and cannot be approved from an EIA perspective.</p> <p>The Applicant would also like to note that the response to ExQ1 <b>DCO 1.73</b> should read "See Appendix 14E – DCO Drafting Note 5" only. The rest of the response is the response to <b>DCO.1.73</b> and was included here in error.</p>
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>

ExQ1	Question to:	Question:
		<p>(ii) How have they been environmentally assessed?</p> <p>(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?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>It should be noted that in considering its response to this question, the Applicant has decided to remove the drafting at Schedule 2, paragraph 1(4) of the <b>draft DCO</b> (Doc Ref. 3.1 (C)) as it is not considered necessary. This is because the Applicant has factored in to the parameter heights for all buildings and structures an allowance for all necessary external projections, and it is using these parameters that the environmental assessment has been carried out. Notwithstanding this, the Applicant sets out below information in response the ExA's questions.</p> <p>The construction of the approved buildings or structures, including their design, size and location, is regulated and constrained by Requirements which also apply to external projections. These include, in particular:</p> <ul style="list-style-type: none"> <li>• R11 (Main development site: Approved buildings, structures and plant). This requires the relevant numbered works to be carried out in accordance with the Approved Plans (including elevations and roof plans). Detailed designs for approximately 65 buildings and structures within the main development site have been submitted for approval. Any external projections on those buildings and structures would need to be in accordance with those Approved Plans. In addition, R11 requires those same numbered works to be carried out in accordance with the detailed design principles in Chapter 5 of the MDS DAS.</li> <li>• R13 (main development site: Ancillary structures, other building and plant). This requires the relevant numbered works to be carried out in general accordance with the detailed design principles in Chapter 5 of the MDS DAS (see above).</li> <li>• R 17 (Accommodation campus: Buildings and structures). This requires the relevant numbered works to be carried out in general accordance with the detailed design principles in Table A.1 of the MDS DAS (see above). Although these principles do not specifically control the provision of plant, an area of plant is provided within the service area located to the rear of the recreation building, thus making it unlikely that any significant plant would need to be provided on the exterior of the proposed buildings themselves.</li> <li>• R20 (Associated development sites: Buildings and structures). This requires Work No. 9 (northern park and ride), Work No. 10 (southern park and ride) and Work No. 13 (freight management facilities) to be carried out in accordance with the relevant Parameter Plans and Approved Plans, and</li> </ul>

ExQ1	Question to:	Question:
		<p>in general accordance with the relevant sections of the Associated Development Design Principles. These three AD sites are the ones that will have buildings and the parameters for their dimensions, including heights, are stipulated on the for approval general arrangement and parameter plans.</p> <p>The heights secured by the Requirements summarised above have been assessed in the relevant chapters of the ES and can be found in the descriptions of development.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) and (ii) – for the Applicant.</p> <p>(iii) ESC considers that two further points of clarification are needed in relation to such external projections.</p> <p>Firstly, there ought to be a constraint made explicitly clear that any such projections are only to be permitted if they do not give rise to any new or materially different environmental effects to those assessed in the environmental information; and</p> <p>Secondly, but related to the first, ESC would welcome an explanation from the Applicant about how an adequate assessment of the likely significant visual effects of such projections has been made given that such projections appear to as yet be unknown.</p> <p>In relation to the first point above, ESC considers that 1(4) [AS-143] should be amended to read:  “Where any requirement identifies a parameter for a building or structure, that parameter identifies the envelope for that building or structure and does not include any external projections including telecommunications infrastructure (including aerials and satellites), access structures and safety measures (including ladders and handrails), mechanical plant, utilities infrastructure (including solar panels), minor architectural features (including gutters and lighting), external surface level areas, and associated compounds and storage areas, to the extent that any of these do not give rise to any materially new or materially difference environmental effects to those assessed in the environmental information.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.75	The Applicant, ESC	<p>Art 1(5).</p> <p>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?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>The drafting at Schedule 2, paragraph 1(5) is not introducing a different definition of '<i>commencement</i>' but rather it is explaining for the avoidance of doubt that in Schedule 2 (Requirements) where there is a pre-commencement requirement which applies (or can apply) to a specific site or Work No. then references to '<i>commencement</i>' of development are to commencement of development of that specified site or work only. The purpose of this is to enable the discharge of pre-commencement requirements on a site-by-site basis. This is reasonable given the scale and nature of the Sizewell C Project and avoids details having to be submitted in respect of the whole authorised development when works are commencing in respect of a work or part of a work only.</p> <p>The <b>Explanatory Memorandum</b> (Doc Ref.3.2(B)) at paragraph 10.15 explains this in the following terms:  <i>"As the requirements often apply to several Works, the undertaker has the ability to discharge requirements in parts. The discharge of a certain requirement may be required at different times for different Works through the construction programme as new information is delivered and the construction progresses. This allows the undertaker to prioritise discharging certain parts of requirements at the correct time in the construction programme."</i></p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>ESC agrees with the ExA that this seems to be an inconsistent approach and would welcome an appropriate change to be made to 1(5) of Schedule 2 [AS-143] so that it states:</p> <p>"Unless otherwise provided in this Order, where a requirement relates to a specific site or Work and it specifies "commencement of development", it refers to the commencement of development of the authorised development."</p> <p>ESC would then expect to see, in line with the wording preceded in other DCOs, that certain requirements then refer more specifically to commencement of development for certain works.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>Although this question is not directed at SCC, SCC considers the ExA's suggestion is sensible.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co considers that its original response to this question explains the approach and adequately deals with ESC's comments.</p>
DCO.1.76	The Applicant, ESC	<p>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?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 2 has been updated to clarify which works ' <i>removal and reinstatement</i> ' relate to.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC cannot confirm, and will leave it up to the Applicant to do so, but it considers that this particular reference to "removal and reinstatement" may be in relation to Requirement 16 [AS-143] which deals with the removal of certain things specifically in relation to Work No.3.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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.
	<b>Response by SZC Co. for Deadline 2</b>	<p>The <b>draft DCO</b> and <b>CoCP</b> were drafted to complement each other and control activities in different ways. The Applicant does not believe there are any instances of inconsistencies between the <b>CoCP</b> (Doc Ref. 8.11(B)) and the <b>draft DCO</b> (Doc Ref. 3.1(C)).</p> <p>The <b>draft DCO</b> and <b>CoCP</b> should be read together. The <b>draft DCO</b> provides for necessary general powers and the <b>CoCP</b> secures specific controls to ensure those powers are used in accordance with the ES. Furthermore, Requirement 2 requires construction to be carried out in general accordance with the <b>CoCP</b>. This specific requirement is supplemented by any specific controls in the <b>draft DCO</b>.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>The CoCP is a certified document listed in Schedule 22 of the draft DCO [AS-273 and AS-143]. If appropriately drafted, reviewed and considered alongside the text of the main body of the draft DCO, there should therefore be no inconsistencies. As the DCO itself obliges compliance with the CoCP there is no 'hierarchy' where one would take precedence over the other. However, ESC acknowledges that such an inconsistency could arise and would therefore welcome some further wording in Requirement 2 to deal with this scenario. ESC suggests the following wording:</p> <p>"To the extent that there are no inconsistencies between the Articles of the DCO and the CoCP, the construction and removal and reinstatement of the authorised development must be carried out in general accordance with the Code of Construction Practice, unless otherwise agreed by the local planning authority."</p>

ExQ1	Question to:	Question:
		ESC also notes that, in contrast to many other DCOs, the Sizewell C draft DCO does not include a register of environmental actions and commitments, compliance with which is usually sought through a requirement. ESC would ask the ExA to consider whether such a register and corresponding requirement would be useful so that it is clear on the face of the order that all of the mitigation and commitments set out in the ES must be complied with.
	<b>Response by SZC Co. for Deadline 3</b>	<p>As explained in SZC Co's original response the <b>draft DCO</b> <a href="#">[REP2-015]</a> and <b>CoCP</b> <a href="#">[REP2-056]</a> were drafted to complement each other, and SZC Co does not believe there are any instances of inconsistencies between the CoCP and draft DCO. However, SZC Co would be willing to make the amendment that ESC suggests should the ExA think this is necessary and appropriate.</p> <p>SZC Co would like to draw ESC's attention to the <b>Mitigation Route Map</b> <a href="#">[REP2-058]</a>. This document sets out the environmental actions and commitments required to mitigate the project and where those are secured. For a project of this scale, it would not be appropriate to secure all of the commitments in the same way. The mitigation route map, therefore, sets out the securing mechanism for each measure be that a provision in the DCO, Deed of Obligation, DML or separate consent or licence.</p>
DCO.1.78	The Applicant, ESC	<p>R4.</p> <p>(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 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>
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 14L – DCO Drafting Note 11.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) For the Applicant to respond on.</p> <p>(ii) ESC agrees with the ExA that a terrestrial ecology monitoring plan should cover all of the Works forming part of the authorised development as any of them may have impacts on terrestrial ecology, and, as the approving body under this requirement, ESC would expect this to be the case [AS-143].</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Further to SZC Co's response for Deadline 2, SZC Co notes that in revision 4 of the <b>draft DCO</b> <a href="#">[REP2-015]</a> requirement 4 has been updated to apply to the whole of the authorised development as opposed to specific sites.
DCO.1.79	ESC	R6, site clearance. 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. Please note ESC has checked the Rev 01 plans submitted in May 2020 [APP-020] and the Rev 02 plans submitted in January 2021 [AS-120]
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.80	The Applicant, ESC	R7. (i) How is the proper implementation of the water levels management plan to be enforced? (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.
	<b>Response by SZC Co. for Deadline 2</b>	The <b>Water Monitoring and Response Strategy</b> <a href="#">[AS-236]</a> for the main development site ensures that the water monitoring plans which will be approved by East Suffolk Council secure all of the measures necessary to mitigate the impacts associated with the Sizewell C Project. This includes the works and mitigation measures which are in the Applicant's control. In addition to these measures a memorandum of understanding with ENGL, RSPB and the Applicant is being developed which seeks to ensure that the current water level management regime, including responsibilities, continues to operate in the existing way. Requirement 7 has been amended to refer to the correct strategies.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) As the approving body under this Requirement [AS-143], ESC would ensure that any such plan, as approved, would include monitoring powers and appropriate sanctions within it should any breaches occur. In addition, breaching this Requirement by not complying with any such plan would also be a criminal offence.  (ii) For the Applicant to respond on.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.81	ESC	R8, temporary buildings. 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes, ESC considers the plans to be accurate insofar as they relate to the main development site Work Plan No.1. (b) Yes.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.82	The Applicant, ESC	R10. What obligation is there to operate the regulation of vehicular access specified in this requirement?
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 10 has been updated to include a specific obligation to implement the approved scheme of security measures.



ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC agrees with the ExA that there ought to be an obligation imposed under this Requirement and suggests that adding a sub-paragraph (2) with the following wording would achieve this [AS-143]: “(2) The scheme of security measures must be implemented in accordance with the approved scheme.”
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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?
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 11 has been updated to refer only to the works numbers.
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) ESC agrees with the ExA that the reference should be to Sizewell B relocation works [AS-143]. (ii) (a) Yes, ESC considers this adequate. (ii) (b) Yes, ESC considers this to be the full suite. The correct chapter and Schedule is referenced.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. (b) Yes, ESC considers the correct chapter is referenced. [AS-143]. However, ESC would like the Applicant to add reference to Chapter 7 of the Main Development Site Design and Access Statement.
	<b>Response by SZC Co. for Deadline 3</b>	This new request has been noted and SZC Co. will add reference to Chapter 7 to requirement 12 of the next version of the draft DCO to be submitted at D5.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. (b)Yes, ESC considers this to be the full suite. The correct chapter is referenced [AS-143].
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. (b) Yes, ESC considers this to be the full suite. The correct chapters are referenced [AS-143].
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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]?
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 14 relates solely to the landscape and ecology implementation and maintenance of the operational power station site. Requirement 14 has been updated to require the landscape scheme to have been submitted for approval by ESC within 6 months of Unit 1 commencing operation. The landscape and ecology scheme must be carried out as approved. Yes, Requirement 14 is the requirement referred to at para 7.1.2 of the <b>oLEMP</b> [APP-588] (note now updated by [REP1-010]).
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) ESC agrees with the ExA and considers that this is the case of a minor oversight from the Applicant. (ii) ESC does not consider that this is the corresponding Requirement but would welcome the Applicant's confirmation of this [AS-143].
	<b>Response by Suffolk County Council for Deadline 2</b>	Although this question is not directed at SCC it comments as follows (i) SCC considers that it should be a prohibition on commencing the authorised development. (ii) SCC consider that the answer to this question is no. Para 7.1.2 says – An Ecological Steering Group will be established prior to the main development site landscape works commencing in order to advise on the management measures that would be specified within the LEMP. This is secured by a requirement in Schedule 2 of the Draft DCO (Doc Ref. 3.1) relating to the detailed landscape scheme. It should be expected that this group will merge into the Operational Management Group after completion of the landscape works.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	The <b>oLEMP</b> <a href="#">[REP1-010]</a> sets out clear objectives and general principles for the establishment and longer-term management of the landscape and ecology mitigation proposals through the operational period of Sizewell C. The monitoring proposals are set out in Table 7.1 and will be subject to further approval as part of the LEMP required under Requirement 14 of the <b>draft DCO</b> <a href="#">[REP2-015]</a> .
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)?
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 14(2) has been updated to address both of these points.
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) and (ii) R14(2) [AS-143] sets out the obligation that, “all landscape works within the limits of Work No.1A must be carried out in accordance with the approved landscape scheme referred to in paragraph (1)...” The works listed at (1)(i) – (vii), including the landscape and ecology management plan, form part of the overall scheme which R14(2) ensures compliance with. ESC does not therefore consider there to be a need to specifically mention the landscape and ecology management plan in R14(2).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes, section 1.4 of the Lighting Management Plan is adequate. (b) Yes, ESC considers this to be the full suite. Section 1.4 of the Lighting Plan is the correct section number for operational lighting controls [AS-143].
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) and (b) The table referenced as A.1 of the Main Development Site Design and Access Statement should be either Table 5.1 Over-arching design principles or Table 5.3 Detailed built development principles. The remainder is accurate.
	<b>Response by SZC Co. for Deadline 3</b>	Table 5.1 and Table 5.3 set the design principles for the permanent development and have been secured through requirements relating to those structures. They are not appropriate principles to be applied to the accommodation campus. The design principles for the accommodation campus are set out in Table A.1. An updated version of Table A.1 will be submitted at Deadline 5 which incorporates any overarching design principles which are appropriate to the accommodation campus.
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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 18 has been updated to refer specifically to the tables in the <b>Associated Development Design Principles</b> (Doc Ref. 8.3(A)).
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. (b) Yes, ESC considers this to be the full suite. The parts referred to are correct.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>This question is not directed at SCC, however, there are important issues related to the crossing of the rail line by highways. While the discharge of requirements will be by ESC, after consultation with SCC, the Council is concerned that the initial plans should be suitable.</p> <p>Dwg 100017 Rev 2 – there is a security footbridge located east of Abbey Road Level Crossing – what is the height (6m+?) and what are the impacts?</p> <p>DWG SZC-SZ0204-XX-000-DRW-100133 Rev 2 and 100183 Rev 2 both show the diverted right of way to the southwest of Buckleswood Road to be tightly constrained by security fencing. This will not enhance the amenity value of the route and may impede maintenance activities.</p> <p>SZC-SZ0701-XX-00-DRW-100185 Rev 2 implies drainage west of Abbey Road is not retained nor replaced after the Green Rail Route is removed.</p> <p>SZC-SZ0204-XX-000-DRW-100133 Rev 2 does not show the line of the existing Footpath 003 nor does SZC-SZ0701-XX-00-DRW-100185 Rev 2 show its reinstatement.</p> <p>The drawings do not contain details of the level crossings on Abbey Road and Buckleswood Road. While much of this can be agreed in during detailed design the Applicant should evidence that the red line boundary contains sufficient land to provide the required visibility for each crossing, including vegetation clearance or trimming as necessary. At this stage it is sufficient in the Councils view to indicate the type of barrier to be installed at each crossing and that on Station Road. It is presumed that the existing hand operated gates will be upgraded to automated barriers (works 4C).</p> <p>Schedule 7 does not include reference to the works on the Leiston Branch nor the East Suffolk Line although Requirement 18 (1) refers to Works No. 4 (Rail works) so the presumption is that this includes the Leiston Branch Improvements (Works No. 4C). In the Council's view the relevant drawings should be contained within Schedule 7 to clarify this matter.</p> <p>Construction of the Leiston Branch Line forms part of the Off-site Associated Developments and is controlled by Part C of the Code of Construction Practice. SCC would request it is consulted during</p>

ExQ1	Question to:	Question:
		discharge of this management plan to ensure the authority can advise on matters under its jurisdiction such as Archaeology and Transport. Of particular interest to the Council will be the access arrangement for the level crossing improvements, construction compounds and details of traffic associated with the works.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant has included references to the relevant sections of the Associated Development Design Principles in Revision 4 of the <b>draft DCO</b> <a href="#">[REP2-015]</a>.</p> <p>Regarding Dwg 100017 Rev 2 <a href="#">[REP2-010]</a>, the rail line is in a deep cutting at the location of the proposed temporary security footbridge (approximately 3m) against a backdrop of rising ground and an increasingly deep cutting (more than 5 metres) when viewed from the Abbey Road level crossing. It will therefore generally appear within the horizon and would not appear as a prominent feature in the landscape.</p> <p>Regarding DWG SZC-SZ0204-XX-000-DRW-100133 Rev 2 and 100183 Rev 2 <a href="#">[AS-141]</a>, <b>Volume 9, Chapter 8 of the ES</b> <a href="#">[APP-558]</a> assesses the impact of the proposed development on Footpath E-363/003/0, south-west of Buckleswood Road. The proposed diversion to Footpath E-363/003/0 is intended to facilitate construction and operation of the proposed rail extension route while ensuring that users continue to have access to a safe, well connected PRoW network. The assessment in the ES notes that this diverted footpath would be subject to noticeable visual changes, affecting users' recreational amenity and resulting in significant effects. However, surveys of users of Footpath E-363/003/0 recorded a relatively small number of users, and it is not anticipated that the number of people using this route would increase, see <b>Volume 2, Appendix 15C</b> of the <b>ES</b> <a href="#">[APP-269]</a>. In all cases, diversions have been kept as short as possible to minimise disruption.</p> <p>Regarding SZC-SZ0701-XX-00-DRW-100185 Rev 2 <a href="#">[AS-141]</a>, SCC are correct that the drainage west of Abbey Road is not shown on the proposed removal and reinstatement plan but it is expected that the existing ditch will be permanently diverted to accommodate Bridleway 19. The culverted section located beneath the railway can be converted to open channel following closure and removal of the railway. Final drainage details will be secured by Requirement 5 but given the drainage is indicative at this stage and the removal and reinstatement plan is a plan for approval, its principal purpose is to show how the land will be returned to agriculture use following removal of the green rail route.</p> <p>Regarding SZC-SZ0204-XX-000-DRW-100133 Rev 2 and SZC-SZ0701-XX-00-DRW-100185 Rev 2 <a href="#">[AS-141]</a> not showing the line of the existing Footpath E-363/003/0, the relevant temporary stopping up / diversions are detailed on the Rights of Way Plan SZC-SZ0204-XX-000-DRW-100360 Rev 02 <a href="#">[REP2-007]</a>.</p> <p>Regarding the design and type of the level crossings, the final detail will be developed as part of the GRIP process with Network Rail. However, for the anticipated level crossing detail (for both the branch line and</p>

ExQ1	Question to:	Question:
		the GRR), please refer to the Rail Description of Development ( <b>Volume 3, Appendix 9.2.A</b> of the <b>ES Addendum</b> ) [ <a href="#">AS-256</a> ].
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. (b) Yes. However, Work no. 4 (rail infrastructure) [AS-143] does include other works on the branch line not covered by the Site Clearance Plan listed in R19.
	<b>Response by SZC Co. for Deadline 3</b>	There are no site clearance plans associated with the Saxmundham to Leiston branch line. Any clearance which is required could be undertaken as part of the 'other associated development' in Schedule 1, Part 2 of the Draft DCO as necessary.
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?
	<b>Response by SZC Co. for Deadline 2</b>	As there is no reference to Schedule 6 in Requirement 19, the Applicant assumes that the ExA's question relates to Requirement 20 and has answered on that basis. Requirement 20 has been updated to detail the relevant tables within the <b>Associated Developments Design Principles</b> (Doc Ref. 8.3(A)). Schedule 6 and 7 list the plans by the name of the site that they are



ExQ1	Question to:	Question:
		related to. These match the names of the works referred to Schedule 1. Schedule 7 has been updated to also refer to the work numbers to provide extra clarity.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) As DCO.1.92.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(a) Yes. (b) Yes, ESC considers this to be the full suite. The work numbers referred to are correct.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	In the current version of the dDCO [AS-143] this requirement refers to Work No 1D (g) (outage car park), whereas the reference should be to Work No. 1D (e) (outage car parking spaces). 1D (h) (related highway works), should be Work No. 1D (I) (outage car park access roads). Work No. 13 is not divided into (a) and (b) so R21 needs revision
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. will incorporate these amendments into revision 5 of the draft DCO which will be submitted at Deadline 5.
DCO.1.96	ESC	<p>R22.</p> <p>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?</p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 22 has been updated to detail the relevant tables within the <b>Associated Developments Design Principles</b> (Doc Ref. 8.3(A)). Schedule 6 and 7 list the plans by the name of the site that they are related to. These match the names of the works referred to Schedule 1. Schedule 7 has been updated to also refer to the work numbers to provide extra clarity.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(a) Yes. (b)ESC does not consider these to be correct: Reference should be made to:</p> <ul style="list-style-type: none"> <li>o 11 A – C (Two Village Bypass), 12 A – D (Sizewell Link Road)</li> <li>o 13 (f) is currently correct but will be wrong if revisions are made to R21 as per answer to DCO.1.95 above</li> <li>o 14 A - B (Yoxford roundabout).</li> </ul>
	<b>Response by Suffolk County Council for Deadline 2</b>	This question is listed for completion by ESC but relates to highway provision and the requirement is for discharge by the County Council. As Highways Authority, SCC is working with the Applicant, in consultation with ESC, to reach agreement that the relevant plans have been set out in Schedule 7 and the agreed details are reflected in revisions to these plans. Work is continuing on this.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>As stated by SCC, Requirement 22 is for discharge by SCC rather than ESC. For paragraphs (1) and (4) of Req. 22, work numbers 11 (two village bypass), 12 (Sizewell link road), 14 (Yoxford roundabout), and 15 to 17 (other highway improvements) all relate to highway works and thus, do not need to specify 11(a), 11(b), 11(c) etc. However, in paragraphs (1) and (4) it is correct to refer to only the highway works of the park and rides and freight management facility.</p> <p>For Part (2) of Req. 22, the tables referred to in the <b>Associated Development Design Principles</b> [<a href="#">REP2-041</a>] apply to the whole of the relevant work number, and not just the relevant highway works. SZC Co. could therefore revise Req. 22 at Deadline 5 to remove reference to the subsections of work numbers 9, 10 and 13 if the ExA considers that necessary and appropriate.</p>
DCO.1.97	The Applicant, ESC	<p>R24.</p> <p>How will ESC be able to know that and verify that the SZC construction works have finished?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Clause 12 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) requires the Applicant to give notice to ESC and SCC within 10 Working Days of the day on which the Construction Period ends.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC would welcome the Applicant's view on this point and reserves its right to comment until such time as it has seen the Applicant's response.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.100	The Applicant, SCC	<p>Sch 19.</p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Schedule 19 has been updated so it is named ' <i>Limits of Harbour</i> ' in Rev 4.0 of the <b>draft DCO</b> (Doc Ref. 3.1(C)).

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC agrees the same words should be used in each instance. SCC notes that art. 51(1) refers to "Schedule 19 (Limits of harbour)" and so the reference in this provision will also need to be the same as that chosen for Art.2 and Schedule 19.
	<b>Response by SZC Co. for Deadline 3</b>	As noted in SZC Co's response to Deadline 2, Schedule 19 has been updated to "Limits of harbour" so no amendment to Article 51(1) is necessary.
DCO.1.10 1	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 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.
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14D - DCO Drafting Note 4.</b>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is directed to the applicant and would like to further clarify that we have no control over the drafting of any part of the DML. Please see the SOCG for the MMO's fullest, and most up to date comments and advice on the DML. We do however note the need to have certain elements replicated and contained within the DML so that it functions as a consent on its own should the DCO be made. The MMO advise the applicant use consistency when drafting and will continue to comment on drafting matters at following deadlines.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
DCO.1.10 2	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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14D - DCO Drafting Note 4.</b>
	<b>Response by the MMO for Deadline 2</b>	The MMO comment as follows: (i) Yes this should be made clear, and any mitigation required for works within the UK Marine Area should be secured within the DML. (ii) Only matters within the MMO's jurisdiction should be conditioned and secured within the DML allowing the MMO to function as the marine regulator if the Order is made. (iii) We note that usually maintenance activity is signed off in a maintenance plan which contains the mitigation in it, so this could be dealt with post consent.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 3	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>
	<b>Response by SZC Co. for Deadline 2</b>	The Schedule 20 definition has been updated to match the Article 2 definition.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is directed to the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 4	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.
	<b>Response by SZC Co. for Deadline 2</b>	In Rev 4.0 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) the definitions of each numbered Work have been updated in the Interpretation section to refer directly to the Works as defined in the Order. The Applicant considers this is sufficiently clear and the headings while having no operative effect are helpful to the reader.
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is directed to the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 5	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?
	<b>Response by SZC Co. for Deadline 2</b>	This drafting seems standard in other deemed marine licences (for example the Hornsea Three DCO). The Applicant considers it likely that members of the public would find the MMO's address online should they wish to raise a concern.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO raises that this relates more to the Applicant submitting "returns" under the conditions of the DML to the MMO. The MMO's details are readily available to the public on the government website.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 6	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?
	<b>Response by SZC Co. for Deadline 2</b>	Para 3 of Schedule 20 has been deleted, such that the transfer of the deemed marine licence can be done only pursuant to Article 9 (Consent to transfer the benefit of the Order).
	<b>Response by the MMO for Deadline 2</b>	The MMO defer the answer to this question to a later deadline, to allow for further time to fully review and robustly advise.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 7	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.
	<b>Response by SZC Co. for Deadline 2</b>	In Rev 4.0 of the <b>draft DCO</b> (Doc Ref. 3.1(C)), the definition of ' <i>authorised development</i> ' has been replaced with the definition of ' <i>marine works</i> '.

ExQ1	Question to:	Question:
		<p>The formulation of para 4(1) and (2) is similar to other deemed marine licences.</p> <p>We understand paragraph 4(2) as describing specifically all of the '<i>licensable marine activities</i>' which need to be carried out as part of each element of the '<i>marine works</i>', and are therefore authorised by the deemed marine licence.</p> <p>For clarity we have added the words '<i>(referred to in paragraph 4(1))</i>' after the words '<i>Such activities</i>' in paragraph 4(2).</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO defer the answer to this question to a later deadline, to allow for further time to fully review and robustly advise.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 8	The Applicant, MMO	<p>Sch 20 Para 5(e).</p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14D - DCO Drafting Note 4.</b>
	<b>Response by the MMO for Deadline 2</b>	The MMO advises that this should be like for like unless otherwise agreed by the MMO. The Applicant would have to submit documents to the MMO outlining the proposal and the impacts of it prior to the MMO's determination of the approval.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.10 9	The Applicant, MMO	<p>Sch 20 Para 6.</p> <p>This refers to "sub-paragraphs (4)(a) to (4)(m)". Of which para please?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Rev 4.0 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) clarifies and corrects the drafting to refer to sub-paragraphs '4(2)(a) to 4(2)(m)'.



ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is directed to the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	ONR expects that any concerns that the MMO may have with regard to activities relating to the maintenance of the power station’s cooling water structures would be conveyed to us either directly by the MMO, or via the nuclear site licensee.
	<b>Response by the MMO for Deadline 2</b>	The MMO defer the answer to this question to a later deadline, to allow for further time to fully review and robustly advise.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
DCO.1.11 1	MMO, ONR, The Applicant	<p>Sch 20 Para 11.</p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Condition 34 requires the undertaker to submit a Maintenance Activity Plan for approval and to submit it every 5 years or when activities not contained in the plan are required to be carried out. This would appear to cover the ExA's concern on operational matters.</p> <p>The Applicant has not seen an express exception for urgent or emergency works in other deemed marine licences. s86 MCC Act 2009 would provide a defence in most circumstances, and the MMO would be trusted to be reasonable in any event in taking enforcement action where the undertaker had behaved responsibly in responding to an urgent unforeseen circumstance.</p>
	<b>Response by ONR at Deadline 2</b>	As explained in the answer to the previous question, ONR expects that any concerns that the MMO may have with regard to activities being undertaken by the nuclear power station licensee offshore would be conveyed to us either directly by the MMO, or via the nuclear site licensee, and that appropriate discussions would then follow.
	<b>Response by the MMO for Deadline 2</b>	The Applicant must satisfy themselves that they meet the criteria within s.86 of the MACAA 2009 for emergency works, to carry out with this would be an offence.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.11 2	The Applicant, MMO	<p>Sch 20 Part 3 – para 29 – “rock material from a recognised source”.</p> <p>What is meant by “recognised source”? As drafted this lacks clarity and precision.</p>
	<b>Response by SZC Co. for Deadline 2</b>	This wording was used in the Hinkley Point C marine licence, which was a standalone licence drafted by the MMO. In practice this will mean that the rock armour is from an operational quarry that can be referenced.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is directed to the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.11 3	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.
	<b>Response by SZC Co. for Deadline 2</b>	The Soft Coastal Defence Feature is located partly above the MHWS and partly below the MHWS. Requirement 12B regulates the part above MHWS. The remainder is a licensable activity within the MMO's jurisdiction and appropriately regulated through Schedule 20 Paragraph 41. The Hard Coastal Defence Feature is entirely above the MHWS and outside the jurisdiction of the MMO. See Requirement 12B which regulates commencement of the Hard Coastal Defence Feature.
	<b>Response by the MMO for Deadline 2</b>	The MMO confirm that we are currently still liaising with East Suffolk Council and will aim to provide a response at future deadlines regarding this point.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.11 4	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?
	<b>Response by SZC Co. for Deadline 2</b>	This condition has now been deleted as the deemed marine licence no longer covers the hard coastal defence feature.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO confirm that we are currently still liaising with East Suffolk Council and will aim to provide a response at future deadlines regarding this point.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.11 6	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
	<b>Response by SZC Co. for Deadline 2</b>	Under the Water Resources Act 1991 the abstraction of seawater is not an activity requiring an abstraction licence from the Environment Agency. As such, any controls within the DCO/DML in relation to abstraction would not overlap with or duplicate the Environment Agency's control.
	<b>Response by Environment Agency at Deadline 2</b>	<p>Whilst the Environment Agency do have a regulatory role for the cooling water system, this is limited to the control of post abstracted water only – at the point that the water is discharged, through the cooling water outlet and the Fish Recovery and Return system, back into the marine environment. There is no requirement for a licence from the Environment Agency to abstract the cooling water in the first place. Therefore, the intake is most appropriately controlled under the deemed marine licence.</p> <p>The Environment Agency has made written representations that they have an interest in this part of the deemed marine licence, as it has a bearing on other matters in which they are interested – such as compliance with the Water Framework Directive, Eels Regulations and the potential for impacts to migratory fish under the Environmental Impact Assessment.</p>
	<b>Response by the MMO for Deadline 2</b>	The Applicant has drafted this inclusion. The MMO defer to the Environment Agency for comments as to whether there is duplication on this point.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
DCO.1.11 7	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?
	<b>Response by SZC Co. for Deadline 2</b>	The coordinates are the licensable area which is not necessarily the same as that covered in the plans (while the licensable areas lie with the redline boundary they need not necessarily reflect the deposited plans; for example the licensable area only goes as far landward as MHWS). The MMO uses specific coordinate system (WGS84) on the Marine Case Management System. As much as the marine licence is deemed within the DCO it will, once granted as part of the DCO, be no different to any other marine licence and will be managed via the MCMS for providing Condition Returns, apply for variations etc. An important part of the MCMS is that large parts of it are publicly available to search etc. The deposited plans cannot be put on the MMO website.
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is directed to the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it. The MMO would also advise that the plans showing the works areas for the authorised project be under the DCO. The MMO clarifies that anything submitted to the MMO via "returns" for DML conditions, will be made publicly available through our public register.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.11 9	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.
	<b>Response by SZC Co. for Deadline 2</b>	This is included in the <b>SoCG with the MMO</b> (Doc Ref. 9.10.18).
	<b>Response by the MMO for Deadline 2</b>	Please see the SOCG.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.12 1	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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The MMO have provided an updated copy of the RR with examination references.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.12 2	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 (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 (iv) what parts of Sch 23 are not agreed between the Applicant and ESC (v) The case of the Applicant and ESC in relation to any parts not agreed The reason and purpose of any difference from Appendix 1 of AN15 whether or not the provision is agreed
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 14J – DCO Drafting Note 10.</b>

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	A SoCG is being evolved with the Applicant and a version will be submitted by the Applicant at Deadline 2. If the issues requested by the ExA are not within that version, ESC will liaise with the Applicant to ensure that it is in a future version.
	<b>Response by SZC Co. for Deadline 3</b>	Rather than including this in the SoCG, SZC Co's response to these points has been provided through <b>Appendix 14J – Drafting Note 10</b> of the <b>Responses to ExQ1</b> [ <a href="#">REP2-111</a> ]. SZC Co. will ensure that the next version of the SoCG will include more detail on this.
DCO.1.12 4	MMO	Sch 23. 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 MMCAAct 2009 suitably adapted for approvals pursuant to conditions of a DML, rather than judicial review? Will the MMO please outline the process which applies to disputes over submissions for approvals under a DML?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The MMO defer the answer to this question to a later deadline, to allow for further time to fully review and robustly advise.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.12 5	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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The purpose of this provision is to ensure that in the event that the local planning authority were to adopt a CIL charging schedule which might be considered to apply to the power station or its associated development sites, CIL would not apply. The rationale for this dis-application is that the power station is in its own right a piece of nationally significant infrastructure, and the Applicant will be obliged to provide all of the mitigatory infrastructure (in the form of transport infrastructure in particular) to mitigate its effects. Therefore, it would not be justifiable for CIL to be charged in respect of the development on top of this, for further infrastructure to mitigate impacts.
	<b>Response by East Suffolk Council for Deadline 2</b>	Although in theory all development is potentially CIL liable unless it is referenced as not liable / zero rated in the CIL charging schedule. ESC is satisfied that development proposals, including the temporary campus accommodation, at Sizewell C are not CIL liable. Our CIL charging review which is expected to be adopted early next year will confirm that the Sizewell campus and any development at Sizewell is zero rated for CIL.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.12 6	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.
	<b>Response by SZC Co. for Deadline 2</b>	Paragraph 5(2) has been deleted from Rev 4.0 <b>draft DCO</b> (Doc Ref. 3.1(C)). Please refer to <b>Appendix 26A</b> which explains the Applicant's proposed approach to binding the undertaker to contractual commitments, via a Deed of Obligation rather than a s106 agreement.
	<b>Response by East Suffolk Council for Deadline 2</b>	For the purposes of s106 TCPA, an interest is a <u>proprietary interest</u> in land. This should be the starting point and it is within the Council's discretion whether a particular landowner is to be party. With appropriately worded grampian obligations the s106 can restrict development on the land bound by the s106 agreement in the event that any "offsite" obligations are not performed and so if necessary the land bound by the s106 could be limited appropriately.



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.12 8	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 appropriate and whether and how this would meet the legal tests for valid planning obligations. Are the policy tests also met?
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant has continued to engage with ESC in respect of the necessary mitigation for the residual landscape and visual effects of the Project, conserving and enhancing landscape character, and protecting and enhancing ecology, biodiversity and wildlife, and improving habitat connectivity and resilience, as well as conserving and enhancing the natural beauty and special qualities of the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast and their setting. The Applicant has agreed the replacement of the AONB Fund proposed in the <b>draft Deed of Obligation</b> (Doc. Ref. 8.17(C)) with a Natural Environment Improvement Fund which will address these areas of concern. Funding will be available to projects addressing these areas of concern located within the administrative area of East Suffolk Council, with a specified minimum amount to be allocated to projects within the part of the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast located within East Suffolk. The Natural Environment Improvement Fund is secured through Schedule 11 of the <b>draft Deed of Obligation</b> (Doc Ref.8.17(C)).</p> <p>For the reasons explained in <b>SA.1 Response Paper (Appendix 26A)</b> the Applicant no longer proposes to enter into development consent obligations pursuant to section 106 of the Town and Country Planning Act 1990. See Section 10 of the SA.1 Response Paper in respect of the relevance of the NPS policy tests in respect of non-development consent obligations.</p> <p>In the Applicant's view, the proposed Natural Environment Improvement Fund in its final form is likely to meet the policy tests for obligations set out in National Policy Statement EN-1 (at paragraph 4.1.8) as it shall be used to fund necessary off-site mitigation directly related to the impacts of the Project. The scale of the Fund is subject to further discussion with the Councils, which will be relevant to policy compliance. The Applicant intends to set out its analysis of the satisfaction of the policy tests in the <b>Explanatory Memorandum</b> (Doc Ref. 3.2(B)) and has set out its proposed structure for doing so in the updated draft of this document.</p>

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council for Deadline 2</b>	The s106 agreement does provide for a Natural Environment Improvement Fund to be applied towards; <ul style="list-style-type: none"> <li>i. mitigation of the landscape and visual effects of the Project within the East Suffolk Natural Environment Improvement Area (an area which will be defined by reference to a plan); and</li> <li>ii. to delivering the objectives of the Suffolk Coast and Heath AONB Management Plan to support measures to mitigate the landscape and visual effects of the Project within the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast Natural Environment Improvement Area (both to be defined by reference to a plan).</li> </ul> In principle this type of mitigation can be provided for by a s106 agreement.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.12 9	SCC, the Applicant	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?  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?
	<b>Response by SZC Co. for Deadline 2</b>	<p>All of the funds and financial contributions which the Applicant considers appropriate and necessary are secured through the <b>draft Deed of Obligation</b> (Doc. Ref. 8.17(C)) and are summarised in <b>Annex 2</b> of the <b>draft Deed of Obligation</b> (Doc. Ref. 8.17(C)).</p> <p>As explained in the <b>SA.1 Response Paper (Appendix 26A)</b>, the Applicant no longer proposes to enter into development consent obligations pursuant to section 106 of the Town and Country Planning Act 1990. See Section 10 of the <b>SA.1 Response Paper (Appendix 26A)</b> in respect of the relevance of the NPS policy tests in respect of non-development consent obligations.</p> <p>The scale and scope of the funding to be provided are subject to further development and ongoing discussions with the Councils. These matters would impact upon the satisfaction of the policy tests and no definitive statement can be provided at this stage.</p> <p>However, the Applicant is confident that the proposed payments once finalised will be compliant with policy. The Applicant intends to set out its analysis of the satisfaction of the policy tests in the <b>Explanatory Memorandum</b> and has set out its proposed structure for doing so in the updated draft of this document.</p>

ExQ1	Question to:	Question:
		<p>All of the funds listed by SCC are accepted by the Applicant in principle and secured by the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) save for:</p> <ul style="list-style-type: none"> <li>• Levels of funding and the scope of each fund is subject to further discussion and negotiation with the local authorities.</li> <li>• It is not agreed that the Natural Environment Improvement Fund shall be provided throughout the operational and decommissioning phases of Sizewell C. The Applicant does not consider that such an extension to the lifetime of the proposed Fund would satisfy the policy tests for obligations set out in National Policy Statement EN-1 (at paragraph 4.1.8). No significant adverse effects requiring mitigation through the continuation of the Fund have been identified for terrestrial ecology and ornithology during the operational phase [<a href="#">AS-033</a>]. Significant adverse landscape and visual effects have been identified during the operational phase [<a href="#">APP-216</a>]. However, the Applicant considers that all reasonably practicable mitigation measures have been embedded into the scheme and that the scope for additional mitigation through the extension of the funding period for the Fund is limited. Given the limited scope for measures funded by the Natural Environment Improvement Fund during the operational period to mitigate the assessed effects, the Applicant considers that SCC's proposal that the Applicant continues funding the Natural Environment Improvement Fund throughout the operational phase is neither fairly nor reasonably related in scale to the proposed development. Instead, it is considered reasonable that funding be provided for the first three years following the receipt of fuel at Unit 2.</li> <li>• Whilst the Applicant proposes to provide funding towards a Wickham Market Improvement Scheme and a Leiston Improvement Scheme to address transport impacts, it is not considered necessary or reasonable that such funding is unlimited in scale. The scale of the funding shall be based upon an estimate of the cost of the schemes to be delivered and include a reasonable contingency towards possible cost overruns.</li> <li>• Whilst the Applicant has proposed contributions towards the increased highway maintenance costs of Suffolk County Council resulting from construction traffic using the B1122 prior to the opening of the Sizewell link road, no similar contributions are considered necessary or reasonable in respect of the A12 or other local roads.</li> </ul>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p>The agreement of the mitigation funding remains a matter of discussion between the parties. SCC has sought to apply the legal tests so that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Although SCC remains flexible in its approach to securing the funding it considers this is best achieved through the s106 agreement with the Applicant.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co refers to <b>Appendix 26A of its Responses to ExQ1</b> [ <a href="#">REP2-113</a> ] which sets out the proposed approach for securing these funds. The <b>Draft Deed of Obligation Explanatory Memorandum</b> (Doc Ref. 8.20(C)) sets out how the funds comply with the various policy tests.
<b>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.</b>		
DCO.1.14 1	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?
	<b>Response by SZC Co. for Deadline 2</b>	The ' <i>Sizewell B relocated facilities permission 2</i> ' was granted on 18 February 2021. The target is to deliver the following activities under the Sizewell B relocated facilities permission 2 by October 2021: <ul style="list-style-type: none"> <li>• landscaping/tree planting at Pillbox field;</li> <li>• tree felling;</li> <li>• archaeological surveys;</li> <li>• tree stump and root removal;</li> <li>• site preparation /earthworks (excavation of site to prepare for construction); and</li> </ul> commence construction of the new access road.
	<b>Response by East Suffolk Council for Deadline 2</b>	Permission 2 is DC/20/4646/FUL and was issued on 18 February 2021 following the signing of a section 106 agreement (See Annex B, LIR [REP1-047]). A discharge of condition application is currently being considered by ESC (DC/21/1915/DRC). The Applicant will advise on the forward programme.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.14 3	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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The <b>Main Development Site Design and Access Statement</b> [APP-585 to APP-587, Doc Ref. 8.1Ad2 (A)] and the <b>Associated Development Design Principles</b> (Doc Ref. 8.3(A)) include controls and measures which relate to noise, vibration, dust or lighting. The Applicant considers these documents sufficiently precise for this purpose.
	<b>Response by East Suffolk Council for Deadline 2</b>	The main development site design and access statement and the associated design principles document are not particularly precise and therefore ESC does not consider they should be included in this Article due to not being precise enough. However, the Applicant may be able to provide further reasoning as to their inclusion that may change our opinion in this regard, and we would welcome such an explanation.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.14 4	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>

ExQ1	Question to:	Question:
		<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>
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14G – DCO Drafting Note 7.</b>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>Where existing highways which are open to all users are truncated by new roads, such as the SLR, SCC expects facilities to be provided to allow all non-motorised users the ability to allow them to safely cross the new road and re-join the previous alignment along the most direct but safest route.</p> <p>The County Council has been critical of the inconsistent method used by the Applicant for defining and labelling of the public highway in the Schedules and the Rights of Way Plans (AS113, AS114). This has been raised with the Applicant through the PRoW SoCG meetings. It gives rise to inconsistent highway statuses for stopped up roads such as on the Sizewell Link Road where at Littlemoor Road, in Sch 10, the stopped up ends of this road are substituted by 'highways (NMUs)', but are connected across the link road as 'new highway (footpath) whilst Sch 11 defines this central section as 'footpath and cyclepath'.</p> <p>(i) The use of NMU was introduced in the changes submissions DCO AS - 143 and the Rights of Way &amp; Access Plans AS 113 &amp; 114. SCC's position is that as far as possible right should be retained for pedestrians, cyclists, equestrians and where necessary limited vehicles use by landowners or residents.</p> <p>(ii) For the applicant to confirm, but SCC understand that NMU means nonmotorised users and that could include pedestrian, cyclists, horse rider, carriage driver and mobility vehicles.</p> <p>(iii) For the applicant</p> <p>(iv) For the applicant</p> <p>(v) For the applicant</p> <p>(vi) For the applicant</p> <p>(vii) The legal tests are those stated in the relevant legalisation with the addition that SCC as the LHA will need to agree with these measures (as EDF are assuming the powers as the highway authority when making these orders) The LHA would expect to see vehicular access retained for landowners unless there it is unsafe for other road users to do so.</p> <p>(viii) For the applicant</p> <p>(ix) For the applicant</p>

ExQ1	Question to:	Question:
		<p>(x) For the applicant</p> <p>(xi) For the applicant</p> <p>(xii) The LHA would accept the use of traffic regulation orders to prohibit specific uses of the highway or as temporary measures on condition that it is a consultee. The exception would be areas where through diversion of routes areas of public highway are no longer necessary where stopping up i.e. removal of highway rights would be preferable.</p> <p>The relevant powers are:</p> <ul style="list-style-type: none"> <li>• Permanent extinguishment of public highway: Highways Act (1980) s116. Requires authorisation from Magistrates court and consultation. Initiated by Highway Authority. If EDF take on these powers need protection for LHA as LHA</li> <li>• Permanent traffic regulations (speed limits, restrictions on access): Road Traffic Regulation Act (1984) s1 or s82, s83 or s84 (speed limits). Made by Local Highway Authority. Consultation at least to the level undertaken by the LHA will be required.</li> </ul> <p>If EDF take on these powers need protection for LHA as LHA</p> <ul style="list-style-type: none"> <li>• Temporary removal of highway rights): Road Traffic Regulation Act (1984) s1 or s88 (speed limits). Made by Local Highway Authority. Consultation at least to the level undertaken by the LHA will be required. If EDF take on this powers need protection for LHA as LHA. As duration of orders needs careful consideration as s15.</li> <li>• Creation of highway: Highways Act (1980) s37, s38 or s278. Adoption by LHA discretionary for s38.</li> <li>• Rights of Way – TBC</li> <li>• Note: Some powers duplicated by Town and County Planning Act</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co's response at Deadline 2 in <b>Appendix 14G – DCO Drafting Note 7</b> [ <a href="#">REP2-111</a> ] addresses the comments raised by SCC.

ExQ1	Question to:	Question:
DCO.1.14 6	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>
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant notes the views of the ExA in the Southampton to London Pipeline examination and the comments made in this question. Amendments have been made to revision 4 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) which reflect the approach taken in the last revision of the Southampton to London Pipeline DCO.
	<b>Response by Highways Agency for Deadline 2</b>	Highways England offers no comment
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC supports the approach used in the Southampton to London Pipeline DCO 2020 for the change of text to ‘Streets or PRoW to be temporarily closed, altered, diverted or restricted’



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.14 7	The Applicant, MMO	Art 64(4). What is the justification for choosing 28 days rather than the original one month for notice of application for confirmation of byelaws.
	<b>Response by SZC Co. for Deadline 2</b>	In paragraph 2.2.18 of their relevant representation [ <a href="#">RR-0744</a> ], the MMO suggested that it be changed to 28 days to one month for clarity.
	<b>Response by the MMO for Deadline 2</b>	The MMO advises the use of "28 days" as not each month within the year is the same length. This provides a firmer control over the four week period intended when using the term "month".
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.14 8	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.
	<b>Response by SZC Co. for Deadline 2</b>	Article 73 has been updated to clarify: <i>"The undertaker may only use the temporary beach landing facility for the purposes of, or in connection with, the construction of the authorised development and may only use the permanent beach landing facility for the purposes of, or in connection with the construction, operation, maintenance and decommissioning of the authorised development."</i>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the applicant.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
DCO.1.149	The Applicant, MMO	<p>Art 75A – appeals in relation to deemed marine licence.</p> <p>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</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The proposed approach in Article 75A and Schedule 20A seeks to address matters of non-decision and delay in respect of post consent approvals for marine works. Such post consent approvals can take many months and may result in delays to construction, increased costs etc. Therefore, the appeals process ensures timely decision making.</p> <p>The overarching purpose of a DCO is that it provides a single consent in relation to the delivery of nationally significant infrastructure and so the DCO should be drafted to ensure there is no impediment to its delivery.</p> <p>Article 75A is required to avoid a potential impediment to delivery for an indeterminable period of time, for which there is no appropriate procedure to resolve in a timely and appropriate manner.</p> <p>It should be noted that, Article 82(4) of the <b>draft DCO</b> (Doc Ref. 3.1(C)) provides that the deemed marine licence is not subject to arbitration.</p> <p>An example of an appeals process supporting set timeframes for approvals under a deemed marine licence may be found in the granted TTT DCO, as well as the draft DCO for the Aquind Interconnector.</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that the action in this question is for the Applicant. Please see our written representation and the SOCG supplied at Deadline 2 for the MMO's advice on this Article.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2 on this question but note that SZC Co's response to the MMO's written representation in Chapter 11 of the <b>Comments on Written Representations</b> (Doc. Ref. 9.28)
DCO.1.150	The Applicant, MMO	<p>Art 82(6) no arbitration of consents or approvals by the MMO.</p> <p>Please will the MMO say if it approves this wording.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Refer to Applicant's response to <b>DCO.1.149</b> for details.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO are content with the drafted wording "(6) Any matter for which the consent or approval of the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration.".
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.15 1	The Applicant, MMO	<p>Art 86 – marine enforcement authority.</p> <p>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.</p> <p>Please will the MMO also comment and say if it approves the wording in the third draft.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>ESC's jurisdiction extends to the mean low water springs (MLWS). The MMO's jurisdiction extends to the mean high water springs (MHWS).</p> <p>In the inter-tidal area between MLWS and MHWS, both the Council and the MMO have jurisdiction. In this area, ESC would be entitled to defer approval and enforcement action to the MMO. The Applicant thinks that this would be a sensible approach given that the works in the inter-tidal area will in any event to be subject to the deemed marine licence.</p> <p>The Applicant considers that it is important to all parties involved that there is a robust approval and enforcement structure around the coastal works for Sizewell C and that this structure must be clear and transparent. As such, the Applicant has sought to formalise this by amending Article 86 as follows:</p> <p><i>"For the purposes of section 173 of the 2008 Act, the MMO will be the relevant local planning authority in respect of Works seaward of the mean high water springs."</i></p>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this section now states: "Marine enforcement authority 86. For the purposes of section 173 of the 2008 Act, the Marine Management Organisation will be the relevant local planning authority in respect of land seaward of the mean low high water springs and the area within the limits of deviation for Work No. 1A(m) (PBLF), Work No. 1A(bb) (tBLF) and Work No. 1A(n) (SCDF)." We confirm that there are ongoing discussions between the applicant, ESC and MMO. The MMO also requests that the Applicant adds clarity on the limits of deviation.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.15 4	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.
	<b>Response</b>	Requirement 3 has been updated further for Deadline 2. The amendments have arisen from discussions with SCC and Natural England. The change from ' <i>authorised development</i> ' to ' <i>terrestrial works</i> ' in paragraph 3(1) is to clarify that this requirement only relates to terrestrial works. DML condition 19 relates to the marine works. Paragraph 3(2) adds a specific reference to the reporting methods in section 5.6 of the <b>Overarching Written Scheme of Investigation</b> <a href="#">[AS-210]</a> . Paragraphs 3(3) and 3(4) now clarify that peat archaeological written schemes of investigation for a part of Work 1A (a) to (h), in accordance with the Peat Strategy, must be approved before below ground works on that part can commence. Previously this was within the Peat Strategy but has been brought into the requirement for clarity.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC has suggested new wording for an archaeological requirement at LIR Annex J [REP1-055].
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. and SCC are continuing their engagement on the particular drafting of this requirement and a revised version of the requirement will be included in the next version of the draft DCO submitted at Deadline 5.
DCO.1.15 6	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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	In the case where there are multiple authorities discharging requirements etc., for purposes of clarity, ESC considers that it is more appropriate for the Requirements to explicitly state the name of each discharging authority.
	<b>Response by Suffolk County Council for Deadline 2</b>	It is helpful to use the current name of the body for clarity, but perhaps the function can be added.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.15 8	The Applicant, SCC	R 6A – is “general” accord with the Public Rights of Way Strategy appropriate? Why not “in accordance”?
	<b>Response by SZC Co. for Deadline 2</b>	Requirement 6A has been updated to make the purpose of the footpath implementation plans clearer. These footpath implementation plans will set out the detail of how the <b>Rights of Way and Access Strategy</b> (Doc Ref. 6.3 15I(A)) is to be applied to each new or diverted footpath. The footpath implementation plans are subject to Suffolk County Council’s approval. The measures in the strategy would apply differently in the context of each footpath. Therefore the Applicant is content that ‘ <i>general accordance</i> ’ is suitable to ensure that the impacts are no greater than those assessed in the Environmental Statement.
	<b>Response by East Suffolk Council for Deadline 2</b>	The phrase, “in general accordance” is a potentially very wide scope which ESC does not consider is justified. This wording is used in a number of requirements [AS-143], not just 6A, and ESC therefore suggests that a general provision be inserted at the start of Schedule 2 - a new 1(2)(c) – that will ensure that all such uses of the term, “in general accordance” are covered in the same way. The following wording is suggested: “Where any requirement provides that the authorised development or any part of it is to be carried out in ‘general accordance’ with details, or a scheme, plan or other document that is listed in Schedule 22 and certified under Article 80 of this DCO, this means that the undertaker will carry out such

ExQ1	Question to:	Question:
		work(s) in a way that is consistent with the information set out in those details, schemes, plans or other document and in a manner that does not give rise to any materially new or materially different environmental effects to those assessed in the environmental information."
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC support 'in accordance' rather than 'general accordance'
	<b>Response by SZC Co. for Deadline 3</b>	<p>Lessons from Hinkley Point C have shown that it is beneficial to the contractors and management of the construction process overall to have precise controls in documents such as the CoCP and Construction Method Statement that provide greater clarity on what the measure is and the works that each measure applies to. Given the scale and complexity of the construction process, there may be instances where minor derogations are needed, or where more than one set of controls apply to a specific set of works and there may be ambiguity over which control takes precedence where a conflict may exist. These limited instances mean that a degree of flexibility is therefore needed. Contractors will be contractually required to comply with the Certified Documents, such as the CoCP, but the use of 'general accordance' would ensure that a criminal offence would not be created in instances of minor non-compliance, where this would not result in new or materially different significant environmental effects. It is, therefore, considered that this instance of 'in general accordance' is both necessary and appropriate.</p> <p>With the above in mind, SZC Co. are content for the additional wording suggested by ESC to be included in Schedule 2 of the Draft DCO subject to the word "substantively" being inserted before "consistent with" so as to ensure that a similar level of flexibility is afforded to "general accordance". The additional drafting would therefore be as follows:</p> <p><i>Where any requirement provides that the authorised development or any part of it is to be carried out in 'general accordance' with details, or a scheme, plan or other document that is listed in Schedule 22 and certified under Article 80 of this DCO, this means that the undertaker will carry out such work(s) in a way that is substantively consistent with the information set out in those details, schemes, plans or other document and in a manner that does not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.</i></p>

ExQ1	Question to:	Question:
DCO.1.15 9	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.
	<b>Response by SZC Co. for Deadline 2</b>	This is found in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC considers that this is question for the Applicant to respond to.
	<b>Response by Natural England for Deadline 2</b>	Natural England reiterates our position that should the fen meadow compensation be unsuccessful in Suffolk, other sites should be explored at a national level before financial compensation is considered. For further detailed comment, see issue 49, Part II of our Written Representations (Our ref: 350822, dated 2nd June)
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however please see Chapter 13 of <b>Comments on Written Representations</b> (Doc Ref. 9.28) for SZC Co's detailed response to Natural England's comments.
DCO.1.16 0	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.
	<b>Response by SZC Co. for Deadline 2</b>	The explanation for changes to the deemed marine licence in the latest version can be found in the Applicant's <b>Schedule of Changes</b> (Doc Ref. 3.1Ad 4) submitted together with Rev 4.0 <b>draft DCO</b> (Doc Ref. 3.1(C)) at Deadline 2. The Applicant is aware that the MMO opposes the incorporation of an appeals procedure in relation to deemed marine licences. The two primary reasons for such opposition are that judicial review should be a sufficient remedy for the undertaker if the MMO refuses or delays a decision, and that it would be wrong for deemed marine licences in DCOs to enjoy an appeals procedure not available in respect of marine licences granted outside of the DCO regime.

ExQ1	Question to:	Question:
		<p>The Applicant disagrees with these two points raised by the MMO. Judicial review would not provide an adequate remedy for the undertaker as the grounds for such legal challenges are narrow (procedural unfairness, irrationality or ultra vires). In some cases the undertaker may wish to challenge the merits of a decision by the MMO to refuse an application to discharge a condition (as it could the discharge of a DCO requirement). We see no proper public interest reason why such a remedy should be available in respect of requirements but not deemed marine licence conditions. The practical and public interest considerations are identical in each case, and there is no rational basis for distinguishing between the two in this respect.</p> <p>While we recognise that such a remedy is not available in respect of marine licences outside the DCO regime, it is in our view entirely appropriate that such a remedy should be available in respect of nationally significant infrastructure projects. Parliament has decided that the authorisation of such projects should be subject to a different statutory regime, the Planning Act 2008, reflecting their national significance and the different issues that arise as a result. Comparison with the statutory regime that applies in respect of marine licences granted for less significant projects which do not qualify for determination under the Planning Act is therefore of very limited utility.</p> <p>The MMO has suggested that if Parliament had intended for an appeal to be available as a mechanism to challenge MMO decisions on discharge of conditions then they would have provided for this in the MCA Act 2009. We do not think there is any substantive merit in this argument, and would remind the ExA that as explained above, Parliament has chosen to provide a different statutory regime for authorising projects such as this, because different considerations arise in relation to nationally significant infrastructure projects. In any event, it should be noted that whilst the Planning Act 2008 does not provide a mechanism for appeal against the refusal to discharge DCO requirements, yet this has nevertheless become standard in DCOs since the precedent was originally set in the Hinkley Point C DCO. That reflects the fact that such a provision is obviously appropriate and fair, and that it would be wholly disproportionate and contrary to the public interest in the efficient and timely delivery of nationally significant infrastructure projects for this to be frustrated by a refusal to discharge a requirement, remediable only via an application to the Administrative Court for judicial review.</p> <p>While the Applicant has every intention of seeking to collaborate and agree the terms on which all marine licence conditions are discharged, it cannot be right that there is no ability to appeal on the merits in the event that stalemate is reached, which could disrupt the project programme.</p> <p>Furthermore, such an approach would be likely to increase the burden on the Planning Court by making it the only body with jurisdiction to oversee such decisions. That would plainly be contrary to the public interest.</p>



ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO provides it's updated comments on Schedule 20 and 20A within our written representation and the SOCG supplied at Deadline 2.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however please note Chapter 11 of <b>Comments on Written Representations</b> (Doc Ref. 9.28) which sets out SZC Co's response to the MMO's written representation.
DCO.1.16 1	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
	<b>Response by SZC Co. for Deadline 2</b>	This change has been made, where relevant, in Rev 4.0 <b>draft DCO</b> (Doc Ref. 3.1(C)).
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant, as we do not have control over the drafting. The MMO would advise that we have no issues with the proposed amendment in this question.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 2	MMO, the Applicant	Sch 20, Pt 2 para 4(2)(c)(ii). Does this make sense? What is "by pass (movement alongshore)"?
	<b>Response by SZC Co. for Deadline 2</b>	'By- pass' in this instance means to physically remove sediment that has become trapped by an obstacle blocking its normal transport pathway and transfer it to the other side of the obstacle so that it can continue following its normal pathway.  Sch 20, Pt 2 para 4(2)(c)(ii) has been updated to add this clarity ' <i>by-pass (movement of accreted sediment alongshore past obstructions)</i> '.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it. As stated within our SOCG, the MMO highlight that it would be clearer to state "replacement or by-pass (movement alongshore) of sacrificial sediments...".
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 3	MMO, the Applicant	Sch 20, Pt 2, para 7A. 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?
	<b>Response by SZC Co. for Deadline 2</b>	See <b>Appendix 14A - DCO Drafting Note 1.</b>
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 4	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?
	<b>Response by SZC Co. for Deadline 2</b>	Para 7A has been deleted on the basis that it replicated para 3 of Part 2. In theory if environmental standard increased, for example, and the power station was found to be causing an unacceptable impact then s72 could be used to impose further constraints, although in reality it would be very difficult to adapt the power station once built.

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant, however, the MMO would comment that if what is meant by "modifications" under S.72 is referring to variations, we advise that many DML's are varied.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 5	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?
	<b>Response by SZC Co. for Deadline 2</b>	This para 7B has been moved to Part 3 of the DML to be condition 9A as requested by the MMO. The Applicant has included an EIA limitation so as to align the drafting with Schedule 2, paragraph 1(3).
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 6	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.
	<b>Response by SZC Co. for Deadline 2</b>	Reference now changed to ' <i>paragraphs 4 and 5</i> ', being the paragraphs of the deemed marine licence setting out the licensed activities authorised.
	<b>Response by the MMO for Deadline 2</b>	The MMO notes that this question is for the Applicant and would like to further clarify that we have no control over the drafting of any part of the DML, we can only advise both the Applicant and ExA on it.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
DCO.1.16 7	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.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant has updated the wording of part (f) to make it clearer that the statement of confidence is made by the undertaker. Part (f) now reads ' <i>an explanation of the undertaker's confidence that the proposed mitigation will be effective</i> ' (see rev 4 of the <b>draft DCO</b> (Doc. Ref. 3.1(C)) The <b>CPMMP</b> <a href="#">[AS-237]</a> is structured by trigger points for mitigation and includes details of the proposed mitigation. The Applicant has proposed this mitigation as it is confident that it will be effective in mitigating the impacts identified within the ES and which may arise through the lifetime of the project at various points. The monitoring regime set out in the CPMMP will indicate when the mitigation is required and the undertaker will be required to implement that mitigation to address the impacts and reduce the impact to below the trigger points. The Applicant has submitted the <b>Preliminary Design and Maintenance Requirements for the Sizewell C Soft Coastal Defence Feature Report</b> (Doc Ref. 9.12) which demonstrates confidence that the proposed mitigation will be effective.
	<b>Response by the MMO for Deadline 2</b>	The MMO advises that this wording was drafted by the Applicant and the MMO take on board the ExA's concerns. The MMO advise that the Applicant review the drafting of this working line with the Five Tests the MMO applies to conditions: 1. The condition must be necessary; 2. The condition must relate to the activity or development; 3. The condition must be precise; The condition must be enforceable; The condition must be reasonable.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 8	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.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The MMO has stated a separate licence application for UXO removal is necessary once the detailed information is available. Therefore, the provisions related to UXO removal have been removed from the deemed marine licence. The undertaker will prepare the relevant information necessary to apply for UXO removal licences at the appropriate times in the construction programme. The undertaker will be required to carry out surveys and identify any UXOs and the size of those UXOs (involving magnetometer surveys and diver confirmation) which require removal. The undertaker will then apply to the MMO for a separate marine licence to carry out those activities.
	<b>Response by the MMO for Deadline 2</b>	The MMO consider that Unexploded Ordinance (UXO) activity should be provided for by a separate consent outside of the DML. The MMO agree with the removal of UXO activity from the DML on the understanding that a separate Marine Licence will need to be sought.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
DCO.1.16 9	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.
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 14J – DCO Drafting Note 10.</b>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>The following changes to Schedule 23 have been made between revisions 1 and 3 of the draft DCO [AS-143]:</p> <ul style="list-style-type: none"> <li>– Insertion of a new 1(3): "In the case of requirements in respect of which the discharging authority has a duty under Schedule 2 of this Order to consult with any other body, the discharging authority must have regard to comments received from any of those bodies." ESC has no concern with this change.</li> <li>– Insertion of a new 1(4): "In the case of requirements in respect of which East Suffolk Council is the discharging authority under Schedule 2 of this Order, East Suffolk Council must consult with Suffolk County Council. In the case of requirements in respect of which Suffolk County Council is the discharging authority under Schedule 2 of this Order, Suffolk County Council must consult with East Suffolk Council." ESC has no concern with this change.</li> <li>– Insertion of extra wording at 2(4): wording in square brackets and underlined is new: "If the discharging authority does not give notification as specified in sub-paragraph (2) or (3), <u>[or otherwise fails to request</u></li> </ul>

ExQ1	Question to:	Question:
		<p><u>any further information within the timescales provided for in this paragraph]</u> it will be deemed to have sufficient information to consider the application and will not thereafter be entitled to request further information without the prior agreement of the undertaker." ESC would not have any concern with this change if the timescales set out in Schedule 23 were appropriately lengthened, and in this regard directs the ExA to its response to Question DCO.1.54. In addition, as mentioned in its response to question DCO.1.54, ESC also considers it important for Schedule 23 to explicitly make clear that ESC (and others) could ask for further information more than once if it felt it was necessary to do so in order to be able to make an informed decision on any given matter.</p> <ul style="list-style-type: none"> <li>– Insertion of wording at 3(2) setting out that the SoS must appoint a person to determine the appeal etc. within 28 days (rather than just, "as soon as is practicable") ESC has no concern with this change.</li> <li>– Insertion of a new 3(12): "The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) will not affect or invalidate the effect of the appointed person's determination." ESC has no concern with this change.</li> <li>– Insertion of extra wording to 3(8), which now appears to be 3(10) due to a formatting numbering error: a claim for judicial review of the appointed person's decision must now be brought "within 6 weeks of the date of the appointed person's decision beginning with the date of that decision". Previously there was no set timescale. ESC considers that six weeks for challenging a decision of the appointed person is reasonable given the importance of the timescale of the Applicant carrying out the authorised development.</li> </ul> <p>A few other minor inconsequential changes. ESC has no concern with these changes.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p><b>Background</b></p> <ol style="list-style-type: none"> <li>1. As a general point, Appendix 1 of Advice Note 15 sets out standard wording for provisions dealing with the procedure for discharge of certain approvals. The note says that where an applicant seeks for any amendment(s) to be made to the drafting of the standard wording provided in this appendix, it should be justified in full in the draft Explanatory Memorandum.</li> <li>2. The Applicant explains its approach in the EM in the text relating to article 83, which introduces Schedule 23.</li> <li>3. This response is without prejudice to the Council's contention that the time limits which the Applicant has used and which are shorter than in Advice Note 15 are inappropriate and should reflect the Advice Note. The Council has already explained the following to the applicant in respect of time limits –</li> </ol>

ExQ1	Question to:	Question:
		<p>i. Paragraph 2(2): 7 working days is too short. Advice Note 15 refers to 10 business days. Replace 7 working days with 10 business days.</p> <p>ii. Paragraph 2(3): 3 working days is too short and appears unprecedented. Replace 3 working days with 10 business days.</p> <p>iii. Paragraph 3(2)(d) and (e): replace the references to "10 working days" with "20 business days" per Advice Note 15</p> <p>iv. Paragraph 3(5): replace the reference to "10 working days" with "20 business days" per Advice Note 15.</p> <p>4. In addition, the Council has also flagged up the following points –</p> <p>i. Paragraph 1(b): this appears unnecessary because per paragraph 1(4), ESC must consult SCC and vice versa. So, paragraph 1(b) can be deleted.</p> <p>ii. Paragraph 3(2)(a): replace the first reference to "the appeal documentation" (which is not needed).</p> <p>iii. Paragraph 3(2)(b): include a definition of "requirement consultee" per the definition in Advice Note 15.</p> <p>iv. Paragraph 4(2)(a) of in Advice Note 15 has not been carried over into Schedule 23. The Council has asked the applicant to explain the omission.</p> <p>v. Paragraph 3(6): the Council has asked the applicant to delete "(6) Outcome of appeals", which is not needed (unless it is to be included as a heading).</p> <p>vi. Paragraph 3(13): the Council has asked the applicant to change the reference to "sub-paragraph (8)" to "sub-paragraph (14)".</p> <p>5. The Council also considers the provisions for the payment of fees to the discharging authorities (per paragraph 3 of Advice Note 15) should be included in the draft DCO.</p> <p><b>Changes to Schedule 23 between the original dDCO and Revision 3</b></p> <p>6. The Council makes the following comments on these changes –</p> <p>i. The first change made in revision 3 is the addition of sub-paragraphs 1(3) and (4). Sub-paragraph (3) requires a discharging authority to have regard to the comments received from the bodies which it is required to consult. Although the principles relating to statutory consultation include a requirement to have regard to the responses of consultees anyway, the Council is neutral on this change. Sub-paragraph (4) requires SCC and EDC to consult each other whenever they are the discharging authority for requirements. The Council supports this change</p> <p>ii. It is not clear what the purpose of the change to sub-paragraph 2(4). Apart from doing so by giving notification, there doesn't appear to be another way of requesting further information under paragraph 2.</p>

ExQ1	Question to:	Question:
		<p>iii. The change to sub-paragraph 3(2)(c) is highly unlikely to be accepted by the Secretary of State but obviously that is a matter for the Secretary of State.</p> <p>iv. The change to sub-paragraph 3(2)(d) does not concern the Council but it is unnecessary.</p> <p>v. If the change to sub-paragraph 3(2)(e) is to be accepted, "the first day" should be replaced by "the first business day" (and the definition of "the first business day" included in Advice Note 15 should be included in Schedule 23).</p> <p>vi. The amendment to sub-paragraph 3(7) is unnecessary.</p> <p>vii. The introduction of a time limit for judicial review in sub-paragraph 3(10) is contrary to advice note 15, is unnecessary and should be reversed.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. considers that points 1-5 have been addressed in its responses to ExQ1 DCO 1.54 at Deadline 2 [<a href="#">REP2-100</a>] and Deadline 3 (above), and all relevant changes are reflected in revision 4 of the <b>draft DCO</b> [<a href="#">REP2-015</a>] save for the comment in relation to "(6) Outcome of appeals", which will be removed from Schedule 23 of revision 5 of the draft DCO.</p> <p>SZC Co.'s comments on point 6 are as follows:</p> <ul style="list-style-type: none"> <li>i. SZC Co. welcomes SCC's support of these changes.</li> <li>ii. SZC Co. refers SCC to the second bullet point of its response to ExQ1 DCO 1.54 at Deadline 3, which explains that this drafting is included to ensure that it is clear that as part of the approval process further information can be requested in respect of the same matter more than once.</li> <li>iii. SZC Co. will remove the 28 day period from the next revision of the draft DCO.</li> <li>iv. SZC Co. has no comments in response to SCC's comment on this point save to say that it is content with the inclusion of this drafting.</li> <li>v. SZC Co. will update the next revision of the draft DCO to refer to the next working day.</li> <li>vi. SZC Co. has no comments in response to SCC's comment on this point save to say that it is content with the inclusion of this drafting.</li> <li>vii. SZC Co. will remove reference to the six week period from the next revision of the draft DCO.</li> </ul>
<b>Chapter 15 - FR.1 Flood risk, ground water, surface water</b>		



ExQ1	Question to:	Question:
FR.1.1	Environment Agency	<p><b>Main Platform – Temporary Coastal Defence</b></p> <p>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.</p> <p>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]?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency at Deadline 2</b>	<p>Table 4.1 in the wave overtopping modelling addendum shows that there would be no overtopping of the temporary defence in reasonably foreseeable design 0.5% (1:200) annual probability flood event in 2030, and 0.36 l/s/m of overtopping in the extreme 0.1% (1:1000) annual probability event in 2030, which is a great improvement from what was originally proposed, and ensures the safety of the construction site from wave overtopping or coastal inundation. Section 4.2.7 in the FRA Addendum states that the temporary defence would be breached to allow access to the permanent Beach Landing Facility (BLF), however this would only happen after the reinforced core of the permanent defence has been constructed up to a minimum level of 9.1m Section 3.1.3 in the FREP does state that there will be a risk to the construction workers while constructing the temporary defence, which is proposed to be managed by the actions in the FREP, including evacuation on receipt of a severe flood warning. There may also still be a risk remaining were there to be a breach in the temporary sheet pile defences prior to the construction of the raised platform and SSSI crossing. However SZC state that 'A breach in the sheet pile itself is considered to be very unlikely'. While the risk of breach is not specifically addressed in detail within the Flood Risk Emergency Plan, the measures to evacuate on receipt of flood warnings would address this. The Emergency Planner and Examination Authority should ensure that the Flood Risk Emergency Plan will adequately mitigate the risk to construction workers.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.

ExQ1	Question to:	Question:
FR.1.9	East Suffolk Council, East Suffolk Internal Drainage Board, Environment Agency, Suffolk County Council	<b>Water Monitoring and Response Strategy [AS-236]</b> Provide comment of the coverage and suitability of the proposed strategy and the process to secure any required mitigation
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency at Deadline 2</b>	The Water Monitoring and Response Strategy provides a summary of the monitoring completed and the work which is required but not yet complete. The Environment Agency will be able to provide comment and advice when the detailed baselines, associated thresholds, mitigation measures, monitoring regimes, etc. are made available.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC has no specific responsibility with regards to groundwater and defers detailed response to the question of monitoring to other bodies including the Environment Agency and the East Suffolk Internal Drainage Board. ESC will be involved in approving the monitoring plan which would be done in consultation with the Environment Agency and East Suffolk Internal Drainage Board, we welcome this Plan providing a single point of reference for ESC and other statutory bodies and demonstrate compliance with the monitoring requirements secured by other permits and licences. Mitigation proposals are centred around adapting control structures dependent on what the monitoring demonstrates, the mitigation is therefore embedded to the project. Provided there is the appropriate forum for discussion potential measures required, this is acceptable to ESC.
	<b>Response by Suffolk County Council for Deadline 2</b>	Other stakeholders are leading on this workstream. SCC will feed into this workstream further as and when further details pertaining to the Main Development Site's construction surface water drainage strategy are provided. If the proposed surface water drainage strategy has the potential to alter the existing environment to which it feeds into, SCC will work the Applicant and other stakeholders to alter the surface water drainage strategy with a view to keeping any environmental changes within trigger levels. This may

ExQ1	Question to:	Question:
		require further work by the Applicant but is yet to be discussed due to the lack of available detail on the surface water drainage strategy
	<b>Response by East Suffolk Internal Drainage Board for Deadline 2</b>	<p>East Suffolk Internal Drainage Board (the ESIDB) believes this document provides an outline strategy, and we are pleased to see that any future detailed monitoring plan would include water level relative to the existing baseline information.</p> <p>The ESIDB supports the basis of this outline strategy provided that the future 'trigger' and 'action' levels are informed by the outcome of the implementation of this water monitoring and response strategy in consultation with stakeholders, rather than via formal permitting and licensing regimes alone.</p> <p>We believe the ESIDB should be an active partner who are consulted on the monitoring plan, trigger levels and mitigation response, in addition to the partners listed by 1.3.10 of the Water Monitoring and Response Strategy [AS-236].</p> <p>While the ESIDB will likely wish to proceed with a Water Level Management Plan in the future this would be highly dependent on (amongst other things) easy access to the data compiled by the applicant.</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. fully agree that ESIDB should be an active partner who are consulted on the water monitoring plan and included at paragraph 1.3.10 of the <b>Water Monitoring and Response Strategy</b> [AS-236]. SZC Co. will amend this in a future iteration which is intended to be submitted at Deadline 5.
FR.1.12	Environment Agency	<p><b>Main Development Site FRA Addendum [AS-157]</b></p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency at Deadline 2</b>	<p>Yes we are satisfied that the modelling correctly includes the revised design of the HCDF and provides a robust assessment of the safety of people during construction and operation of the Proposed Development. The modelling shows that there is no overtopping of the HCDF in the reasonably foreseeable design 0.5 % (1 in 200) and extreme 0.1 % (1 in 1000) flood events up to 2140. In 2190 there would be less than the maximum allowed 2 l/s/m of overtopping of the HCDF, with 0.1 l/s/m for 1:200 and 1.9 l/s/m for 1:1000, which paragraph 4.3.16 of the FRA Addendum states will result in flood depths below 0.1 m, velocities below 1m/s and low hazard. Therefore, the platform and access route would be safe as required over the</p>

ExQ1	Question to:	Question:
		entire lifetime of the development. In the reasonable foreseeable climate change scenarios there would also be no inundation of the main platform or SSSI crossing from overtopping of the northern and southern sand dunes/shingle defences in all events up to the 0.1 % flood event in 2190, as the extreme sea level is 6.02 mAOD, so below the level of the platform and crossing at 7.30 mAOD. A new temporary sheet piled defence will be constructed to a height of 7.3 mAOD, prior to removal of the existing defence, so there will be no actual flood risk to the construction workers during construction. Section 4.2.7 in the FRA Addendum states that the temporary defence would be breached to allow access to the permanent Beach Landing Facility (BLF), however this would only happen after the reinforced core of the permanent defence has been constructed up to a minimum level of 9.1 mAOD. Table 4.1 in the wave overtopping modelling addendum shows that there would be no overtopping of the temporary defence in reasonably foreseeable 1:200 2030, and 0.36 l/s/m overtopping in 1:1000 year 2030, which is a great improvement from what was originally proposed, and ensures the safety of the construction site from wave overtopping or coastal inundation.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
FR.1.14	Environment Agency	<b>Main Development Site FRA Addendum [AS-157]</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency at Deadline 2</b>	The FRA Addendum includes revised, more detailed, assessments on the impacts of the MDS on the risk of flooding to others, and the modelling includes the new proposed mitigation measures of the revised wider SSSI crossing and the flood risk storage area which is proposed to hold 100,000 m <sup>3</sup> of flood water.

ExQ1	Question to:	Question:
		<p>This shows that in the design fluvial 1 % (1 in 100) annual probability flood event with 35 % climate change the development would result in an increase in flood depths of 0.01 m to one residential property that is already at risk of flooding to 0.19 m deep, and an increase of 0.01 m flood depth to one commercial property that is already at risk of flooding to 0.20 m deep in this flood event. We consider that these small increases, with no change to the flood hazard, could potentially be classed as insignificant and within the realms of modelling error, providing that the Examining Authority agrees.</p> <p>In the design tidal 0.5 % (1 in 200) annual probability flood event in 2090, the development would result in one residential and two commercial properties experiencing an increase in flood depth of 0.02 m, although they are already at risk of flooding to approximately 0.5 m in this event. The very small increase in flood depths and no change in flood hazard or numbers of properties flooded could potentially be considered insignificant and not requiring any further mitigation, beyond the enlarged SSSI crossing and flood storage area now proposed, as EN 5.7.17 allows an increase in flood risk elsewhere if it cannot be avoided or wholly mitigated, and if it can be mitigated to an acceptable level. The Examining Authority should determine if they consider this to be the case.</p> <p>The modelling shows that in terms of increased flood risk to land, there is an increase to third party land at tank traps by up to 0.24 m depth in the design tidal 0.5 % (1 in 200) annual probability flood event in 2090. The affected area appears to be approximately 130,000 m<sup>2</sup>. The land is already at risk of flooding by over a metre in this flood event. We have requested that SZC consult the land owner and Natural England to try to obtain legal easements for the increased flood depths. If this agreement is not forthcoming then we request that the Examining Authority decide if this increase in flood depths is considered acceptable, as the increase in flood depths is only to land which is already at risk of deep flooding in this event, and EN 5.7.17 allows an increase in flood risk elsewhere if it cannot be avoided or wholly mitigated, and if it can be mitigated to an acceptable level.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. provided the Environment Agency with a report on 11 June 2021 containing an analysis of the results from the coastal inundation and tidal breach hydraulic modelling broken down by land ownership. This shows an increase in peak flood levels up to 0.3m at the 2090 epoch, in the event of a breach in the existing tidal defences immediately to the north of Sizewell C, near the Tank Traps, within the British Energy Generation Limited &amp; EDF Energy Nuclear Generation Limited land. However, that difference diminishes relatively close to that location, and the results show that within the wider Minsmere Levels</p>

ExQ1	Question to:	Question:
		<p>area, the difference is reduced to 0.05m for the same scenario. In the other landowners' areas, the change in peak flood depth is much less.</p> <p>SZC Co. is awaiting guidance from the Environment Agency on thresholds above which landowner consent should be sought. SZC Co. will then negotiate with relevant landowners and Natural England to endeavour to secure consent.</p>
FR.1.17	The Applicant, Environment Agency, Suffolk County Council	<p><b>Main Development Site FRA Addendum [AS-157]</b></p> <p><b>Fen Meadow Mitigation Habitat</b></p> <p>Paragraph 5.1.20 At what point will the ExA be able to understand whether the proposed mitigation sites are suitable?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The wording of Paragraph 5.1.20 of the <b>MDS FRA Addendum</b> [<a href="#">AS-157</a>] has been taken from Paragraph 2.14.35 of the <b>Volume 1 Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>].</p> <p>The ExA is directed to the <b>Fen Meadow Strategy</b> [<a href="#">AS-209</a>], which has been prepared to define SZC Co.'s commitment to provide appropriate compensation measures to mitigate for the loss of fen meadow habitat through the creation of compensatory fen meadow habitats, and the provision of a contingency fund. Please also see the response to question <b>Bio.1.86</b>.</p> <p>Paragraphs 4.1.1 – 4.1.12 of the <b>Fen Meadow Strategy</b> [<a href="#">AS-209</a>] detail:</p> <ul style="list-style-type: none"> <li>• the studies undertaken to date to identify potential fen meadow compensation sites;</li> <li>• the further studies on-going on the fen meadow sites; and</li> <li>• the development of a Fen Meadow Plan, which will be developed over a series of three reports, with the final Plan drawing upon 12 months of monitoring. The final plan will be submitted for approval, as detailed [Paragraph 4.1.11 in <a href="#">AS-209</a>].</li> </ul> <p>The draft Fen Meadow Plan (in preparation) will be submitted to the examination at a suitable deadline.</p> <p>The suitability of the sites is defined further in the answer to <b>Bio.1.65</b>. However, specifically in relation to flood risk, taking into account guidance set out in the National Planning Policy Framework and its supporting Planning Practice Guidance, the proposed fen meadow site would be classified as '<i>Amenity open space, nature conservation and biodiversity</i>' which is a water compatible use and appropriate for location within Flood Zone 3. Furthermore, the nature of the proposed habitat is such that it is required to be located in an area that may be subject to flooding. Therefore, the Applicant considers that the proposed fen meadow sites are appropriate in terms of flood risk.</p> <p>Whilst paragraph 5.1.20 of the FRA recognises that it will be necessary to engage with the EA and other stakeholders in designing the detailed water management regime at the fen meadow sites, each site has</p>

ExQ1	Question to:	Question:
		<p>been selected based on its inherent suitability. There is no reason in principle to doubt the ability of each site to provide the water environment necessary to establish and sustain a fen meadow habitat.</p> <p>The emerging Fen Meadow Plan will be used as the basis for preliminary discussions with the Environment Agency, Internal Drainage Board and LLFA in respect of the appropriate consenting regime (to be confirmed, but for example, Ordinary Watercourse Consent, Flood Defence Consent and/or Impoundment Licence). The consenting and licensing process will provide the framework for the next iteration of the design in assessing and managing flood risk.</p>
	<b>Response by Environment Agency at Deadline 2</b>	The sites are, in principle, suitable from a flood risk perspective and this will be assessed in detail through the application for a Flood Risk Activity permit.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC would defer to Natural England and the Environment Agency on the technical issues of how the hydrological characteristics of the site relate to its suitability for ecological mitigation. However, in our LIR [REP1-049] at paras. 8.31-8.36 we discuss the difficulty of creating fen meadow mitigation sites. SCC remains concerned about the viability of these mitigation proposals and awaits details demonstrating their feasibility.
	<b>Response by SZC Co. for Deadline 3</b>	Please see <b>Chapter 8 of Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) addressing these concerns directly.
FR.1.18	Environment Agency, Suffolk County Council	<p><b>Main Development Site FRA Addendum [AS-157]</b></p> <p><b>Surface Water Drainage</b></p> <p>Paragraph 5.1.46, What is your view of the suitability of the proposals at this stage of the development?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by Environment Agency at Deadline 2</b>	The Lead Local Flood Authority leads on surface water matters.

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	[AS-157] primarily focuses on coastal and fluvial flood risk. The Environment Agency leads on these topics. [AS-157] does however include the temporary outfall. Whilst SCC acknowledge the need for a temporary outfall prior to CDO construction, the parameters for use of this temporary outfall must be clearly identified. What areas will it serve? Will it be an emergency overflow, or an outfall used for more common rainfall events? Further comment on the suitability of the sites proposed surface water drainage strategy is provided in response to FR.1.74.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is preparing a technical note which sets out the principles of operation for the temporary marine outfall, to share initially with stakeholders including SCC, and for formal submission into Examination at Deadline 5.
FR.1.21	East Suffolk Internal Drainage Board, Environment Agency, Suffolk County Council	<b>Sizewell Link Road FRA [APP-136]</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	Following submission of the Application, the Applicant has undertaken further assessment and carried out revised hydraulic modelling that considers flood risk to the Sizewell link road. The updated assessment includes modelling for watercourse crossings SW4 and SW7 as well updates to the remaining watercourse crossings in line with comments provided by the Environment Agency. The updated Flood Risk Assessment and accompanying hydraulic modelling report will be submitted into the examination as addenda to the original documents. The updated Flood Risk Assessment is currently being reviewed by the Environment Agency, Suffolk County Council (as Lead Local Flood Authority) and East Suffolk Council (including in their role on the Suffolk Resilience Forum).
	<b>Response by Environment Agency at Deadline 2</b>	We have been consulted on a FRA Addendum for the Sizewell Link Road. This now includes detailed survey and modelling of all seven of the proposed watercourse crossings.  SW7 has now been surveyed and modelled, both for the baseline and with-scheme scenarios. The baseline modelling showed that the water ponded on the floodplain adjacent to the B1122, and weired over in high flows. The proposal is to extend the existing culvert under the B1122 to incorporate the SLR, and to include a spillway on the left hand bank to allow water to flow onto the floodplain, and so maintain the capacity of



ExQ1	Question to:	Question:
		<p>the culvert. A new box culvert will be installed under the SLR to maintain the floodplain flows in this location. The modelling shows that there will be an increase in flood depths upstream of the SLR and box culvert with an increased flood depth of 0.1 m, however this is within the site boundary. No properties are impacted as the nearest are 300 m away and the flood levels are not increased in this location. The SLR itself is 0.72 m above the worst case extreme 0.1 (1 in 1000) AEP with 65 % climate change so will remain dry in all flood events. The adjacent floodplain storage overspill area floods in all modelled events including the 20 % (1 in 5 year) annual probability event, with 0.27 m increase in depth of water compared to the existing situation in this event. The proposed flood depths are shown on Figure SZC_Bk5_5.6Ad_C_FigB7.1, and the existing flood depths are shown on SZC_Bk5_5.6Ad_C_FigA7.1. The plan showing the difference in depths (FigC7.1) is incorrect as it does not show the increase shown on the 'with scheme' plan B7.1. In the design 1 % with 35 % climate change event there is an increase of 0.05 m depth on the floodplain compared to existing. The water will weir over the B1122 in the 1 in 20 year event, as is currently the case, however it will happen approximately 1.5 hours sooner in the with scheme scenario than happens currently, although the maximum flood depth on the B1122 road is only 0.01 m higher.</p> <p>We have requested SZC contact the highways authority to determine whether that they are in agreement with this. The landowner of the area of floodplain storage should be consulted to determine whether they agree to the 0.27 m deeper depths in the 5 % event, and 0.05 m deeper in the 1 % with 35 % cc design event. If these agreements are not obtained then the Examining Authority should determine whether this increase in flood depths and timings is acceptable.</p> <p>The modelling of the other six crossings show that no properties are at an increased risk of flooding as a result of the works. However there are two other small areas of land and roads which would experience deeper flood depths as a result of the works, both of which are within the site boundary and which are as follows: Upstream of SW3 there is an increase of 0.22 m flood depth for a distance of 40 m along Hawthorn Road as shown on Figure SZC_Bk5_5.6Ad_C_FigC3.8, the road is already at risk of flooding to approximately 0.4 m in this event as shown on Figure SZC_Bk5_5.6Ad_C_FigA3.8. Upstream of SW6 there is an increase in flood depth of up to 0.4 m over an area of land approximately 40 m by 40 m, or 1600 m<sup>2</sup>, as shown on Figure SZC_Bk5_5.6Ad_C_FigC6.1. This area of land is not currently at risk of flooding in this event as shown in SZC_Bk5_5.6Ad_C_FigA6.1. We have requested that SZC obtain landowner permission for these areas of increased flood depth and/or that the Examining Authority determine whether they consider the increases in flood risk to land and roads to be acceptable.</p>

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Internal Drainage Board for Deadline</b>	The ESIDB is aware that further modelling work for Sizewell Link Road is being undertaken. The ESIDB would like to reserve further comment until this has been shared with the ESIDB.
	<b>Response by Suffolk County Council for Deadline 2</b>	Further modelling work for the Sizewell Link Road (including SW4 & SW7) is being undertaken by the Applicant, in discussion with SCC and the Environment Agency. This work is ongoing.
	<b>Response by SZC Co for Deadline 3</b>	The <b>Sizewell Link Road Flood Risk Assessment Addendum</b> , which includes the additional modelling, was submitted into Examination at Deadline 2 [REP2-026]. SZC Co. is preparing a further Update to address specific queries raised on this document by the Environment Agency, for submission into Examination at Deadline 5.
FR.1.28	Environment Agency	<b>Water Framework Directive Compliance Assessment (WFDCA) Part 2 or 4 [APP-621]</b> 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?
	<b>Response by SZC Co for Deadline 2</b>	This paragraph is intended to acknowledge that broader ecological data and assessments were produced to inform the ES chapter and shadow HRA. However, only information directly relating to WFD quality elements was included in the summary of baseline conditions in Leiston Beck presented in <b>section 2.5 c) iii) of Part 2 of the WFD Compliance Assessment [APP-621]</b> . Environment Agency guidance confirms that these parameters should be considered in WFD Compliance Assessment; see, for example, ' <i>Clearing the Waters For All</i> <sup>1</sup> '.

<sup>1</sup> GOV.UK. Clearing the Waters for All Guidance. Defra 2016. Last updated 9 November 2017. Available from: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>.

ExQ1	Question to:	Question:
	<b>Response by Environment Agency at Deadline 2</b>	Yes, this is an acceptable approach. Chemical elements, including specific pollutants and physiochemical elements, will be considered through construction or operational permits and through the Construction Code of Practice.
	<b>Response by SZC Co for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
FR.1.48	The Applicant, Relevant Authorities	<b>Flood Risk Emergency Plan (FREP) Appendix F [AS-170]</b> The Suffolk Resilience Forum comments in Appendix A of the FREP: <ul style="list-style-type: none"> <li>(i) Do they relate to this version of the FREP?</li> <li>(ii) If not, have they been consulted on this version; and</li> <li>(iii) Provide any additional comments they may have made.</li> </ul>
	<b>Response by SZC Co. for Deadline 2</b>	<ul style="list-style-type: none"> <li>(i) The comments in <b>Appendix A</b> of the <b>MDS FREP</b> [AS-170] were provided in response to the draft template of the MDS FREP, which only contained outline headings and sub-headings. The draft template was submitted to the Suffolk Resilience Forum as part of the engagement process to agree on the required content and format of the MDS FREP. These comments do not relate directly to the <b>MDS FREP</b> [AS-170], however the comments were taken into account during the production of the <b>MDS FREP</b>.</li> <li>(ii) The Applicant has submitted the <b>MDS FREP</b> as <b>Appendix F</b> of the <b>MDS FRA Addendum</b> [AS-170] as part of the Change Application in January 2021. The Applicant is awaiting formal feedback from the Suffolk Resilience Forum.</li> <li>(iii) Suffolk Resilience Forum to date has not provided comments on the <b>MDS FREP</b> submitted in the Change Application; however, the Applicant will engage with the Suffolk Resilience Forum to address these once received.</li> </ul>
	<b>Response by East Suffolk Council for Deadline 2</b>	This question is for the Applicant to answer.
	<b>Response by Suffolk</b>	Response by Emergency Planning: <ul style="list-style-type: none"> <li>(i) Yes, the comments relate to this version of the FREP.</li> </ul>

ExQ1	Question to:	Question:
	<b>County Council for Deadline 2</b>	(ii) Not applicable. (iii) There are no further comments to be made at this stage.
	<b>Response by SZC Co. for Deadline 3</b>	A draft template setting out the structure of the FREP was provided to East Suffolk Council on 18 August 2020. On 2 November 2020 SZC Co. received a letter from the Suffolk Resilience Forum, dated 28 October 2020. This letter was included as Appendix A to the FREP that was subsequently prepared as Appendix F to the <b>Main Development Site Flood Risk Assessment Addendum</b> [AS-170], and submitted to PINS as part of the Change Application in January 2021. SZC Co. has not received comments from the Suffolk Resilience Forum on the FREP submitted to PINS in January 2021.
FR.1.49	Environment Agency	<b>Main Development Site (MDS) - Flood Risk Emergency Plan (FREP) Appendix F [AS-170]</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency for Deadline 2</b>	We consider that the FREP does address our previous concerns regarding the safety of people during flood events. Once the Proposed Development is operational there should not be a risk of flooding from either overtopping or breach, until 2140, by which time there would be only limited activities on the site. The main period of risk to people would be during construction, particularly regarding the works to Sizewell Drain as fluvial flood depths in this area are 0.7 m during a 1 in 5 year event with climate change up to the end of the construction period, with a flood hazard rating of 'Danger for Most including the General Public'. The FREP details pre-construction actions including registering with the Environment Agency Floodline Warning Direct Scheme however neither the Sizewell Drain, nor the Leiston Ditch where the SSSI crossing is to be constructed, are covered by fluvial Flood Alerts or Flood Warnings. The Construction Phase does recommend that the construction contractor subscribes to weather warnings from the Met Office which will warn when heavy rain is forecast, and that both Environment Agency tidal flood warnings and Met Office weather warnings should be used to set evacuation triggers from the construction sites. The recommendation for evacuation is set as the Severe Flood Warning or Red Met Office Weather Warning.

ExQ1	Question to:	Question:
		<p>However a small rural watercourse such as Sizewell Drain could flood in a lower warning such as a Flood Alert, Flood Warning or Yellow or Amber Weather Warning, so it may be beneficial for this aspect of the FREP to be amended, or for construction workers to evacuate if river levels start to rise, regardless of the level of warning received.</p> <p>The FREP states that Measures related to working in the fluvial flood zone will be developed further within the Flood Risk Activity Permit Application post-DCO'. SZC have stated that the management of the safety of the construction workers for the realignment of Leiston Drain will be addressed further in the FRAP and that these 'safety measures would also be reviewed and reflected in the FREP which would be subject to update once design and approach to construction are confirmed'.</p> <p>The relevant Emergency Planner and the Examining Authority will need to determine whether the FREP is adequate to ensure the safety of the site and workers during construction.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
FR.1.64	Environment Agency and other Relevant Authorities	<p><b>Appendix 19F – Monitoring and Response Strategy [APP-309]</b></p> <p>Provide comment on the Monitoring and Response strategy set out in this document.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Please note that <b>Volume 2, Appendix 19F</b> of the <b>ES</b> was updated by the <b>Volume 3, Appendix 2.14.A</b> of the <b>ES Addendum</b> [ <a href="#">AS-236</a> ].
	<b>Response by Environment Agency at Deadline 2</b>	<p>The report briefly discusses the rationale for the location of surface water gauges but does not discuss the groundwater monitoring locations and why they were specifically chosen. We appreciate the monitoring has been installed over a period of time for many different purposes but it would be useful to document why the locations in the current monitoring plan have been selected, as we need to be confident that the monitoring has been installed at the most appropriate locations and that it captures all the areas that are most sensitive to water level changes.</p> <p>Looking at the table of monitoring points (19F.1), it lists the shallow geology being monitored, but there is no additional detail of monitoring in relation to specific ecology etc. which would be useful if certain monitoring points have been installed to help assess water levels in relation to specific ecology.</p>

ExQ1	Question to:	Question:
		<p>Discussions regarding water levels within the SSSI were complex and involved many other consultees, EA and non-EA. The aim was to create a water level monitoring plan for the site mentioned in 19F 1.3.2 but that plan has not yet been produced. The plan will be developed collaboratively with many different specialists involved and realistically all those stakeholders are required to ensure that this proposed monitoring scheme is appropriate and has captured all aspects of the water environment in proximity to the Sizewell works. Section 1.3.3 it is unclear which monitoring plan is being referred to. The WLMP yet to be drawn up or the 'onsite' monitoring plan. It would have been helpful to have explained the difference in the monitoring plans at the start of this.</p> <p>The monitoring strategy proposed is appropriate and we look forward to seeing the detailed monitoring plans in the future</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC defers to the Environment Agency and East Suffolk Internal Drainage Board to provide detailed commentary on the suitability of the current monitoring regime the Applicant has in place across the Sizewell estate.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The suitability of the monitoring network within the Sizewell Marshes SSSI was agreed with stakeholders early in the characterisation of the site. Stakeholder engagement is ongoing with respect to future monitoring, continuing to build on pre-submission engagement. Baseline monitoring works are also currently ongoing as agreed with stakeholders. There is a well-established monitoring network both within the Sizewell Marshes SSSI and the surrounding area that forms the basis for the initial monitoring network, which will be adapted as necessary as the development progresses.</p> <p>The Water Monitoring and Response Strategy (<b>Volume 2, Appendix 19F</b> of the <b>ES</b> as updated by the <b>Volume 3, Appendix 2.14.A</b> of the <b>ES Addendum</b> [<a href="#">AS-236</a>]) commits to a monitoring plan for approval by East Suffolk Council and is secured through Requirement 7. All references to the "monitoring plan" within the strategy correspond accordingly.</p> <p>At paragraph 1.3.3, the strategy separately considers a future opportunity to use the findings and data from the DCO submission, strategy and monitoring plan to support an update to the Water Level Management Plan (WLMP) for the Sizewell Marshes SSSI. This plan is owned by the East Suffolk Internal Drainage Board and the mechanism for updating the WLMP sits outside and is distinct from the DCO.</p>

ExQ1	Question to:	Question:
FR.1.74	Environment Agency, Suffolk County Council, East Suffolk Council, East Suffolk Internal Drainage Board	<b>Outline Drainage Strategy (ODS) [APP-181]</b> Provide any comments you have on the coverage and content of the ODS at this stage.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency at Deadline 2</b>	The Environment Agency is content with the coverage and content of the Outline Drainage Strategy regarding water management. It explains the various site locations and required expectations from a strategic level at this stage.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>The ODS referred to is for the Main Development Site [APP-181] only and ESC supports its provision as an outline document to be adhered to in detailed submissions under Schedule 2 of the draft DCO requirement for surface and foul water drainage to be submitted to ESC for approval following consultation with the Environment Agency, Natural England, East Suffolk Internal Drainage Board and SCC in their role as Lead Local Flood Authority. ESC agrees that the proposals must be based on sustainable drainage principles and must be constructed and maintained in accordance with approved details. One such principle is that the strategy is designed to mimic existing run-off patterns where possible, and the sustainable drainage hierarchy is to be followed.</p> <p>ESC acknowledges that there are gaps in proposals so far and we defer to the Environment Agency, East Suffolk Internal Drainage Board and SCC as Lead Local Flood Authority to expand upon the detail further.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<b>Main Development Site (MDS)</b> [APP-181] provides some details on the Main Development Site (MDS) construction surface water drainage strategy. Whilst indicative Water Management Zones (WMZs) have been identified, insufficient detail has been provided regarding how surface water will be managed in each WMZ. For example, [APP-181], paragraph 3.3.9, details the proposed method of surface water disposal for each WMZ. However, where infiltration is proposed, this is not directly supported by the results of infiltration testing, and where infiltration is not proposed, justification has not been provided for this deviation from the surface water

ExQ1	Question to:	Question:
		<p>disposal hierarchy, set out in the Executive Summary of [APP-181]. In addition to the above point, once more detail is provided, consideration must be given to how the proposed surface water drainage strategy may impact the surrounding environment, not just in terms of flood risk, but also biodiversity. This will include detailed discussions with other stakeholders. This is a point for consideration during the DCO as any restriction on discharge rates from the site will influence the space required for attenuation in order to deliver satisfactory mitigation. The above covers MDS during construction, SCC would also highlight that no details have been provided detailing how surface water will be managed during the operation of the proposed development. Whilst part of the site will be subject to a nuclear safety case and will therefore require a different approach, other areas must be demonstrated to comply with national and local policy, guidance and best practice.</p> <p><b>Main Development Site (MDS) &amp; Associated Development Sites (ADS)</b></p> <p>To date, no supporting information has been provided to demonstrate that proposed attenuation features are sized sufficiently to manage the required attenuation volumes (which also have not been quantified). No details have been provided to demonstrate that the proposed surface water strategies provide sufficient surface water treatment. The methodology for assessing surface water hazard &amp; mitigation is not identified in [APP-181]. The use of SuDS to manage and treat surface water must be prioritised. Not having sufficient space for SuDS is not suitable justification. Sufficient space for SuDS should be identified and protected prior to other site uses being identified.</p>
	<p><b>Response by East Suffolk Internal Drainage Board for Deadline 2</b></p>	<p><b>Main Development Site (MDS)</b></p> <p>APP-181 provides some details on the Main Development Site (MDS) construction surface water drainage strategy. Whilst indicative Water Management Zones (WMZs) have been identified, insufficient detail has been provided regarding how surface water will be managed in each WMZ.</p> <p>The ESIDB would also highlight that no details have been provided detailing how surface water will be managed during the operation of the proposed development. Whilst part of the site will be subject to a nuclear safety case and will therefore require a different approach, other areas must be demonstrated to comply with national and local policy, guidance, and best practice.</p> <p><b>Main Development Site (MDS) &amp; Associated Development Sites (ADS)</b></p> <p>To date, no supporting information has been provided to demonstrate that proposed attenuation features are sized sufficiently to manage the required attenuation volumes (which also have not been quantified). Additionally, the ODS has not been evidenced by infiltration testing (both where infiltration is proposed and where it has been discounted in favour of a discharge to a watercourse). As the viability of the ODS is not</p>



ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>supported by infiltration testing, the impact of the ODS on the surrounding environment cannot be fully assessed.</p> <p>Reference is also made to <b>SZC Co.'s Response to the Councils' Local Impact Report</b> (Doc Ref. 9.29). Since Deadline 2, SZC Co. has informally provided technical notes on the construction phase MDS water management zone drainage designs to ESC, SCC and the ESIDB. These will also be provided to the EA. These include an updated basic drainage design document (second iteration) for the LEEIE site. The notes provide a summary of infiltration testing, an acknowledged key parameter in the delivery of SuDS drainage features. These technical notes demonstrate that a SuDS-led drainage strategy can be achieved for the MDS and LEEIE sites within the Order Limits. The notes also set out SZC Co.'s approach and methodology to pollution assessment and treatment. On receipt of comments, and subject to revision, these will be entered into the Examination at Deadline 5.</p> <p>Each WMZ will be sized and operated appropriately to the conditions required in that zone. This will be dependent on the requirements for infiltration, allowable discharge sympathetic to the environment and in accordance with the SuDS Manual. Each WMZ has been assessed to include source control, local management (e.g. swales, ditches etc.) and regional SuDS structures (WMZ detention basins). This is in accordance with the recommendations of the CIRIA SuDS manual (C753). The preliminary sizing of the SuDS structures both Local and Regional is based on a worst-case scenario. This approach is conservative but ensures that sufficient land is attributed for the use of SuDS and is appropriate at this stage of <b>Outline Drainage Strategy</b> [REP2-033]. As the Detail Design progresses and more refined knowledge of the site is available, the SuDS structures will be further developed to determine control structures and physical geometric dimensioning appropriate for the use in that zone.</p> <p>In respect to biodiversity, SZC Co.'s key reference point is drawn from the Ciria SuDS Manual (C753). As represented throughout the application, this document is the foundation on which SZC Co.'s SuDS approach has been developed. We draw attention to the Introduction to the manual (page 6) which highlights the "Four Pillars" of SuDS. One of these pillars is Biodiversity. By observance of this manual we are applying the principles of Biodiversity in mimicking the natural environment; this represents one of the key tenets of SZC Co.'s approach. The <b>Outline Drainage Strategy</b> [REP2-033] sets out a number of opportunities for biodiversity, which may be applied during both construction and operation, for example in the design and use of infiltration trenches, planted swales and tree pits.</p> <p>The <b>Outline Drainage Strategy</b> [REP2-033] provides the overarching principles and approach for the operational drainage arrangements. SZC Co. acknowledges that these designs are less advanced as the associated likelihood of impacts on people and the environment is considerably smaller than the wider catchment and drainage requirements during construction and because the detail is reserved to be</p>

ExQ1	Question to:	Question:
		approved by the authorities at the appropriate time. The knowledge brought from developing the construction phase drainage designs will be used to inform the eventual operational designs, which will be presented to the Councils for approval through Requirement 5 following the grant of the DCO.
<b>Chapter 16 - HW.1 Health and wellbeing</b>		
HW.1.0	ESC, SCC, CCG, Sizewell Health Working Group	<b>Methodology</b> (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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) Although ESC has been a member of the Sizewell C Health working Group, we do not have a public health responsibility. It is our understanding that the methodology [APP-346] has been agreed with that Group, but we leave to others to expand further. However, the focus has been on the impacts arising from bringing a workforce and their families into the locality rather than health impacts the construction and development may have on existing residents. However, the assessment does consider aspects of the proposal with the potential to influence health such as change in air quality which is an area of ESC's responsibility along with noise exposure. Crossreferencing between documents is a challenge that could have been avoided by having a comprehensive assessment in one chapter. (ii) ESC defers to SCC as local highway authority to determine if the methodology for determining the degree of intimidation from traffic is acceptable. (iii) Elements of the findings in this part of the ES have been adequately justified but it cannot be said that they all have, given identified gaps including wider health and wellbeing impacts of the increase of traffic, influx of workers etc. on mental health as a result of stress and anxiety. Community safety concerns of the project and their impact on health and wellbeing of existing residents are not considered. See section 30 of the LIR [REP1-045] for further detail.

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) SCC considers that the methodology and scope of [APP 346] does not result in the provision of a comprehensive overview of health and wellbeing impacts, as a) While cross-referring to other DCO documents with regard to other determinants (e.g. transport, access to health services), it does not provide a clear overview of the health and wellbeing impacts of a number of these determinants;</p> <p>b) it omits a number of determinants of health and wellbeing, including construction impacts on natural environment and detrimental impacts on its enjoyment, adverse impacts on amenity and recreation, and the perception of community safety; and</p> <p>c) it does not fully consider all of these determinants in combination with regard to their impact on the affected communities and their health and wellbeing;</p> <p>d) The methodology set out in Environment Statement (ES) Chapter 10 (Volume 2 Main Development Site Chapter 10 Transport) [APP-198] and ES Addendum (Volume 1: Chapter 2 Main Development Site) [AS-181] is not yet fully agreed due to outstanding queries.</p> <p>(ii) As set out in the LIR [REP1-049], SCC agrees with the Applicant that construction traffic has adverse impacts in terms of accidents and road safety; access and accessibility; community severance; and pedestrian fear and intimidation, as set out in para 18.6.17 of [APP 346]. The LIR sets out locations where mitigation is required to reduce these impacts. However, SCC considers there will be an important residual impact on local communities affecting the wider health and wellbeing of its residents. We consider that the assessment in [APP 346] is somewhat narrow, as these road traffic impacts are likely to have an impact on mental health and reduce the attractiveness to e.g. walk and cycle in the area which has an impact on amenity, mental health and physical health. With regards to the specific assessment of Fear and Intimidation, the methodology of assessment in relation to Fear and Intimidation, as set out in ES Chapter 10 (Volume 2 Main Development Site Chapter 10 Transport) [APP-198] and in ES Addendum (Volume 1: Chapter 2 Main Development Site) [AS-181], is still to be agreed, on issues such as the sensitivity of links and the representative hour at some locations (e.g. surrounding schools, nurseries).</p> <p>SCC considers the magnitude of impact for Fear and Intimidation as reasonable in terms of total traffic and HDV classification (based on The Guidelines for the Environmental Assessment of Road Traffic), however:</p> <p>a) the criteria mentions speed which is not considered in the assessment</p> <p>b) Total vehicle flows used in the Fear and Intimidation section of the ES Addendum [AS181] assessment are not currently correct, especially near Marlesford, and these are, we understand, being updated by the Applicant's consultant within a separate Technical Note to be provided.</p> <p>(iii) SCC considers that the effects during the construction phase have been too narrowly defined and/or too narrowly considered in terms of in-combination impacts across the project: The summary in Table 28.9</p>

ExQ1	Question to:	Question:
		<p>in [APP 346] indicates that the main factors that have been considered during the construction phase relate to noise and air quality (as well as road accidents, health care impacts and socio-economic factors). The assessment indicates the noise and air quality impacts on health and wellbeing as being minor adverse or negligible adverse. This does not seem to take account the wider health and wellbeing impacts of the increase of traffic on mental health, as result of stress and anxiety, and physical health as healthy lifestyles may be affected as a result of reduced amenity. No consideration seems to have been given to health and wellbeing impacts from e.g. perceived and real community safety concerns, housing impacts, reduced enjoyment of the natural environment and amenity and recreation.</p> <p>The LIR sets out in its Quality of life and wellbeing chapter (chapter 30) a more comprehensive overview of expected impacts on quality of life and wellbeing. It also includes an overview of impacts and proposed mitigation measures on e.g. highway related impacts and health impacts.</p> <p>In summary, SCC disagree that impact on quality of life, health and wellbeing are not significant. We consider there to be residual adverse impact on quality of life and wellbeing, particularly when considering the combined impacts across the project, which will also affect the health of our communities. In addition to further embedded mitigation in the various subject areas (as set out in the LIR), SCC considers there to be a residual impact on quality of life, health and wellbeing. This needs to be reflected in scope and scale of the proposed Community Fund.</p>
	<p><b>Response by Ipswich and East Clinical Commissioning Group for Deadline 2</b></p>	<p>The CCG remain concerned that methodology and scope for assessment does not go far enough within APP346 to establish the impacts of the proposed development on the community. Many comparisons with Hinkley Point C are not suitable as the demographic and local health outcomes between the two areas are significantly different. The summary</p> <p>of effects detailed in table 28.9 show low impact and negligible adverse effects on the local population. One of the main differences is the road network, in Leiston and the surrounding roads for access to the development, there are narrow busy streets to navigate high volumes of HGV traffic which will have a significant impact on the community regarding health effects from Air quality, noise and flow rate of traffic with the potential to cause accidents and injury, all of which are stated as not significant impacts. The travel impact assessment talks about average journey times over the entire day and doesn't recognise the challenge of traffic at peak times. It is essential that the impact on journey times are recognised and appropriately mitigated against. There is no recognition of the impact of local traffic movement whilst the proposed link road and roundabout at Yoxford is constructed which will take the first 2 years of the construction period to be available. During this time the impact will predominantly be on the health and wellbeing of the local community and could disrupt access to healthcare services including the ability for GP and District Nurse visits.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>The CCG do not recognise that the findings of this part of the ES have been adequately justified and are working with the applicant to review the data which has been used as part of the methodology used throughout APP346</p> <p><b>ESC AND SCC RESPONSE</b></p> <p><b>Cross-referencing (ESC)</b></p> <p>The Health and Wellbeing assessment (<b>Volume 2, Chapter 28</b> of the <b>ES</b> [<a href="#">APP-346</a>]) draws from and builds upon a number of technical disciplines, cross referencing to and summarising the most relevant information and key outputs from the inter-related technical disciplines that inform the Health and Wellbeing assessment. Where cross referencing is used, the Health and Wellbeing chapter replicates or paraphrases the relevant text within those chapters.</p> <p>Cross referencing was necessary to avoid repetition and to keep the Health and Wellbeing chapter as concise and user friendly to communities as possible. This is as requested by the Health Working Group at its inception.</p> <p><b>Range of impacts considered (ESC / SCC) / Outcome of assessment (SCC)</b></p> <p><u>Overview</u></p> <p>It is important to firstly distinguish between tangible health impacts and broader wellbeing/quality of life impacts. As explained in paragraph 28.6.119 of the Health and Wellbeing chapter (<b>Volume 2, Chapter 28</b> of the <b>ES</b> [<a href="#">APP-346</a>]), there are a number of factors which influence an individual's wellbeing and quality of life, which include emotions such as stress and anxiety. The tangible aspects associated with the proposed development which underlie local community risk perception have been investigated and addressed within the Health and Wellbeing chapter, which provides a robust assessment supported by an appropriate scientific evidence base. The assessment is therefore intended to help address local community concerns and perceived risk in addition to informing decision making.</p> <p>The intangible and more subjective aspects which are often not possible to quantify have been explored and addressed through meaningful consultation, to inform and refine the proposed development. Should consent be granted, engagement with local communities will be maintained during construction and operation to investigate, address and respond to concerns. Details of the Sizewell C Project's approach to communication, community and stakeholder engagement are set out in the <b>Code of Construction Practice</b> [<a href="#">REP2-056</a>].</p> <p>The remaining sections focus on how the tangible aspects raised above have been addressed.</p>

ExQ1	Question to:	Question:
		<p><u>Increase in traffic (ESC / SCC)</u></p> <p>As detailed in <b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b> [APP-346], , the potential change in traffic-associated noise and air pollutant emissions are not of a nature, timing, magnitude or exposure sufficient to quantify any measurable change in local population health outcomes.</p> <p>The assessment of accidents and road safety, pedestrian severance, pedestrian amenity and pedestrian fear and intimidation (which are all considered relevant to health and wellbeing) are all addressed within <b>Chapter 10</b> of the <b>Consolidated Transport Assessment</b> [REP2-045].</p> <p>As the most direct health and wellbeing hazard resulting from changes in transport nature and flow rate is human injury resulting from road traffic accidents, the assessment of health and wellbeing effects in <b>Volume 2, Chapter 28</b> of the <b>ES</b> [APP-346]) further communicates the potential effects on accidents and road safety. While the wider health and wellbeing impacts associated with the increase in traffic (i.e. pedestrian severance, pedestrian amenity and pedestrian fear and intimidation) were not further communicated in <b>Volume 2, Chapter 28</b> of the <b>ES</b> [APP-346]), SZC Co. considers that these were sufficiently assessed in the <b>Transport Assessment</b> [REP2-045].</p> <p>A package of transport and public realm improvements in Leiston have been developed in consultation with Leiston Town Council, East Suffolk Council and Suffolk County Council. Proposals include one-way streets, wider footways, gateway features, crossings and cycle facilities to control speeds, discourage Sizewell C traffic and improve the attractiveness to pedestrians and cyclists. Valley Road is also proposed to be closed to motorised traffic to create a suitable route for cycling and walking between Leiston and the main site. Any change in the status of a street will be carried out in accordance with the process set out in Article 22 of the draft DCO. Further details are provided in response to TT.1.68, TT.1.69 and TT.1.87.</p> <p><u>Community safety concerns (perceived and real) (ESC / SCC)</u></p> <p>Perception of community safety is addressed within the "General stress and anxiety impacting upon quality of life and wellbeing" section of the Health and Wellbeing assessment (<b>Volume 2, Chapter 28</b> of the <b>ES</b> [APP-346])). Here, it is explained that the tangible aspects associated with the proposed development which underly local community risk perception have been investigated and addressed through a robust assessment supported by an appropriate scientific evidence base. The assessment is therefore intended to help address local community concerns and perceived risk in addition to informing decision making.</p> <p>From the LIR, it seems that community safety concerns are primarily in relation to the influx of the non-home based workforce. In relation to this specifically, all credible socio-cultural hazards have been</p>

ExQ1	Question to:	Question:
		<p>investigated and assessed, and further addressed through a series of mitigation measures - summarised within the <b>Community Safety Management Plan</b> <a href="#">[APP-635]</a> - including provision of project accommodation and an on-site occupational health service, as well as implementation of a Worker Code of Conduct. The <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) will provide a Public Services Resilience Fund and contributions to the emergency services which will also support community safety.</p> <p>The intangible and more subjective aspects which are often not possible to quantify, have been explored and addressed through meaningful consultation, to inform and refine the proposed development. Should consent be granted, engagement with local communities will be maintained to investigate, address, and respond to questions and concerns. Details of the Sizewell C Project's approach to communication, community and stakeholder engagement are set out in the <b>Code of Construction Practice</b> <a href="#">[REP2-056]</a>.</p> <p><u>Construction impacts on natural environment and detrimental impacts on its enjoyment, adverse impacts on amenity and recreation (SCC)</u></p> <p>The potential impact upon amenity, local community facilities and areas of open space, important to supporting good health and wellbeing, is addressed fully within the Amenity and Recreation assessment (<b>Volume 2, Chapter 15</b> <a href="#">[APP-267]</a> and <b>Volumes 3-9, Chapter 8</b> of the <b>ES</b> <a href="#">[APP-366]</a>, <a href="#">[APP-397]</a>, <a href="#">[APP-429]</a>, <a href="#">[APP-464]</a>, <a href="#">[APP-497]</a>, <a href="#">[APP-526]</a>, <a href="#">[APP-558]</a> A2. For the sake of brevity, it was not considered necessary to replicate the results of this within the Health and Wellbeing chapter.</p> <p>In a health and wellbeing context, while reduction in amenity may deter use of a specific resource, this does not remove the opportunity to engage in a physical activity or live a healthy lifestyle on the basis that comparable and accessible alternative resources exist.</p> <p><u>In combination assessment (SCC)</u></p> <p>Several health determinants are assessed within <b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b> <a href="#">[APP-346]</a> – all of which vary in magnitude of impact, geographic distribution (i.e. the communities they affect) and how they can potentially impact health/wellbeing outcomes. As an example, communities experiencing adverse changes in noise exposure are not necessarily the same as those experiencing adverse changes in air quality as the location of the pollution source and distribution of the impact is not necessarily the same.</p> <p>On this basis, it is not possible to predict the in-combination effects of all health determinants assessed on the affected communities with any meaningful degree of accuracy. While this is the case, as set out in</p>

ExQ1	Question to:	Question:
		<p><b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> [APP-195], SZC Co. would provide a Community Fund to ensure that residual in-combination effects of the Sizewell C Project may be addressed and to enable communities to maximise the opportunities offered by the Sizewell C Project.</p> <p><u>Disagreement that impact on quality of life, health and wellbeing is not significant (SCC)</u></p> <p>SCC considers there to be a residual adverse impact on quality of life and wellbeing, which needs to be reflected in scope and scale of the proposed Community Fund.</p> <p>The result of the assessment reported in <b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b> [APP-346] is that there would be a likely minor adverse impact on health and wellbeing that would not be significant (see also <b>Chapter 30</b> of <b>SZC Co. Response to the LIR</b> (Doc Ref. 9.29). However, SZC Co. agrees that the Community Fund would be an appropriate tool to address residual effects on quality of life and wellbeing during the construction phase.</p> <p><u>Conclusion</u></p> <p>On the above basis, SZC Co does do not agree that there are any gaps in the assessment or that the residual effects assessed are not correct. However, SZC Co. does agree that, as per Section 30 of the LIR, residual impacts on wellbeing, while intangible, can be addressed through a Community Fund.</p> <p><b>CCG RESPONSE</b></p> <p><u>Use of Hinkley Point C data</u></p> <p>SZC Co. recognises that the local demography and health circumstance of the communities surrounding Sizewell C and Hinkley Point C are different. The local demography and health circumstance of the communities living within the study area (East Suffolk) is captured within the locally specific baseline environment assessment detailed in <b>Volume 2, Chapter 28, Appendix 28C</b> [APP-347] and summarised in section 28.4 of <b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b> [APP-346]. The baseline environment assessment for the Health and Wellbeing chapter does not include any information relating to communities living around Hinkley Point C.</p> <p>The only data used from Hinkley Point C relates to the split of home-based and non-home-based construction workforce / likely number of dependents moving to the area associated with the non-home-</p>



ExQ1	Question to:	Question:
		<p>based construction workforce and the number of medical referrals to the external health service that have occurred during the construction of Hinkley Point C so far.</p> <p>As outlined in <b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b> [APP-346], Hinkley Point C is uniquely comparable to Sizewell C because it is similar in type and scale, will require a similar workforce to build (in some cases, exactly the same people) and will necessitate similar occupational and public health requirements. On this basis, SZC Co considers the data to be comparable and suitable for the purposes of assessing the impact on external healthcare services. Data relating to Hinkley Point C does not influence any assessment of health and wellbeing associated with changes in transport nature/flow rate, air quality or noise exposure.</p> <p>The only data that could improve the accuracy of the impact assessment on external healthcare services is local referral rates and cost data from the CCG (e.g. the number and average cost of one GP appointment or the average cost of one hospital A&amp;E visit with no overnight stay). This has been requested from the CCG.</p> <p><u>Peak journey times and the Yoxford roundabout</u></p> <p>The potential health and wellbeing effects associated with construction of the Sizewell link road and Yoxford roundabout have been assessed in <b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b> [APP-346], assuming the implementation of mitigation and monitoring measures detailed within an effective <b>Code of Construction Practice</b> [REP2-056].</p> <p>As set out in <b>Volume 7, Chapter 2</b>, paragraph 2.4.24 of the <b>ES</b> [APP-480], Yoxford roundabout would be largely constructed offline, avoiding the need for long-term temporarily road closures or the diversion of the A12 in this location. Traffic management measures would be required during construction of the tie-ins back to the A12 and B1122 once the roundabout is constructed. This would likely comprise shuttle working under traffic light control when the two A12 and B1122 tie-ins are being undertaken. Each is anticipated to last approximately two weeks and access to properties on the south side of the site would be maintained throughout construction.</p> <p>The Sizewell link road would also be largely constructed off-line (noting its route predominantly through agricultural land). As set out in <b>Volume 3, Appendix 6.2.A</b> of the <b>ES Addendum</b> [AS-243], tie-ins which would be built on-line using temporary traffic management provided to minimise disruption to public traffic, utilising off-peak traffic management where possible.</p>

ExQ1	Question to:	Question:
		<p>This largely removes the potential for disruption on the existing road and therefore it is incorrect to state that access by healthcare services, including GP and District Nurse visits, would be impeded for 2 years.</p> <p><u>Review of data</u></p> <p>The CCG notes that it is working with the applicant to review the data which has been used as part of the methodology used throughout [APP-346] (<b>Volume 2, Chapter 28</b> (Health and Wellbeing) of the <b>ES</b>. To clarify, there was some concern from the CCG that the assessment assumed spare health care capacity. This was not the case. No spare health care capacity has ever been considered available, and all health care services were classed as high value and highly sensitive community assets. The ongoing work is in relation to confirming healthcare services cost data to calculate the residual health care fund. SZC does not intend to rework any of <b>Volume 2, Chapter 28</b> of the <b>ES</b> [APP-346] and stands by the data used and assessment conclusions set out within that chapter.</p> <p>SZC Co welcomes continued discussions with the CCG in order to agree the scope and quantum of mitigation to be secured in the <b>Deed of Obligation</b> (latest draft Doc Ref 8.17(D)).</p>
HW.1.2	The Applicant, SCC, ESC part (ii)	<p><b>Severance</b></p> <p>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.</p> <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>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Response to (i)</u></p> <p>The purpose of the Sizewell link road and two village bypass is to mitigate the environmental effects on local communities associated with the Sizewell C Project. Were these new roads not provided, the communities of Stratford St Andrew, Farnham, Yoxford, Middleton Moor and Theberton would experience an increase in traffic, resulting in adverse environmental effects, including adverse severance effects. With the new roads in place, general traffic and Sizewell C traffic will be diverted away from these communities and onto the new</p>

ExQ1	Question to:	Question:
		<p>roads, which will result in beneficial environmental effects within the communities as a result of the lower traffic flows. The beneficial environmental transport effects within these communities once the new roads are in place are summarised in <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> <a href="#">[AS-181]</a>.</p> <p>However, any new road/bypass brings new severance effects. The alignment of the two village bypass dissects existing public rights of way (PRoW). The Sizewell link road alignment dissects existing PRoW as well as a number of rural roads. The severance effects of the new roads crossing the existing public rights of way are summarised in <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> <a href="#">[AS-181]</a>. In order to mitigate these effects, a new non-motorised user bridge is proposed over the two village bypass as well as over the Sizewell link road at Pretty Road. In addition, junctions have been provided along Sizewell link road to provide access to the existing network of rural roads.</p> <p>It is considered that the new roads themselves provide mitigation of severance effects within communities that would have been experienced if the roads were not provided. Furthermore, the new roads have been designed to provide connectivity across the roads both for non-motorised users and vehicles.</p> <p>The <b>Equality Statement</b> <a href="#">[APP-158]</a> paragraphs <b>1.6.28-1.6.31</b> notes that severance, delay, amenity, or fear/intimidation effect from traffic has the potential to differentially affect people with particular protected characteristics, where that characteristic affects their mobility. It goes on to note that any effects on transport may potentially disproportionately affect older people but that due to the mitigation set out above, no equality effects are expected to arise.</p> <p><u>Response to (ii) and (iii)</u></p> <p>No response from SZC Co. is required.</p>
	<p><b>Response by East Suffolk Council for Deadline 2</b></p>	<p>Part ii) only</p> <p>ESC considers that severance will be an issue for residents on the A12, B1122 (particularly early years), Two Village Bypass and the Sizewell Link Road. Severance as an issue is being looked at in some areas but further work may be necessary to manage this. The existing provision for crossing roads will need to be considered alongside PRoWs that exist. There is potential for further crossing points to have a detrimental impact on the free flow of traffic in the location creating localised issues of noise (brakes screeching), pollution (from exhausts), and delays.</p> <p>The question of whether there are more adverse effects than have been reported relates primarily to highway traffic impacts, ESC defers to SCC for that assessment.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>i) SCC does not consider that the Applicant's proposals sufficiently minimise the impact of severance on communities, and considers that there are number of locations that require, or in some instances may require, mitigation. SCC also notes that the Applicant's methodology is not yet fully agreed due to outstanding queries (see part (ii) of this answer and its findings cannot be accepted at this stage. Thus, the level of proposed mitigation for severance is not deemed acceptable at this stage.</p> <p>All locations with concerns cannot be identified at this stage as methodology is still to be agreed; however, those locations where SCC currently considers mitigation for traffic impacts are (or may be) required, including for severance, are set out in Tables 3 and 4 in LIR Annex M (examination library reference pending), as well as in our Relevant Representation [RR-1174] and Table 13/14 of the LIR [REP1-049].</p> <p>The Rights of Way &amp; Access Strategy relates only to the main development site. SCC has asked that the principles outlined in para 1.1.14 (APP-270) apply to all affected sites including the Sizewell Link Road. The Strategy does not currently address the effects of increased traffic on public users for the wider highway network such as the A12.</p> <p>That being said, the Applicant's proposals do include a number of mitigation measures to reduce the impacts of severance associated with road traffic; these are supported by SCC and include:</p> <ul style="list-style-type: none"> <li>• Provision of the Sizewell Link Road (for those communities currently on the B1122 between Middleton Moor and east of Theberton but not in the early years) [note that, as set out in the LIR, SCC supports the Sizewell Link Road for the construction period only, and requests for it to be removed afterwards].</li> <li>• Provision of the Two Village Bypass (for residents currently living on the A12 at Farnham and Stratford St Andrew, but not in the early years).</li> <li>• Provision of the Lover's Lane crossing facilities.</li> <li>• Leiston Improvement Scheme</li> <li>• Wickham Market Improvement Scheme</li> <li>• Marlesford and Little Glemham Transport Contribution</li> <li>• Routing of HGVs and buses on the most suitable routes available.</li> <li>• Park and Ride facilities to reduce construction workforce vehicle movements on the road network east of the A12 and north and south of their respective locations.</li> <li>• Direct bus services to/from relevant communities.</li> <li>• Accommodation campus and LEEIE caravan park to reduce construction workforce vehicle movements.</li> </ul>

ExQ1	Question to:	Question:
		<p>The Environmental Statement (REF) shows significant levels of severance associated with the Two Village Bypass and the Sizewell Link Road. To minimise this impact, access for users of rights of way and highways severed by the new roads has been maintained, although not necessarily on the direct line and (except for one overbridge on each relief road) necessitating passing over the carriageway via an uncontrolled crossing.</p> <p>ii) The methodology set out in Environment Statement (ES) Chapter 10 (Volume 2 Main Development Site Chapter 10 Transport) [APP-198] and ES Addendum (Volume 1: Chapter 2 Main Development Site) [AS-181] is not yet fully agreed due to outstanding queries. Severance reported in Chapter 10 of 6.3 Volume 2 Main Development Site and the Transport chapter of ES Addendum is still be agreed in terms of methodology of assessment. This relates to sensitivity of links and representative hour at some locations (e.g. surrounding schools, nurseries).</p> <p>The magnitude of impact used by the Applicant for severance is in line with the 'Guidelines for the Environmental Assessment of Road Traffic', however professional judgement has been used. Further clarification on the use of professional judgement has been sought from the Applicant.</p> <p>The findings and mitigation are therefore not deemed reasonable at this stage. A revised methodology could result in additional adverse effects which will not be known until the methodology is agreed. Notwithstanding this, SCC has identified those locations that we currently consider require, or may require, mitigation, with regards to impacts that include severance these include communities along the A12, B1122, B1125, A1120 and the B1069 corridors. See the LIR [REP1-049] for further discussion.</p> <p>iii) See answers (i) and (ii) above</p> <p><b>See also answer HW.1.10 regarding Equality.</b></p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. continues to liaise with the Councils to address comments on the environmental transport assessment summarised in <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181]. An update will be provided in due course in terms of agreement on the methodology, assessment and significant impacts. See response to TT.1.119 in relation to the on-going work on the Environmental Transport Effects methodology. Also, the <b>Initial Statement of Common Ground</b> with East Suffolk Council and Suffolk County Council [REP2-076], items ET01 to ET12 set out the current position in relation to the ES methodology of assessment and assessed effects. The <b>Initial Statement of Common Ground</b> with East Suffolk Council and Suffolk County Council [REP2-076], ref. MI05 to MI18 describe the position in relation to mitigation in addition to that proposed by SZC Co.</p>
HW.1.3	Relevant local authorities, CCG	<p><b>Severance</b></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</p>

ExQ1	Question to:	Question:
		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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	See answer at HW.1.2. above, currently this matter is continuing to be discussed with the Applicant with the aim to resolve outstanding concerns.
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC does not currently agree but is continuing to work with the Applicant to aim to resolve our concerns. <b>See details in answer to HW.1.2.</b>
	<b>Response by Ipswich and East Clinical Commissioning Group for Deadline 2</b>	Suffolk County Council and East Suffolk Council are managing this area of expertise. Please refer to the local authority responses.
	<b>Response by SZC Co. for Deadline 3</b>	See response to TT.1.119 in relation to the on-going work on the Environmental Transport Effects methodology. Also, the <b>Initial Statement of Common Ground</b> with East Suffolk Council and Suffolk County Council [ <a href="#">REP2-076</a> ], items ET01 to ET12 set out the current position in relation to the ES methodology of assessment and assessed effects.
HW.1.4	The Applicant, SCC, ESC	<b>On Street Parking B1078</b> 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.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>The expressed concern relates to proposals presented at Stage 3 consultation where there was an option for the temporary removal, and provision elsewhere, of on-street parking places on the B1078 between Border Cot Lane and River Deben bridge to create a more continuous two-way road in order to minimise potential delays. This has not been taken forward to the application for development consent and has not been considered.</p> <p>Sizewell C has been working with representatives from the local parish council to agree a mitigation scheme for Wickham Market to be provided for within the <b>Deed of Obligation</b> (Doc Ref 8.17(C)). The development of this scheme is focussed on improving the safety and amenity for pedestrians and road users within the village and incorporates:</p> <ul style="list-style-type: none"> <li>• Village gateways consisting of a lane width build-out, designed to reduce the speed of vehicles.</li> <li>• Carriageway narrowing to remove opportunities for misjudgement by creating a space that is clearly single file, with a distinct start and end to each section. The design includes wider footpaths where they are most needed.</li> <li>• Clear convenient places to cross the road utilising pedestrian build-outs. Where possible, these crossings have been positioned adjacent to footways that lead to adjacent streets, providing greater visibility for users whilst also highlighting their location.</li> </ul> <p>Any loss of on street parking in order to deliver this scheme will be very limited.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Provision of disabled parking has been a matter of discussion with Wickham Market Parish Council as part of the Applicant's discussions for alterations to Wickham Market town centre to mitigate for the southern park and ride. No final agreement has been reached regarding what, if any, provision will be made. Formal restrictions to provide disabled bays would be included within a traffic regulation order. Alternatively, informal (but unenforceable) disabled bays can be provided without legislation. In either case the bays would be available to any road user with the necessary dispensation, not just residents. This has not, to ESC's knowledge, been considered as part of any equalities assessment.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>Provision of disabled parking has been a matter of discussion with Wickham Market Parish Council, but no final agreement has been reached regarding what, if any, provision will be made. Formal restrictions to provide disabled bays would be included within a traffic regulation order. Alternatively informal (but unenforceable) disabled bays can be provided without legislation. In either case the bays would be available to any road user with the necessary dispensation, not just residents. This has not, to SCC's knowledge, been considered as part of any equalities assessment.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	See response to AR.1.22 in relation to proposed scheme on the B1078 through Wickham Market, and effect on on-street parking. The scheme has been developed in consultation with Wickham Market Parish Council, SCC and ESC and is subject of on-going discussions. The proposed improvements at Wickham Market do not form part of the Sizewell C DCO and instead are to be funded by SZC Co. via an obligation within the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) and delivered by Suffolk County Council. The scheme proposals are expected to be put to public consultation in summer 2021, which would be a consultation outside of the DCO process. The approach to public consultation is part of ongoing discussions with Wickham Market Parish Council and SCC. See <b>Statement of Common Ground</b> with East Suffolk Council and Suffolk County Council (ref. MI09) [ <a href="#">REP2-076</a> ] for status of on-going discussions on the Wickham Market Improvement Scheme.
HW.1.9	SCC, ESC	<b>Equality Statement</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	(i) and (ii) ESC defers to SCC as local highway authority to answer this question as it relates to transport effects.
	<b>Response by Suffolk County Council for Deadline 2</b>	i) The Equality Statement [APP 158] states at paragraph 1.6.40 that the assessment contained within Volume 2, Chapter 10 of the ES [APP-198] does not identify any significant adverse transport effects on schools, nurseries, places of worship, GP surgeries and community facilities after mitigation. The methodology set out for assessment within the ES, and the subsequent ES Addendum [AS-181], is not yet fully agreed therefore the conclusion drawn within the Equality Statement remains under discussion and is not fully agreed by SCC. The criteria applied to define the impact on the sensitivity of the receptor on the links assessed is not agreed by SCC due to concerns over the criteria utilised and as well as a slight inconsistency in application. SCC also seeks clarification with regard to differences between the impacts



ExQ1	Question to:	Question:
		<p>identified by the Applicant on the sensitivity of the receptors and those identified within the assessment made in relation to the East Anglia ONE North Offshore Windfarm application. Further discussions are required between SCC and the Applicant. Notwithstanding the above, there are a number of locations on the highway network with construction traffic impacts which are in proximity to referenced facilities, including the following:</p> <ul style="list-style-type: none"> <li>• A12 Woodbridge; including in near proximity to a High School.</li> <li>• B1125 through Westleton; including adjacent to a village hall, church and public house. • A1120 through Yoxford; including adjacent to a primary school, public house and convenience store.</li> <li>• A12 through Yoxford: public house</li> <li>• A1120 at Peasenhall / Sibton; including adjacent to a nursery, a church, convenience stores, and in near proximity to another church</li> <li>• B1122 through Theberton; including adjacent to a church and public house.</li> <li>• B1069 at Coldfair Green / Knodishall, including adjacent to public houses and in close proximity to a primary school, church, village hall and a residential home.</li> <li>• A12 Little Glemham; including adjacent to a public house and on route to a church.</li> <li>• A12 Marlesford; including adjacent to a farm shop and café.</li> <li>• A12 Blythburgh: convenience store and public house and in close proximity to the church</li> <li>• Many of these locations correspond to those locations where SCC currently believes</li> <li>• mitigation for traffic impacts is (or may be) required due to severance, as set out in</li> <li>• Tables 3 and 4 in LIR Annex M [REP1-058].</li> </ul> <p>ii) The mitigation can be secured through obligations in the s106 agreement but with the exception of Wickham Market, Leiston, Marlesford and Little Glemham no mitigation has yet been secured.</p>
	<b>Response by SZC Co. for Deadline 3</b>	See response to TT.1.119 in relation to the on-going work on the Environmental Transport Effects methodology. Also, the <b>Initial Statement of Common Ground</b> with East Suffolk Council and Suffolk County Council [ <a href="#">REP2-076</a> ], items ET01 to ET12 set out the current position in relation to the ES methodology of assessment and assessed effects.
HW.1.10	The Applicant, SCC, ESC, CCG	<p><b>Equality Statement</b></p> <p>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]</p>

ExQ1	Question to:	Question:
		<p>(i) Please provide an update on the progress of the S106</p> <p>(ii) Do the Councils and CCG regard this as an appropriate method of mitigation?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Response to (i)</u></p> <p><b>Schedule 5</b> of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) sets out the progress on development of the Public Services Resilience Fund (renamed from Contingency at SCC's request). This includes within its scope <i>'Social Care Resilience Measures... including: (a) measures to provide resilience to workforce planning within Suffolk County Council's Adult Social Care and Children's Services including support for recruitment, training, and retention of staff'</i></p> <p><u>Response to (ii)</u></p> <p>No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>(i) ESC continues to progress section 106 discussions with the Applicant.</p> <p>(ii) With specific reference to difficulties associated with recruiting and retaining staff, ESC defers to SCC to respond in detail as this is a challenge they will face alongside other public services that is not specific to ESC.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>(i) SCC continues to be in discussion with the Applicant the detail of the S106, including provisions in relation to the Public Services Contingency Fund. Whilst SCC supports the principle of a Public Services Contingency Fund, discussions are still be had with the Applicant in relation to the scale, content, criteria and governance of the Fund, so cannot confirm at this stage whether the provisions are appropriate mitigation. We note that the Applicant has not yet clarified in how far the Public Services Contingency Fund would be accessible to organisations other than the two local authorities, therefore it is not clear whether the health system could access this funding; SCC would support such flexibility in the fund to allow for effective multi-agency preventative and responsive measures. SCC is pro-actively working with the CCGs, ESC and the Applicant to develop such an approach.</p> <p>(ii) As set out in the LIR (para 27.28-27.31 [REP1-049]) SCC is concerned that labour market churn could result in a shortage of health, social work and care workers to provide health, social care, and care services, which could have a negative effect on the level of care and support available. SCC considers that the Public Services Contingency Fund can play a role to mitigate for impacts on the social care and health sector, and considers that there may be role of the fund to fund measures to provide resilience to workforce planning within SCC's Adult Social Care and Children's Services including support for recruitment, training, and retention (as proposed in Schedule 5 of the Draft Section 106 Agreement). It is</p>

ExQ1	Question to:	Question:
		<p>noted that, at the moment, the proposals to not include the wider health system, but SCC considers that the workforce in community health services will be affected in a similar way to the workforce of Adult Social Care and Children's Services; therefore coordinated mitigation would be desirable.</p> <p>However, SCC considers that, to address specifically the concerns in respect of difficulties associated with recruiting and retaining staff and deal with negative impacts of labour market churn on the deliverability of adult social care services and community health care provision, the main method of mitigation should be embedded in the Applicant's mitigation package for employment skills and supply chain activities, which would complement the provisions of the Public Services Contingency Fund,. Therefore, SCC expects that employment, skills and supply chain activities put forward by the Applicant include measures to mitigate such adverse impacts on other employment sectors, in particular health and social care sectors. (see LIR para 25.14)</p>
	<p><b>Response by Ipswich and East Clinical Commissioning Group for Deadline 2</b></p>	<p>The CCG would look to the applicant to sign up to a non competitive approach when recruiting staff for their onsite facility to ensure public sector organisations do not find themselves in a negative retention situation.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>(i) The scope of the Public Services Resilience Fund ("PSRF") as drafted in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) allows for both SCC and ESC to commission multi-agency activities combining social care with Public Health Suffolk (including mental and sexual health) services and initiatives including community liaison and third party support for specific issues which SCC considers are required as a result of potential effects arising from the Project and the Sizewell C construction workforce.</p> <p>This is set out at Schedule 5 (Definitions) of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) under the terms of the Social Care Resilience Measures (SCC) and Local Community Safety and Community Health Measures (ESC). Under the scope of both elements of the PSRF it is stated that measures can be provided by the Councils or by such multi-agency groups or third parties as each Council considers is a fit and proper person to provide the initiatives required to address the impacts of the Project.</p> <p>(ii) SZC Co welcomes the recognition that the PSRF includes funding for workforce resilience within social care. The Project does not currently foresee this extending to community healthcare, subject to discussion. The social care sector is a specific statutory service identified as having potential difficulty in recruiting and retaining staff, which the Council contends could be exacerbated by the Project.</p>

ExQ1	Question to:	Question:
		<p>Primarily, this is an economic function of the wage paid to staff in this sector, and an individual moving to a new job, if it is better paid, is a positive economic effect.</p> <p>Nonetheless, SZC Co recognises that the Project may result in some vacancies being harder to fill, both in construction and non-construction roles that are needed by the Project, and as such has developed a range of measures within Schedule 7 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) including a Jobs Service to enable backfilling in those circumstances.</p>
HW.1.11	Ipswich and East Suffolk, CCG, West Suffolk CCG	<p><b>Anchor Institution</b></p> <p>(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.</p> <p>(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.</p> <p>(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?</p> <p>(iv) How would the CCG wish to see this issue addressed?</p> <p>(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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Ipswich and East Clinical Commissioning Group for Deadline 2</b>	<p>(i) An anchor institution is an organisation who by its very nature is a key influencer and the Integrated Care System of which the CCG is part of has a charter which we would encourage the applicant to sign up to the charter which would ensure collaboratively as public sector organisations and a global organisation we could actively commit to focusing on maximising influence over the socio-economic wider determinants of health and wellbeing in our communities. The CCG had this as a point to note rather than an expectation to determine mitigation within the DCO.</p> <p>(ii) The CCG are working with the applicant to closely as part of the health working group to work through our concerns. The CCG do not wish to progress this further within the examination process.</p> <p>(iii) The CCG have produced some further data which has been provided to the applicant in the form of a data sharing agreement in order to ensure that the mitigation is based on the latest findings.</p>

ExQ1	Question to:	Question:
		<p>(iv) The CCG would like assurance that the applicant will review the revised data in line with the proposed mitigation and continue to work with the healthcare service through the Health working group to support future requirements.</p> <p>(v) The most active county is a website launched in 2012 as Suffolk's legacy programme from the Olympic and Paralympic games and Suffolk has a long term ambition to become the most active county in England. Most active county works with local and national partners across sectors to create, promote and commission physical activity opportunities. This was a statement in our representation rather than a concern that requires further examination of the applicant.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p><u>Review of data (iv)</u></p> <p>The CCG seeks assurance that the applicant will review the revised data. As set out in response to HW.1.1. above, SZC Co requested specific healthcare services cost data to calculate the residual health care fund. In response to this, the CCG provided their own calculation of the impacts rather than the raw data requested. SZC Co. does not consider that it is necessary or appropriate to revise <b>Volume 2, Chapter 28</b> of the <b>ES</b> [<a href="#">APP-346</a>] and considers that the data used and assessment conclusions set out within that chapter remain valid.</p> <p>SZC Co. welcomes continued discussions with the CCG in order to agree the scope and quantum of mitigation to be secured in the <b>Deed of Obligation</b> (latest draft Doc Ref 8.17(D)).</p>
HW.1.17	ESC, SCC, CCG, Suffolk Safeguarding Partnership	<p><b>Vulnerable Groups</b></p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC considers that table 1.1 in [APP-158] accurately reflects the disproportionate effect of the construction impacts on the elderly. ESC would like it noted that the "Study on the impacts of the early stage construction of the Hinkley Point C (HPC) Nuclear Power Station" (Oxford Brookes University 2019, commissioned by the ESC, SCC and other new nuclear local authorities) (LIR Appendix 2: 1 [REP1-089]) questions whether the wellbeing of the communities local to HPC is being adequately monitored, referring

ExQ1	Question to:	Question:
		<p>particularly to the possible impacts on older residents, and whether the Community Impacts Mitigation fund effectively responds to project impacts on local wellbeing (page 35).</p> <p>ESC considers that in defining mitigation and compensation measures, it should be carefully considered how the disproportionate effect of the impacts on the elderly can be reflected/addressed, e.g., in the scope of the community fund, and in embedded mitigation measures.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC considers that table 1.1 in [APP 158] accurately reflects the disproportionate effect of the construction impacts on the elderly. SCC wishes to note that the "Study on the impacts of the early-stage construction of the Hinkley Point C (HPC) Nuclear Power Station" (Oxford Brookes University 2019, commissioned by the SCC and other local authorities) (LIR Appendix 2:1 [REP1-089]) questions for HPC whether the wellbeing of the communities local to HPC being adequately monitored, referring especially to the impacts on the older residents, and whether the Community Impacts Mitigation fund effectively responds to project impacts on local wellbeing (page 35). SCC considers that in defining mitigation and compensation measures, it should be carefully considered how the disproportionate effect of the impacts on the elderly can be reflected, e.g. in the scope of the community fund, and in embedded mitigation measures.</p>
	<b>Response by Ipswich and East Clinical Commissioning Group for Deadline 2</b>	<p>Please find a formal response from the Suffolk Safeguarding Partnership chair [Please refer to <a href="#">REP2-139</a> for response.]</p> <p>The CCG remains of the same stance as what has been stated in our RR (RR-500) that the equality assessment is not adequate in supporting the potential affects on the older population.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co considers that the mitigation and enhancement measures – both embedded within the Development Consent Order and secured as additional mitigation through the <b>Deed of Obligation</b> (latest draft Doc Ref. 8.17(D)) – respond to the impacts of the Project and the sensitivities of those people and communities affected by them.</p> <p>In its decision making, the Secretary of State must be assured that the governance and implementation of measures has regard to differential and disproportionate effects on people with Protected Characteristics under the Equality Act (2010).</p> <p>SZC Co notes that in response to HW.1.23, Public Health England note that it is "<i>satisfied that the Environmental Statement and Equalities Assessment adequately address reasonably foreseeable direct or indirect effects on population health</i>".</p>

ExQ1	Question to:	Question:
		<p>Please refer to SZC Co's comments on response to AR.1.27 for further consideration of equality and the Public Sector Equality Duty under the Equality Act (2010).</p> <p><b>Specific Response to Suffolk Safeguarding Partnership</b> [<a href="#">REP2-139</a>; <a href="#">RR-1179</a>]</p> <p>SZC Co recognises the important role of the Suffolk Safeguarding Partnership (SSP) in ensuring the cross-agency protection of children and adults at risk in the county.</p> <p>SZC Co has been engaging closely with Suffolk County Councils Adult Social Care and Children and Young People's Services to-date to understand risks relating to safeguarding and community safety (summarised at paragraph 9.7.192 in <b>Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-195</a>]) and to define (subject to finalisation) the principles of a Public Services Resilience Fund and other measures both embedded and additional that would contribute to reducing risks for vulnerable people as a result of the Project.</p> <p>The SSP raise concerns related to (precis):</p> <ul style="list-style-type: none"> <li>a) Potential increase in prostitution and brothels, putting some people at risk of exploitation;</li> <li>b) The potential for a new County Line (East) to develop in response to the NHB workforce's disposable income;</li> <li>c) Fear of crime and exploitation, and changes to quality of life of older people;</li> <li>d) A lack of positive statement about securing work for people with mental health problems or a degree of disability;</li> <li>e) Demand for healthcare and emergency services;</li> <li>f) Lack of demonstration of improvement of well-being for older people;</li> <li>g) Traffic, environmental change and a transient population leading to anxiety;</li> <li>h) equity assessments for specific health conditions adversely affected by dust and noise pollution;</li> <li>i) Effects on the provision of care in the community (due to traffic);</li> <li>j) specific safeguarding concerns in the north of Suffolk relating to the high number and level of individuals with a learning disability within the community; and</li> <li>k) Sizewell C identifying a better legacy than the 35 years which to date has followed the construction of Sizewell B.</li> </ul> <p>SZC Co considers that all of the above risks have been taken into consideration when assessing potential effects across <b>Chapter 9</b> (Socio-economics) [<a href="#">APP-195</a>] and <b>Chapter 28</b> (Health and Wellbeing) [<a href="#">APP-346</a>] of <b>Volume 2</b> of the <b>ES</b>, and where relevant, considered as part of the <b>Equality Statement</b> [<a href="#">APP-158</a>],</p>

ExQ1	Question to:	Question:
		<p>and subsequently in the development of mitigation for identified risks within the DCO itself and the <b>Draft Deed of Obligation</b> across Schedules 3, 4 and 5 (Doc Ref. 8.17(D)).</p> <p>With regard to specific concerns raised by the Suffolk Safeguarding Partnership:</p> <p>SZC Co recognises concerns about exploitation related to the potential for increase in prostitution, brothels and drugs (via County Lines) as a result of the NHB workforce, and is working with both Suffolk County Council, East Suffolk Council and Suffolk Constabulary to address this. The workforce will be carefully managed – they will be subject to pre-employment check and security vetting before employment, will be subject to a Worker Code of Conduct, and will be regularly, randomly tested for drugs and alcohol. Taking part in risk-taking activity would put their employment at risk and has been an important deterrent at Hinkley Point C. Notwithstanding this, SZC Co is intending to take a precautionary and pro-active approach to these risks and has developed the scope of a Public Services Resilience Fund, intended to be used to extend existing initiatives and where relevant develop new ones within the remit of the Community Safety Partnerships and Safer Stronger Communities Board which include outreach, educational and support measures to safeguard potentially vulnerable people. SZC Co also recognises the importance of supporting the police to respond to crime and investigate potentially illegal activities, and as such is working to develop an appropriate mitigation package to support local policing.</p> <p>Fear of crime may be considered to lead to anxiety, leading to effects on quality of life for some people. SZC Co wants to reassure that pre-conceptions of the Project may be just that, and would be unlikely to manifest. Data from Hinkley Point C reported to the Socio-economic Advisory Board has shown that the rate of crime per worker is lower than that of the existing population, and that overall 'fear of crime' has not increased since the start of the Project.</p> <p>SZC Co proposes that an Outreach Fund and SZC Bursary are provided to improve social mobility and target areas where there are more barriers to the labour market in order to promote diversity and employability particularly in deprived areas. SZC Co is already working with Access Community Trust and Inspire Suffolk on this and welcomes the written representation from Inspire Suffolk [<a href="#">REP2-468</a>] which reads: <i>'I am writing in support of the work that the EDF - Sizewell C team are doing in engaging with ALL members of society in the wider Suffolk area in which my charity operates. Inspire Suffolk works to transform the lives of young people (particularly those between 16-24 years) who are in need of support and guidance either into education or the workplace. It is VITAL that ALL individuals, irrespective of background or circumstance, have the ability to transform their lives and I truly believe that the EDF - Sizewell C team share our goals to make sure that this happens. Thank you'.</i></p>



ExQ1	Question to:	Question:
HW.1.18	The Applicant, Suffolk Constabulary	<p><b>Community Safety</b></p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. is working towards agreeing Strategic Relationship Protocols (SRPs) with Suffolk Constabulary, Suffolk Fire and Rescue Service and the East of England Ambulance Service Trust.</p> <p>The SRPs will set out the roles and responsibilities of SZC Co. and each emergency service provider. These SRPs will be private agreements between SZC Co. and the emergency services.</p> <p>Where the roles and responsibilities in the SRPs require a financial contribution to be provided by SZC Co. to an emergency service provider, the scope and level of the financial contributions will be secured through <b>Schedule 4 of the Deed of Obligation</b> (Doc Ref. 8.17(C)) and so the Deed of Obligation will summarise, where relevant and applicable, the content of those SRPs. The Deed of Obligation will equally secure, and in doing so summarise where relevant and applicable, the commitments of SZC Co. set out in the SRPs which are considered necessary.</p>
	<b>Response by Suffolk Constabulary at Deadline 2</b>	<p>As the SRP is not a legally binding document, nothing within it will or can override established Police procedures and policy, including with regards to the Constabulary's response to calls for service. The Constabulary's focus during Examination is to secure adequate, appropriate and effective mitigation for the community of Suffolk through the terms of any DCO granted and an associated S106 Agreement.</p> <p>Given the lack of legal status, the Constabulary does not currently have strong views as to whether the SRP is a DCO requirement, a S106 planning obligation, or otherwise. The Constabulary will continue to work with the Applicant to establish how the two organisations can work together for the benefit of the existing Suffolk community and emerging community resulting from the SZC development</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
HW.1.19	The Applicant, Network Rail	<p><b>Rail Safety</b></p> <p>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.</p> <p>(ii) Please respond to this concern and advise if any mitigation could be provided to address this issue.</p>

ExQ1	Question to:	Question:
		(iii) If this were appropriate, how would it be delivered through the DCO?
	<b>Response by SZC Co. for Deadline 2</b>	SZC Co. and Network Rail are working together to identify level crossings on the East Suffolk line where there may be an increase in risk. If mitigations are required, these will be pursued by Network Rail as the asset owner and organisation with responsibility for the management of safety risks at the level crossings.
	<b>Response by Network Rail for Deadline 2</b>	<p>A high level review of impacts to level crossings users was undertaken on the East Suffolk Line between Ipswich and Saxmundham Junction. The key impacts are:</p> <p>Sectional Running times - An unacceptable increase in section running times would make it difficult for the signaller to inform members of public when it is safe to traverse a level crossing, this is purely as a result of the slower trains. Up to 5 locations have been identified and the introduction of new Miniature Stop lights are to be installed at these locations.</p> <p>Darsham Park &amp; Ride - Option to include Station Car Park in new Park &amp; Ride facility removing increased impact from station car park users who find it increasingly difficult to traverse the A12 to access the station. The only reasonable option is to traverse when the barriers are lowered, which means if they need to get an Ipswich bound train they have to cross the level crossing when the barriers are lowered and it is unsafe to do so.</p> <p>Middleton ABCL - Red Light Safety enforcement cameras should be installed ahead of any increase in traffic to Sizewell C, consideration should be given to installing lay-by's such that there is somewhere safe to park for those users required telephone to gain permission to cross the level crossing or confirm to the signaller they are safely over the level crossing.</p> <p>Operational freight pathing constraints will also be considered to eliminate issues at both Jetty and Bloss level crossings, trains must not be stopped in Woodbridge station to allow the single line to from Saxmundham to Melton to clear, this would cause a freight train to block Jetty level crossing, which is unacceptable. Trains will only traverse Melton AOCL+B crossing in the down direction in between the hours of 07:00 and 21:00, it is unacceptable for trains to pass in the up direction as this would block Bloss level crossing which is an operational boat yard, this would be acceptable in-between the hours of 21:00 and 07:00 as the likelihood of anybody using the crossing in between these times would be slim.</p>

ExQ1	Question to:	Question:
		(ii) Including the protective provisions requested by Network Rail would ensure that before track access was granted to the Applicant appropriate agreements and mitigation would need to be in place with Network Rail. In addition it could be a requirement in the DCO for the Applicant to agree a programme of mitigation with Network Rail before running any additional trains to the proposed development
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. continues to liaise with Network Rail. If mitigations are required, these will be pursued by Network Rail as the asset owner and organisation with responsibility for the management of safety risks at the level crossings.
HW.1.22	The Applicant, ESC	<b>Ozone</b> Please respond the concern raised in [RR-392] over the potential effects from the proposed development on the release/creation of ozone.
	<b>Response by SZC Co. for Deadline 2</b>	Ozone is not emitted from any activity during the construction or operation of the proposed development. Nitrogen oxides are emitted from construction traffic, mobile plant and diesel generators and these are precursors to the formation of ozone in the atmosphere. However, the reaction to form ozone takes several days and takes place gradually over long distances from the emission sources. Elevated ozone concentrations in south England are formed primarily as a result of emissions of precursors in France. Locally to an emission source of nitrogen oxides, ozone concentrations are actually reduced, since the ozone reacts with nitric oxide (NO). This is why ozone concentrations are lower in urban areas.
	<b>Response by East Suffolk Council for Deadline 2</b>	[RR-0392] states the Applicant has given insufficient attention to PM2.5 particulates of ozone pollution omitted without explanation, and notes ozone pollution levels have consistently exceeded government objectives in this region, levels which will increase as a result of Sizewell C traffic and congestion. Please see our detailed response at AQ.1.2.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
HW.1.23	ESC, SCC, CCG, East of England Ambulance Service, PHE	<b>Effects on Mental and Physical Health</b> 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.

ExQ1	Question to:	Question:
		(ii) Additionally, is there confidence that the mitigation proposed adequately addresses any concerns and that this is appropriately secured?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	(i) Is partially answered in our response at HW.1.0. Please also see the LIR [REP1-045] at sections 27: Public Services, 28 Community Impacts and 30 Quality of Life and Wellbeing. (ii) Further detail is required in relation to the Public Services Contingency Fund and Funding proposed to support the health services and emergency services.
	<b>Response by Suffolk County Council at Deadline 2</b>	(i) Impacts on mental and physical health are covered in SCC's answer to HW1.0. As referred to above, SCC does not consider the impacts on health and wellbeing, including on mental health, to have been properly addressed by the Applicant. The LIR [REP1-049] points out the secondary impact of a potential increase of mental health and missing person incidents requiring multi-agency responses. These will also affect the resourcing of Suffolk Constabulary as the usual first responders to such incidents. (ii) SCC considers that the public service impacts of mental and physical health impacts need to be addressed through scale and scope of the Public Services Contingency Fund and appropriate levels of contributions to the health system and Suffolk Constabulary, with appropriate monitoring measures. Further embedded mitigation to reduce the impacts on health and wellbeing, e.g. in relation to road safety measures or amenity and recreation enhancement, should be considered. The Community Fund should also consider the impacts on quality of life and wellbeing. <b>See also SCC's answer to HW1.0</b>
	<b>Response by Ipswich and East Clinical Commissioning Group for Deadline 2</b>	The CCG considers that the public service impacts of mental and physical health impacts need to be addressed through scale and scope of the Public Services Contingency Fund and appropriate levels of contributions to the health system including appropriate monitoring measures. Further embedded mitigation to reduce the impacts on health and wellbeing, e.g. in relation to road safety measures or amenity and recreation enhancement, should be considered. The CCG would like to propose that The health working group monitor the ongoing effects and agree steps in line with the Section 106 funding allocation.

ExQ1	Question to:	Question:
	<b>Response by Public Health England for Deadline 2</b>	PHE are satisfied that the Environmental Statement and Equalities Assessment adequately address reasonably foreseeable direct or indirect effects on population health. Local liaison and funding arrangements are proposed to be place via a s106 agreement to identify and agree mitigation for unintended consequences or unforeseen impacts. The proposed SoCG with PHE identifies the requirement to add monitoring to the s106 agreement and or Terms of Reference for the Community Safety Working Group, which includes representatives from the local public health teams.
	<b>Response by SZC Co. for Deadline 3</b>	The <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) sets out the details of the Public Services Resilience Fund and what this will cover - see Schedule 5. Governance will be through the Community Safety Working Group.
HW.1.24	ESC, SCC	<p><b>Sizewell Link Road</b></p> <p>In paragraph 2.126 of the ESC [RR-0342] adverse effects on 19 receptor groups are identified for residential receptors.</p> <p>(i) Are the mitigation measures proposed considered within the ES sufficient?</p> <p>(ii) Is the method of securing the mitigation appropriate and enforceable?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) Mitigation measures proposed within the ES [APP-451] are not sufficient and further work is being carried out with the Applicant to expand upon these further. In particular, the level at which a noise mitigation strategy will apply to receptor groups. This will require embedded mitigation as part of design development of the Sizewell Link Road and the potential for additional mitigating measures to be offered to the effected receptor groups.</p> <p>(ii) the noise mitigation strategy is proposed to be secured through the section 106 which is acceptable to ESC. We expect to continue to be involved in its evolution as an appropriate noise mitigation strategy with the right levels of monitoring and mitigation included.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	SCC considers it imperative that that all efforts are taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above SOAEL, as set out in the NPS EN-1. This means mitigating noise at source as first option, through the implementation of quiet road surfacing, road noise barriers and landscaping; once these options are exhausted, noise insulation for residual impacts should be offered to residents. SCC believe that this should be provided as part of construction of the Sizewell Link Road. It will

ExQ1	Question to:	Question:
		be necessary, as part of the mitigation strategy, for the Applicant to monitor the noise levels and provide a process where SCC can be periodically informed about road noise levels and any proposed actions to address them.
	<b>Response by SZC Co. for Deadline 3</b>	Further steps are under consideration which may be taken to mitigate and minimise adverse noise effects as part of the detailed design of the road, which may include the use of a quiet road surface. This was not originally proposed as this road surface is more expensive to maintain. However, this will be discussed with Suffolk County Council (SCC) and East Suffolk Council (ESC) and an update will be provided within the Statement of Common Ground at Deadline 5.
HW.1.25	ESC, SCC, CCG, Sizewell Health Working Group	<b>Methodology</b> (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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Please see response at HW.1.0.
	<b>Response by Suffolk County Council at Deadline 2</b>	See SCC's answer to HW1.0
	<b>Response by Ipswich and East Clinical Commissionin</b>	The CCG has no further comment to make regarding the methodology following on from their response in HW.1.0 The CCG stand with the Local Authority stance – Suffolk County Council. The Sizewell Health Working Group has not been established long enough to add any benefit to this question.

ExQ1	Question to:	Question:
	<b>g Group for Deadline 2</b>	
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes that there has been a significant turnover of members within the Health Working Group. However, the Health Working Group has been established since 2015, with the CCG in attendance since 2018. The CCG were also consulted during scoping in 2014 and 2019 [ <a href="#">APP-168</a> ]. On this basis, the Health Working Group (including the CCG) have actively participated in not only informing the agreed scope, focus and methodology of the health and wellbeing assessment; but facilitated more health conscientious planning tailored to local community health needs and public health priorities.
HW.1.27	The Applicant, Network Rail	<b>Change Request No. 2</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	Risk assessments have been completed on the level crossings on the Sizewell branch line which have identified that major interventions are not necessary from a risk perspective. Upgrades will however be made to level crossings to enhance the operational capability of the line, and avoiding the current requirement for trains to stop while the gates are manually operated. This will have the effect of also further reducing the already low risk at level crossings on the Saxmundham to Leiston branch line.  SZC Co. and Network Rail are working together to identify level crossings on the East Suffolk line where there may be an increase in risk. If mitigations are required, these will be pursued by Network Rail as the asset owner and organisation with responsibility for the management of safety risk at the level crossings.
	<b>Response by Network Rail for Deadline 2</b>	Network Rail and the Applicant undertook a high level review of impacts to Level Crossings on the East Suffolk Branch Line between Ipswich and Saxmundham Junction. The review covered all public level crossings, Passive footpaths and User Worked crossings. A systematic review of train lengths, anticipated barrier down times, signaller constraints, sightlines as well as impacts from additional HGV traffic over Level Crossings was undertaken, resulting in a list of impacted crossings. These crossings have mitigating actions identified and we are continuing to work together with SZc and the local authorities to ensure all appropriate actions are taken.  For most Level crossings the mitigation interventions involve the installation of Miniature Stop Light and overlay systems. These works are not complex in nature and require relevant agreements to be put in place to ensure timely delivery.  Some additional Level Crossings were identified as requiring some mitigation work to manage the risk so

ExQ1	Question to:	Question:
		<p>far as reasonably practicable. Network Rail will ensure these works have been delivered before any freight trains start to operate.</p> <p>Level Crossing impacts on the branch line from Ipswich to Lowestoft have not yet been reviewed.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
HW.1.28	The Applicant, Network Rail, Suffolk Constabulary, East of England Ambulance Service, Suffolk Fire and Rescue, SCC, ESC	<p><b>Change Request No. 2</b></p> <p>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 to Lowestoft line and the effect on severance of communities or impacts on emergency services.</p>
	<b>Response by SZC Co. for Deadline 2</b>	On the Ipswich to Lowestoft line and Sizewell branch the level crossing barriers would be down for approximately two to three minutes for the passage of each train, seven out of eight of which will operate overnight. This has been assessed in the <b>ES</b> [ <a href="#">APP-198</a> ] to have a minor adverse effect on driver delay, which would not be significant.
	<b>Response by Suffolk Constabulary at Deadline 2</b>	<p>The Constabulary refer in the first instance to the response given to this question by Suffolk County Council (SCC).</p> <p>The Constabulary is broadly supportive of measures that seek to reduce the volume of HGV movements but does have some concerns as to the impact on level crossing closures and the associated impact on police and other emergency service response times. The way in which policing is delivered across the county means that any additional waiting time at level crossings has the potential to impact on the response times of various policing units including roads and armed policing and dog units in addition to local emergency response units. Even additions short delays can have a significant impact on the Constabulary's ability to meet its response targets. The A1152 forms an important access route for</p>



ExQ1	Question to:	Question:
		significant parts of East Suffolk i.e. Bawdsey Peninsula, Bentwaters and Rendlesham and is thus particularly sensitive to any disruption.
	<b>Response by Network Rail for Deadline 2</b>	For the East Suffolk Line between Ipswich and Saxmundham Junction Network Rail anticipate that barrier down time will be significant however we believe the Level Crossing risks created by this are tolerable, notwithstanding any separate impacts to Emergency Service operations. Level Crossing impacts on the branch line from Ipswich to Lowestoft have not yet been reviewed.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Leiston Branch Line</p> <p>The most significant level crossing on the branch line is on Station Road, Leiston which is hand operated. Any significant delays would require emergency vehicles to divert via King George Avenue and Lovers Lane. However, ESC understands that this level crossing would only be used while the LEEIE sidings are in operation (early years only). The temporary "Green Rail route" level crossing on Abbey Road will impact on traffic, including emergency vehicles using the B1122. While the location will not affect access to Lovers Lane and Sizewell B, it would be a constraint on access to the north of there.</p> <p>The temporary "Green Rail route" level crossing on Buckleswood Road west of Leiston will have some localised impact on local movement although this is a minor road with low volumes of traffic. It is understood that the level crossing on King George Avenue will not be used as no trains access the sidings to the south.</p> <p>In terms of importance, the level crossing at Buckleswood Lane, just north of the B1119 Saxmundham Road is of next importance as this is a locally important north south link. This crossing would be affected both by trains using the "Green Rail route" and LEEIE sidings. The remainder of the level crossings are on minor roads and generally used by small numbers of local residents and landowners.</p> <p>A number of rights of way also cross the branch line although barriers are not generally present, and these are not used by emergency service vehicles. An increase in the number trains would have greatest impact on the B1122 Abbey Road and Buckleswood Lane (not Road) Level Crossings. The scale of the impact will depend on the timing of train movement as the majority of road movements at these locations is in the daytime. If additional trains result in long delays, particularly for those locations with manually operated barriers, alternative routes are limited and mostly on minor roads which could significantly increase journey or emergency service response times.</p> <p>Of greatest importance for a small number of residents and the emergency services is that a number of properties (Cottage Farm, Red Cottage Farm and Westhouse Farm) where the sole vehicular access is by private road or minor public highways via a level crossing.</p>

ExQ1	Question to:	Question:
		<p><b>East Suffolk Line</b></p> <p>An increase in the number of trains would have some impact, and this is considered to be greatest if these trains were operated at daytime primarily as they would have a significant impact on timetabling of the passenger service. However, the alternative, which is night-time operation of trains on the East Suffolk Line has potentially significant adverse impacts arising with regards to noise impacts on receptors living close to the railway line. This is discussed further at NV.1.18, 1.19, 1.26, 1.27, 1.28 and 1.29.</p> <p><b>Issues of delivering five Trains Per Day</b></p> <p>Network Rail are currently working with the Applicant to understand the level of impact that the operation of the freight trains will have on the branch line and East Suffolk Line. Eight level crossings are required to be upgraded on the Saxmundham to Leiston Line and 21 level crossing on the East Suffolk Line will require mitigation to operate four trains per day. Although paragraph 3.4.38 of Volume 9 Chapter 3 [APP544] states that is possible to run five trains per day on the East Suffolk Line, Network Rail has indicated that the requirement to operate four trains per day (albeit all at night) at speeds of 20mph or 10mph would present challenges for some Level Crossings. Operation during the day would present unacceptable circumstances at Melton Road Level Crossings and cause issues at Woodbridge and at Darsham level crossings. No further indication is provided about the likely affect across the rest of the rail network.</p> <p>There is not enough capacity at night to run a fifth train, so the operation of two freight trains during the day would be required. This would disrupt the running of two passenger trains between Lowestoft and Ipswich. ESC would like to see the delivery of a passing loop between Woodbridge and Saxmundham to create the additional capacity required for daytime running of freight trains. Any increase of trains is likely to affect waiting times and risk at level crossings such as Melton, Woodbridge, Darsham, Middleton, Haywards, Ferry Lane and at Westerfield, Bloss and Brick Kiln. For some footpath crossings, if they cannot be mitigated with Miniature Stop Lights, then closure and route diversion would be considered. Discussions are ongoing on this between the Applicant and Network Rail and progress is expected, but this remains a key concern.</p>
	<p><b>Response by Suffolk County Council for Deadline 2</b></p>	<p><b>Leiston Branch Line</b></p> <p>The most significant level crossing on the branch line is on Station Road, Leiston which is hand operated. Any significant delays would require emergency vehicles to divert via King George Avenue and Lovers Lane. However, SCC understands that this level crossing would only be used while the LEEIE sidings are in operation.</p> <p>The temporary "Green Rail route" level crossing on Abbey Road will impact on traffic, including emergency vehicles using the B1122. While the location will not affect access to Lovers Lane and Sizewell B, it would</p>

ExQ1	Question to:	Question:
		<p>be a constraint on access to the north of there. The temporary "Green Rail route" level crossing on Buckleswood Road west of Leiston will have some localised impact on local movement although this is a minor road with low volumes of traffic.</p> <p>It is understood that the level crossing on King George Avenue will not be used as no trains access the sidings to the south.</p> <p>In terms of importance the level crossing at Buckleswood Lane, just north of the B1119 Saxmundham Road is of next importance as this is a locally important north south link.</p> <p>This crossing would be affected both by trains using the "Green Rail route" and LEEIE sidings</p> <p>The remainder of the level crossings are on minor roads and generally used by small numbers of local residents and landowners.</p> <p>A number of rights of way also cross the branch line although barriers are not generally present, and these are not used by emergency service vehicles.</p> <p>An increase in the number trains would have greatest impact on the B1122 Abbey Road and Buckleswood Lane (not Road) Level Crossings. The scale of the impact will depend on the timing of train movement as the majority of road movements at these locations is in the daytime. If additional trains result in long delays, particularly for those locations with manually operated barriers, alternative routes are limited and mostly on minor roads which could significantly increase journey or emergency service response times.</p> <p>Of greatest importance for a small number of residents and the emergency services is that a number of properties (Cottage Farm, Red Cottage Farm and Westhouse Farm) where the sole vehicular access is by private road or minor public highways via a level crossing.</p> <p><b>East Suffolk Line</b></p> <p>An increase in the number of trains would have some impact, and this would be greatest if these trains were operated at daytime. SCC's main concern would be the A1152 level crossing in Melton which is on a part of the highway network under some stress during peak hours. The A1152 forms an important access route for significant parts of East Suffolk i.e. Bawdsey Peninsula, Bentwaters and Rendlesham and is thus sensitive to any disruption. This is particularly true for large vehicles where the alternative route is particularly onerous (A12-A1094-B1069) The impact of additional trains on minor road level crossings and Rights of Way will generally be minor on an individual basis but important when summed up across the route.</p> <p><b>Issues of delivering five Trains Per Day</b></p>

ExQ1	Question to:	Question:
		<p>Network Rail are currently working with The Applicant to understand the level of impact that the operation of the freight trains will have on the branch line and East Suffolk Line.</p> <p>Eight level crossings are required to be upgraded on the Saxmundham to Leiston Line and 21 level crossing on the East Suffolk Line (ESK) will require mitigation to operate four trains per day. Although paragraph 3.4.38 of Volume 9 Chapter 3 states that it is possible to run five trains per day on the East Suffolk Line, Network Rail has indicated that the requirement to operate four trains per day (albeit all at night) at speeds of 20mph or 10mph would present some challenges for some Level Crossings. Operation during the day would present unacceptable circumstances at Melton Road Level Crossings and cause issues at Woodbridge and at Darsham level crossings. No further indication is provided about the likely affect across the rest of the rail network.</p> <p>There is not enough capacity at night to run a fifth train, so the operation of two freight trains during the day would be required. This would disrupt the running of two passenger trains between Lowestoft and Ipswich. SCC would like to see the delivery of a passing loop between Woodbridge and Saxmundham to create the additional capacity required for daytime running of freight trains. Any increase of trains is likely to affect waiting times and risk at level crossings such as Melton, Woodbridge, Darsham, Middleton, Haywards, Ferry Lane and at Westerfield, Bloss and Brick Kiln. For some footpath crossings, if they cannot be mitigated with Miniature Stop Lights, then closure and route diversion would be considered. Discussions are ongoing on this between the Applicant and Network Rail and progress is expected, but this remains a key concern.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co.'s short response to this question at Deadline 2 provides the detail of the number, timing and frequency of closures at level crossings due to the passing of Sizewell C freight trains. The effects are limited in duration and 7 out of 8 movements occur at night (when severance and delay would be less significant), whilst the day time movement occupies an existing train path. These limited impacts are inherent in the use of rail, which the authorities strongly support but have been limited by the use of night time capacity. Network Rail's response is helpful in its assessment of any risk involved. There is some misunderstanding apparent in responses about the scale of level crossing intervention required. The best current understanding of the detail of potential level crossing interventions is provided in the Statement of Common Ground between SZC Co. and Network Rail, submitted at Deadline 2 [<a href="#">REP2-074</a>].</p>
<b>Chapter 17 - HE.1 Historic environment (terrestrial and marine)</b>		
<b>General</b>		

ExQ1	Question to:	Question:
HE.1.2	ESC, SCCAS, Historic England	<b>Overarching Written Scheme of Investigation (WSI)</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	An updated version of Overarching WSI has been produced which addresses comments received from SCCAS since January 2021. This is being finalised and will be submitted at Deadline 3.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC Archaeological Service and Historic England on this matter.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC have reviewed the updated Overarching WSI submitted by the Applicant and although are generally satisfied with its content, have requested minor amendments to ensure that it meets requirements and therefore enable this document to be approved by ourselves. The Applicant has subsequently revised this document in accordance with these comments and has indicated that they will submit the amended version of this document as part of the examination. This document provides the overarching strategy for ongoing archaeological assessment and mitigation for the project but will need to be supported by Site Specific WSIs for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s).
	<b>Response by SZC Co. for Deadline 3</b>	A revised <b>Overarching Archaeological Written Scheme of Investigation</b> has been submitted at Deadline 3 (Doc Ref. 6.14 2.11.A (A)) incorporating comments made by SCCAS and Historic England.
<b>Main Development Site (MDS)</b>		
HE.1.4	The Applicant	<b>Built Heritage Repair</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	Mitigation for the historic environment should be considered in totality: built heritage repair is only one part of this and there is a substantial commitment to mitigating effects on below ground archaeology both on and offshore.

ExQ1	Question to:	Question:
		<p>Mitigation is proposed for Upper Abbey Farm and the Leiston Abbey first and second sites so there will also be a substantial commitment to built heritage.</p> <p>SZC Co. considers that as all other effects on designated heritage assets would arise through change to setting, that the assessed effects do not require or justify proposals for further built heritage repair. SZC Co. further notes that primary and tertiary mitigation measures which address issues such as change to historic landscape character, visibility of the proposed development and noise effects, which interact with those proposed for other topic areas, such as noise and landscape and visual impacts would also reduce effects on the setting of heritage assets.</p> <p>More generally, the scope and scale of mitigation proposed in the DCO is determined from the assessment of effects so will not necessarily be equal across topic areas.</p>
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT is pleased to note that SZC Co. recognises the effects of the proposals on the Leiston Abbey Second Site. The scale of these effects and the mitigation required should continue to be discussed through the DCO process. Obligations and S106 discussions continue on a 'without prejudice' basis.</p> <p>To help mitigate the effects of the Sizewell C project on Leiston Abbey second site, EHT is proposing a comprehensive "Sustainable Conservation and Management Strategy" (SCMS) to provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving understanding of the site, enhancing the visitor experience, and promoting local community participation. This will help to better reveal the significance of the Abbey site.</p> <p>Turning to the suggested:</p> <p><i>"S106 contribution to provide for enhancements to the visitor experience is therefore proposed as additional mitigation to reduce the impact to minor adverse "</i></p> <p>EHT has shared its SCMS for Leiston Abbey second site with SCZ Co. and suggests that this is used as the basis for agreeing the necessary financial contribution that could be capable of reducing the scale of effects upon the scheduled monument and the associated listed buildings.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Detailed discussions with EHT regarding measures to be included within the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) are ongoing. SZC Co. agrees that the SCMS should be used as the basis for discussions.</p>
HE.1.5	ESC, SCCAS, Historic England	<p><b>Evaluation Trenching</b></p> <p>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?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC Archaeological Service and Historic England on this matter.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC are satisfied with the level of archaeological survey undertaken so far and accept the reasons why the Applicant has been unable so far to access some sites within the DCO red line boundary to complete both magnetometry and trial trenching surveys. SCC are satisfied that the most sensitive archaeological areas within the scheme have been subject to full evaluation already and feel the work undertaken so far is sufficient for decision making purposes. However, the completion of magnetometry and trial trenching surveys across all remaining areas of the DCO red line boundary which have not yet been subject to full archaeological assessment, followed by mitigation (across all areas of the DCO red line boundary) prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should still be required going forward. This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording. See LIR Annex J (examination library reference pending).
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. welcomes SCC's comments and affirms its commitment to completing the evaluation fieldwork ahead of defining a mitigation strategy for any parts of sites to which this applies. SZC Co. is working with SCC Archaeological Service to ensure that Requirement 3: Project Wide - Archaeology and Peat of the DCO clearly reflects this.</p> <p>The revised <b>Overarching Archaeological Written Scheme of Investigation</b> (Doc Ref. 6.14 2.11.A (A)) provides for and defines standards for further archaeological trenching post-consent to determine the scope and nature of further mitigation proposals in areas that have not to date been subject to intrusive investigative work.</p>
HE.1.7	ESC, SCCAS, Historic England	<p><b>Summary of Survey Status</b></p> <p>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?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC Archaeological Service and Historic England on this matter.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC are happy with this approach. Site specific WSIs should be required for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording. See LIR Annex J (examination library reference pending).
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. notes and agrees with SCC's comments.
HE.1.12	ESC, SCCAS, Historic England, English Heritage	<b>Direct Effects on Heritage Assets – Construction</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk</b>	ESC defers to SCC Archaeological Service and Historic England on this matter.



ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC defer to HE and ESC to advise regarding impacts to designated heritage assets.</p> <p>Evaluation of the accommodation campus, roundabout and MDS site entrance has defined multi-period archaeological remains (dating from prehistory through to the post-medieval period). Some medieval remains contemporary with the Abbey have been defined, however, we would agree that these are peripheral to the main designated area. SCC would advise that impacts to the defined archaeological remains can be appropriately mitigated by a programme of archaeological mitigation work (as well as post excavation analysis, reporting, publication and archive deposition), secured through appropriate and detailed requirement wording. See LIR Annex J (examination library reference pending).</p>
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT does not have significant comments to make on this matter and defers the technical response to Historic England.</p> <p>However, as part of the strategies to evaluate the archaeological value, and potential value, of the land around Leiston Abbey, and the surveys pre-commencement, EHT would appreciate a record of any significant finds related to the abbey. This would aid in the understanding of Leiston Abbey, and the surrounding contemporary communities. In turn, this would help to better reveal the significance of the abbey site.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. notes SCC's response and clarifies that the potential remains identified at <b>Volume 2, Chapter 16</b>, paragraph 16.6.55 of the <b>ES</b> [<a href="#">APP-272</a>] are non-designated heritage assets that are not covered by any national or local designations. More detail is set out in the Response to the LIR submitted at Deadline 3. Dissemination of the results of archaeological work, either as formal reports and publications or via outreach is identified as a key element of the <b>Overarching Archaeological Written Scheme of Investigation</b> (Doc Ref. 6.14 2.11.A (A)).</p>
HE.1.13	ESC, SCCAS, Historic England	<p><b>Peat Strategy</b></p> <p>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.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC Archaeological Service and Historic England on this matter.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC are happy that the Peat Strategy document is satisfactory. A Peat Strategy Mitigation WSI supplementary to (and in accordance with this document) this will, however, need to be secured through appropriate and detailed requirement wording. See LIR Annex J (examination library reference pending).
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. notes the general agreement to the principle of the Peat Strategy. More detailed comments on SCCAS comments on the Peat Strategy are set out in the <b>SZC Co. Response to the LIR</b> (Doc Ref. 9.29) submitted at Deadline 3.
HE.1.14	The Applicant	<p><b>Leiston Abbey Asset Group (SM 1014520, LB 1215753, LB1215754, LB 1216380 and LB 1268290)</b></p> <p>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.</p> <p>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)?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The retention of the arable land between the designated heritage assets at Leiston Abbey (second site) and the B1122 Abbey Road would retain a strong perceptual buffer between these assets and the site for a number of reasons:</p> <ul style="list-style-type: none"> <li>• This area would provide a clear buffer between the asset group and the proposed development.</li> <li>• The retention of this area between the asset group and Abbey Road would preserve the contribution of the immediate surroundings of the Abbey to significance, and retaining a regionally distinctive rural context for the site.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• The proposed development would be confined to the east of the existing B1122 Abbey Road, which already forms a strong perceptual division within the landscape, and would not introduce elements of the proposed development into the views of the asset group in which it is most frequently perceived.</li> <li>• The Leiston Abbey second site would appear in a discernibly separate landscape area to the proposed development rather than being directly juxtaposed, particularly in the approach to the asset from the B1122 Abbey road from the north and east, when the viewer would be looking directly away from the proposed development, and would retain a clear separation between the proposed development and the asset in views in the approach from the south and south-east.</li> <li>• The separation afforded by this landscape buffer, would provide the necessary distance for the proposed screening planting to the side of the B1122 and within the site on the east side of this road to screen low-level development 'clutter' in views from the asset without becoming an intrusive feature of itself.</li> </ul> <p>It is important not to conflate efforts made to separate the asset group from the proposed development with screening of views. While the retention of this landscape buffer reflects the efforts that have been taken in design to minimise effects on the Leiston Abbey asset group where possible, it is acknowledged that the proposed development would remain clearly discernible from the Abbey ruins, particularly during at height construction works, hence the findings of a significant adverse effect on the Abbey ruins (LB 1215753/SM 1014520) in the absence of mitigation as presented at <b>Volume 2, Chapter 16, paragraph 16.6.57</b> (Terrestrial Historic Environment) of the <b>ES</b> [<a href="#">APP-272</a>].</p>
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT considers the impact on the setting of the Leiston Abbey (second site) to be significant , both during the construction phase and the operational phase of the Sizewell C Project.</p> <p>Leiston Abbey can be described as a scenic and rural site of considerable natural beauty. Indeed, the rural character and context of the site, abutting open fields, makes a marked contribution to the special heritage interest, setting and historic significance of the site. Additionally, the survival of nationally significant monastic ruins such as Leiston makes a significant contribution to the unique cultural character of the wider East Anglian Landscape.</p> <p>Leiston Abbey's un-compromised rural setting also serves to positively enrich the visitor experience. Through providing both a peaceful culturally stimulating place where the story of the Abbey can be appreciated, and through offering a valuable relaxing retreat destination away from the hustle and busy of daily life.</p> <p>Promoting a Sustainable Conservation and Management Strategy that supports the conservation and optimisation of the site's unique character is therefore an important objective for English Heritage.</p>

ExQ1	Question to:	Question:
		Alongside which positive advocacy for the conservation of the site's wider landscape setting will also be central to sustaining Leiston's unique heritage values and significance for future generations.
	<b>Response by SZC Co. for Deadline 3</b>	Detailed discussions with EHT regarding measures to be included within the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) are ongoing. SZC Co. agrees that the SCMS should be used as the basis for discussions.
HE.1.15	The Applicant, English Heritage	<p><b>Leiston Abbey Second Site – Sustainable Conservation and Management Plan</b></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>
	<b>Response by SZC Co. for Deadline 2</b>	<p>English Heritage has provided SZC Co. with a copy of their draft 'Sustainable Conservation, Vision and Stewardship Management Plan' (SCVSMP) to help inform discussions on the heritage contribution for Leiston Abbey (second site).</p> <p>The contribution will be secured in the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) and be used towards the carrying out of what is currently described in Schedule 8 as the 'Second Leiston Abbey Site Enhancement Scheme', the details of which will be annexed to the Deed of Obligation. This wording may be amended to directly refer to identified measures set out within the SCVSMP as discussions progress.</p>
	<b>Response by Pro Corda Trust for Deadline 2</b>	Pro Corda need to be involved directly and centrally in the production and execution of a sustainable CMP – not least as fulltime managers of the Leiston Abbey site. A CMP is in our view an appropriate tool to guide and manage the change that this site is undoubtedly going to undergo over the next 10 years and beyond during the construction phase. It should also guide the post-construction camp restoration of the area (lighting, sports facilities etc,) which should also be secured by condition and agreement following consultation with Pro Corda and other affected parties.
	<b>Response by English Heritage Trust for Deadline 2</b>	EHT has provided the latest version of the "Sustainable Conservation and Management Strategy" (SCMS) to the applicant. This is a costed plan to help mitigate the effects of the Sizewell C project on Leiston Abbey second site.

ExQ1	Question to:	Question:
		<p>EHT proposes that the works and projects within the SCMS provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving understanding of the site, enhancing the visitor experience, and promoting local community participation. The mitigation in the SCMS will predominantly be delivered by EHT (and its contractors), but the funding for it will substantially be secured by S106 obligations.</p> <p>The full scale of these effects and the mitigation required should continue to be discussed through the DCO process. Obligations and S106 discussions continue on a 'without prejudice' basis. This will help to better reveal the significance of the Abbey site, and help protect the site for generations to come.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Detailed discussions with EHT and Pro Corda regarding measures to be included within the <b>Deed of Obligation</b> (Doc Ref. 8.17(D)) are ongoing. As set out within the updated <b>Statement of Common Ground</b> with Pro Corda submitted at Deadline 3 (Doc Ref. 9.10.21(A)), Pro Corda <i>"welcome the joint working of the 3 parties alongside the heritage fund and resilience fund being treated separately"</i>.</p>
HE.1.17	ESC	<p><b>Abbey Cottage (LB 1216395)</b></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 decommissioning of the proposed accommodation campus, main site entrance hub and various storage areas, no effect is anticipated during operation.</p> <p>Please provide further detail in respect of paragraph 2.16 [RR-0342] as to where the contradiction occurs and what mitigation is required.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>The impact on Abbey Cottage is discussed in detail in the LIR [REP1-045], section 12 paragraphs 12.31-12.32.</p> <p>It is ESC's view that the setting to Abbey Cottage will be permanently changed by the construction of the roundabout and altered access road in very close proximity to it. ESC judges that the intensification and enlargement of transport infrastructure such as new roads and roundabouts does have an adverse impact on the rural setting of heritage assets such as Abbey Cottage. What was a simple arrangement of a through road and a lane with established tree-ed edges with hedgerows, becomes an engineered feature of urban character which will provide the main entrance road to the Sizewell C estate (that is, all of it). Eastbridge Road as it passes the cottage will no longer be a through road; and the roundabout and</p>

ExQ1	Question to:	Question:
		<p>engineering along the B1122 will reduce the legibility of the historic character of this road. Whilst the physical relationship with these roads will be maintained, the ability to appreciate the agricultural setting of the cottage on approach will be affected. This would result in a degree of loss to the historic interest of Abbey Cottage. The Applicant's assessment states that the effects of the roundabout and diverted access road would not persist in the operational phase. We cannot agree with the conclusion that there would be no impact on heritage significance and no effects arising during operation. There will be an adverse impact leading to a harmful effect on the significance of the designated heritage asset at Abbey Cottage from the development of the roundabout within its immediate setting. This would be a major adverse effect that would be significant.</p> <p>With respect to required mitigation, this could include minimising the extent of associated signage to the remodelled junction; reinstatement of hedgerow and new tree planting to the new boundary alignments; and avoiding an overtly urban engineered junction design in terms of materials choices including kerbing, planting, highway boundary fencing, road lining and lighting (if proposed).</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes that existing landscaping proposals allow for reinstatement of hedgerows and tree planting to respond to existing landscape character and are set out in the <b>Landscape Masterplan</b> (<a href="#">APP-027</a> and <a href="#">AS-117</a>). Lighting is considered at the <b>Lighting Management Plan</b> [<a href="#">APP-182</a>]. Issues of detailed design such as signage and lining are governed by specific regulation and design guidance in line with the designed operational parameters of the road. More detailed comments on this issue are set out in the <b>SZC Co. Response to the LIR</b> (Doc Ref. 9.29) submitted at Deadline 3.</p>
HE.1.18	ESC	<p><b>Sizewell B Relocated Facilities – Pillbox Field (Change 3)</b></p> <p>Noting comments made in [AS-307] in respect of Pillbox Field (Option 1), are you satisfied with the following:</p> <p>The proposed location of the landscaping scheme in regard of the location of archaeologically sensitive areas; and</p> <p>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.</p> <p>If further measures are considered necessary, please detail.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>No response from SZC Co. is required.</p>

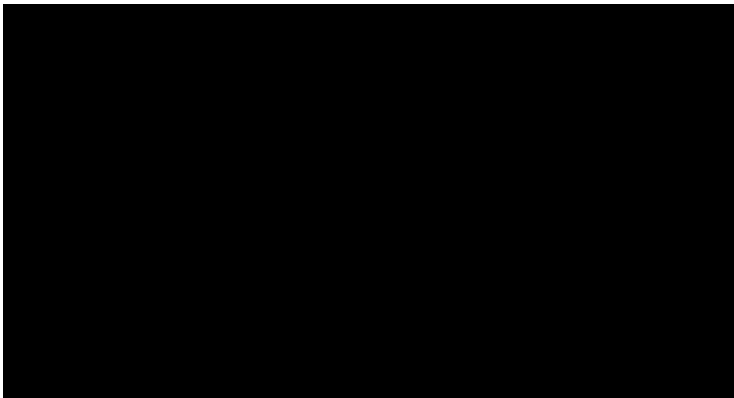
ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC Archaeological Service.
	<b>Response by SZC Co. for Deadline 3</b>	Noted.
HE.1.19	ESC, SCCAS, Historic England, National Trust	<b>Enhancement of the Permanent Beach Landing Facility (BLF) (Change 2)</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by National Trust for Deadline 2</b>	The NT agrees that the changes to the permanent BLF will increase visibility of construction plant from Coastguard Cottages, due to the elevated position of our site with clear views to the south encompassing the construction site. This impact needs to be considered in combination with the increased vessel movements and birthing which it would facilitate, the additional proposed lighting, and the extension further seaward. We note the view of East Suffolk Council in the Local Impact Report which states "This development creates a magnitude of change here greater than experienced by any other heritage asset, resulting from the intensification of the industrialisation of this part of the coastline and subsequent reduction in the undeveloped coastal landscape which currently contributes to an appreciation of the Coastguard Cottages".  We agree with the Council's position that challenges the conclusion of the ES with regard to the significance of effect on Coastguard Cottages and we concur that in our view there will be a medium magnitude of impact leading to a moderate adverse effect for our asset of medium heritage significance.
	<b>Response by East Suffolk</b>	Yes, ESC is satisfied that an increased visibility of construction plant in relation to the enhancement of the permanent BLF would not alter the level of significance of effect on the cited heritage assets.

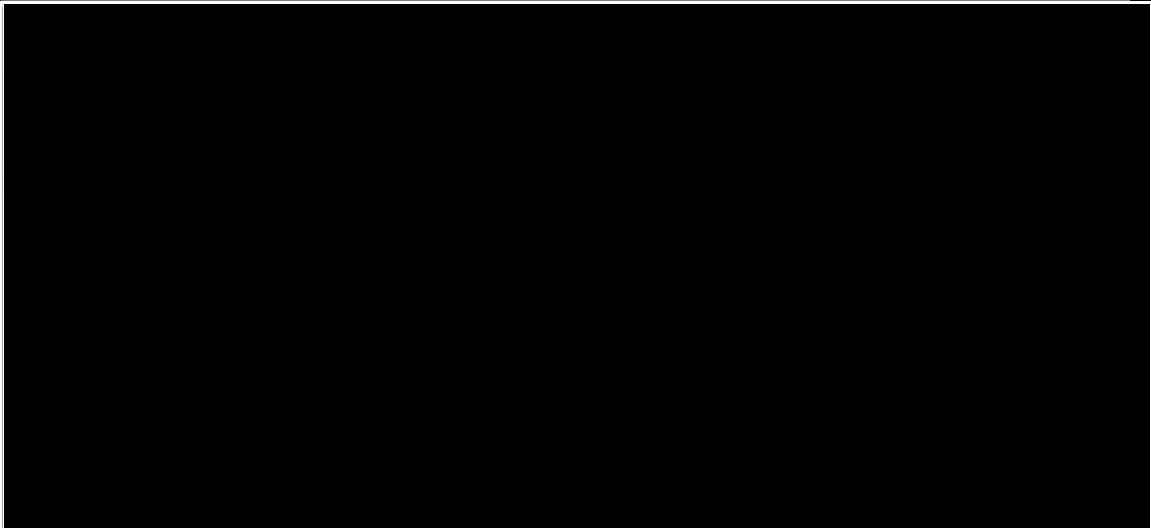

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. notes the response of ESC, and considers that the response of National Trust does not consider the visibility of the changes to the permanent BLF in the context of a change to previous proposals, consequently overstating the nature and effect of this change. Further consideration of change to the setting of Coastguard Cottages is set out in the <b>SZC Co. Response to the LIR</b> submitted at Deadline 3 (Doc Ref. 9.29).
HE.1.20	ESC, SCCAS, Historic England, National Trust	<b>Temporary Beach Landing Facility (BLF) (Change 2)</b> 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 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]?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by National Trust for Deadline 2</b>	Whilst the construction (and presence) of the temporary BLF would be seen within the context of other construction activity, we do not consider that visibility would be relatively limited. Although it would be located to the south of the permanent BLF, the structure would be approximately 500 metres in length, include a jetty head up to 62 metres in width and a temporary conveyor which would cross the beach into the main development site. Taken together, the cumulative impact of both BLF's and associated infrastructure would significantly increase the amount of development which would be seen on the beach in front of the Sizewell C site and extending seaward. The mooring and movement of large vessels will also add visual clutter within the seascape and the additional lighting required will have a greater impact on the night sky. The development will have a greater footprint and extend over a much larger area than originally proposed.



ExQ1	Question to:	Question:
		All of this would be visible within the setting of Coastguard Cottages, the location of which affords elevated views of the landscape and seascape towards the Sizewell C site. We do not consider that visibility of the additional temporary BLF and associated infrastructure would be limited. Furthermore, it would not be possible to mitigate the impact of development extending seaward from our site. Accordingly, we are of the opinion that this would have a greater impact on the setting of Coastguard Cottages and level of effects on significance would be greater as referred to by East Suffolk Council in the Local Impact Report which states "This development creates a magnitude of change here greater than experienced by any other heritage asset, resulting from the intensification of the industrialisation of this part of the coastline and subsequent reduction in the undeveloped coastal landscape which currently contributes to an appreciation of the Coastguard Cottages"
	<b>Response by East Suffolk Council for Deadline 2</b>	Yes, ESC is satisfied that the construction of the temporary BLF would result in limited visibility when seen in the wider context of the construction of the Main Development Site. ESC accepts that there would be no change in the level of significance of the effects on the cited heritage assets that are Coastguard Cottages and the Aldeburgh and Southwold Conservation Areas. The area of construction proposed for the temporary BLF will appear relatively minor in scale in relation to the overall MDS and does not contribute to the significance of the aforementioned Conservation Areas.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes the response of ESC and considers that the National Trust response overstates the potential visibility of the temporary BLF and associated infrastructure, which would be largely screened by the permanent BLF and seen only in the context of the active construction site. Any change arising to night-time views of the construction site would be minimal. Further consideration of change to the setting of Coastguard Cottages is set out in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) submitted at Deadline 3.
HE.1.23	ESC, SCCAS, Historic England, English Heritage	<b>Mitigation</b> 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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC does not consider that further mitigation is considered necessary in relation to non-archaeological terrestrial heritage effects at the Main Development Site.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The completion of magnetometry and trial trenching surveys across all remaining areas of the DCO red line boundary at Main Site which have not yet been subject to full archaeological assessment, followed by archaeological mitigation (across all areas of the DCO red line boundary) prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should still be required going forward. Site specific WSIs should be required for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI.</p> <p>In addition, a Peat Strategy Mitigation WSI (which is in line with the Peat Strategy) needs to be produced and implemented.</p> <p>This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording. See LIR Annex J (examination library reference pending).</p>
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT is concerned about the impact and harm of the MDS on the Leiston Abbey (second site). It is agreed that the impacts are less than substantial but will nevertheless be significant in places. EHT accepts that some embedded mitigation (primarily landscaping and tree buffers) in the Sizewell C Project will reduce the effects. EHT has also proposed a Sustainable Conservation and Management Strategy (SCMS) as mitigation, and this has been shared with SCZ Co. The mitigation in the SCMS will predominantly be delivered by EHT (and its contractors), but the funding for it will be secured by S106 obligations.</p> <p>The full scale of these effects and the mitigation required should continue to be discussed through the DCO process. Obligations and S106 discussions continue on a 'without prejudice' basis.</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co can confirm that site-specific WSIs will be produced in accordance with the Overarching Archaeological WSI to set out the scope and methods of investigative works, including additional trial trenching where this is required. A more detailed response to SCC's comments on the Peat Strategy is set

ExQ1	Question to:	Question:
		out in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) submitted at Deadline 3. Discussions with EHT regarding measures to be included within the <b>Deed of Obligation</b> (Doc Ref. 8.17(D)) are ongoing.
<b>Sizewell Link Road (SLR)</b>		
HE.1.24	The Woodland Trust	<b>Veteran Trees</b> 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].
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant has prepared the following image in <b>Plate 17.1</b> (from the Ancient Woodland Inventory) to identify the three veteran trees identified within the Sizewell link road site. Two of these, 48978 and 48807 are located within the vegetation removal zone shown in Figures 6.2.9 to 6.2.12 of the <b>ES Addendum</b> [AS-198] and so will be removed. The third veteran tree, 48980, will be retained. <b>Plate Error! No text of specified style in document..1 Location of three veteran trees identified within the Sizewell link road site</b> 
	<b>Response by Woodland Trust at Deadline 2</b>	Unfortunately, due to technical difficulties that the Trust is currently experiencing, we are unable to provide detailed mapping at this time. However, please find attached a screenshot of the veteran oak tree's location on the Woodland Trust's Ancient Tree Inventory website:

ExQ1	Question to:	Question:
		 <p>The veteran tree in question is recorded as </p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
HE.1.26	ESC, SCCAS, Historic England	<b>Historic Landscape Character - Important Hedgerows</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The site route of the Sizewell Link Road mainly falls within the Suffolk Historic Landscape Character Assessment Sub Type 1.1 Pre 18th century enclosure (random fields) which is characterised by fields of an irregular pattern i.e., without a dominant axis. Many are of medieval origin or earlier, and display species rich boundary hedges. Where such field patterns are seen, they are regarded as some of our earliest

ExQ1	Question to:	Question:
		farming landscapes. Although of some notable antiquity, such landscapes are not exceptionally rare, so ESC considers that the hedgerows in this case are of moderate to low heritage significance. The ES [APP-467] states that, apart from where the road route severs hedge lines, field boundary hedgerows will be retained and protected during the duration of the development, and indeed planted up and enhanced where possible. It is accepted that inevitably a road route will cut through the existing pattern of the landscape, but for the most part, the wider fabric of the landscape remains intact and legible and so in that respect the harm to the heritage significance of the hedgerows is minor, even if ESC would suggest that the overall heritage significance is moderate to minor.
	<b>Response by Suffolk County Council at Deadline 2</b>	The methodology employed in the assessment of impacts on the terrestrial historic environment defines 'Low' significance as 'Asset has significance for elements of archaeological, architectural, historic, or artistic interest.' Hedgerows considered important under the Hedgerow Regulations can reasonably be considered as falling into this level, relative to other historic assets.
	<b>Response by SZC Co. for Deadline 3</b>	No response from SZC Co. is required
HE.1.29	ESC, SCCAS, Historic England	<p><b>Primary Mitigation - Theberton Hall</b></p> <p>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?</p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The proposed woodland planting will compensate for the partial loss and severance of Plumtreehill Covert to the west of Theberton Hall in terms of area. It will still provide a westerly view of a belt of woodland from Theberton Hall over time, albeit in an imposed location. However, this will only indirectly compensate for the further erosion of the historic landscape character and remnant parkland (of which the Covert is a part) to Theberton Hall caused by the route of the Sizewell Link Road (SLR), see paragraph 12.60 of the

ExQ1	Question to:	Question:
		<p>LIR [REP1-045]. The harm arising will be residual and permanent proposed woodland planting east of the SLR in blocks and belts is typical of the local landscape. It will change the setting to Theberton Hall but still provide woodland in a view from it. However, the planting will be a feature imposed on the landscape rather than arising from it in accordance with the existing historic pattern of hedgerows, fields and woodland.</p> <p>It is difficult to understand in what way an overbridge can be 'integrated' into its landscape surroundings. The overbridge, itself, will be semi-remote from Theberton Hall and screened from it and its entrance off Pretty by the proposed tree planting. Much will depend upon the design of the overbridge itself to ensure that it somehow retains the charming rustic character of the countryside lane, if that is possible.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element.
	<b>Response by SZC Co. for Deadline 3</b>	A more detailed response to ESC comments on Theberton Hall is set out in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) submitted at Deadline 3.
HE.1.31	ESC, SCCAS, Historic England	<p><b>Historic Landscape Character - Construction</b></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>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC can accept that the construction of the Sizewell Link Road would not eliminate the overall landscape pattern, but it will affect the ability to understand it by being a dominant element in what was otherwise an undeveloped landscape. Erosion of the historic landscape character in the area of the SLR's development will adversely affect the ability to understand it.

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC notes the assessment of the impact of the SLR on historic landscape character. Based on this, it does appear that whilst elements of that character will be lost, the underlying landscape pattern will still be legible.
	<b>Response by SZC Co. for Deadline 3</b>	No response from SZC Co is required.
HE.1.32	ESC	<b>Historic Road Pattern – Yoxford to Leiston</b> 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]).
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The existing route between Yoxford and Leiston is historic and established and provides an appreciation of the historical growth and development of Middleton and Theberton as villages along it. Construction of the link road is intended to divert traffic onto it and away from the section of the B1122 that runs through these villages, such that the importance of this thoroughfare will be downgraded. The main route from Yoxford to Leiston and vice versa will no longer be along the historic route that connected to them, and this represents an interruption of a continuous and historical arrangement, although not one that is prevented from being used.  Please note that ESC's conclusion in the LIR [REP1-045] about moderate adverse effects that are significant was in relation to the entirety of impacts on heritage assets arising from the proposed SLR route and not from the interruption and realignment of the Yoxford-Leiston road alone.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. notes that the assessment of effects on historic landscape character presented in <b>Volume 6, Chapter 9</b> of the ES [ <a href="#">APP-467</a> ] considers change to both the road network and field pattern.

ExQ1	Question to:	Question:
HE.1.33	The Applicant and ESC	<p><b>Moat Farmhouse (LB 1228246)</b></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> <p>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.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Pre-18th century enclosure, as identified north of Moat Farm, has been characterised across various parts of the Sizewell link road study area and indeed other parts of Suffolk. These fields preserve the legibility of some of the oldest surviving farming landscapes in the county and therefore have heritage significance, but they are neither rare, either in Suffolk or nationally, nor unchanged, having experienced varying degrees of alteration over the 19th and 20th centuries.</p> <p>The assessment of low heritage significance is drawn primarily from the survival of a coherent, albeit altered, pre-18th century field boundaries and wooded copses and acknowledges that these field systems have significance as heritage assets within a locally important historic landscape.</p> <p>The proposed development would traverse this pre-18th century landscape in the area around Moat Farm and Anneson's Corner and would involve the removal of sections of historic hedgerows. Direct impacts to copses would be largely avoided. This would reduce the legibility of the form and character of these fields, but would not prevent that character and historic development from being read.</p> <p>The form of the proposed development, however, being sinuous with long, shallow curves would reduce the impact to the landscape as a whole, and while individual fields would be affected, the legibility of this pre-18th century enclosed landscape would still remain. The assessment of a medium magnitude of change remains valid.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>Moat Farm is discussed in further detail in the LIR [REP1-045], Section 12, paragraph 12.65. Given that the Applicant's assessment identifies land to the north of Moat Farm as one of the earliest farming landscapes in Suffolk, ESC consider that the historic landscape has more than 'low heritage significance'.</p> <p>The proposed link road would cross this pre-18th century landscape in the area around Moat Farm and Anneson's Corner without regard to field boundaries and the field pattern and would involve the removal of sections of historic hedgerows. This would have an impact on the legibility of the form and therefore the age and character of these fields. This would arise from the construction and route of the new road which</p>



ExQ1	Question to:	Question:
		will ignore and disrupt the irregular pattern of pre-18th century enclosure in that area affected by the development, to its detriment.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co is required.
HE.1.34	ESC, SCCAS, Historic England	<b>Mitigation</b> Alongside of the proposed site-specific WSI, is any further mitigation considered necessary in relation to terrestrial heritage effects at the SLR? If necessary, how do you consider such measures should be secured?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC does not consider that further mitigation is necessary in relation to non-archaeological terrestrial heritage effects at the Sizewell Link Road.
	<b>Response by Suffolk County Council at Deadline 2</b>	The completion of magnetometry and trial trenching surveys across all remaining areas of the DCO red line boundary along the SLR which have not yet been subject to full archaeological assessment, followed by archaeological mitigation (across all areas of the DCO red line boundary) prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should still be required going forward. Site specific WSIs should be required for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.

ExQ1	Question to:	Question:
HE.1.35	ESC, SCCAS, Historic England	<b>Outline Landscape and Ecological Management Plan (oLEMP)</b> Would the proposed landscape measures within the oLEMP [AS-264] minimise impacts on cultural heritage resources? If not, please detail why.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Generally, yes, as far as these measures can achieve that – mainly due to the extent of broadleaved woodland and hedgerow planting that is proposed intermittently along the route.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element. SCC would highlight that archaeological assessment and mitigation work must be undertaken prior to the implementation of any landscaping, tree planting or ecological mitigation work.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Freight Management Facility (FMF)</b>		
HE.1.37	ESC, SCCAS, Historic England	<b>Historic Landscape Character - Construction</b> 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]).
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk</b>	ESC accepts that the proposed planting to the eastern, northern and western boundaries of the FMF will contain the fundamental landscape change arising from the construction of the FMF within the site boundaries i.e., internalising it. The planting (subject to final approved details) will be expected to reflect

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
	<b>Council at Deadline 2</b>	prevailing local landscape character such that when viewed from surrounding viewpoints, will appear as an integrated element of the local landscape fabric, and this containing the effects of landscape change within the site.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element. SCC would highlight that archaeological assessment and mitigation work must be undertaken prior to the implementation of any tree planting work.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
HE.1.38	ESC, SCCAS Historic England	<b>Historic Landscape Character - Operation</b> 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])?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC considers that the existing boundary vegetation, the 10m buffer zone around the north, east, and west site boundaries, and the addition of three landscape bunds be substantially effective in adding a visual screen to the freight management development site and will largely close the operational facility off from the rest of the agricultural landscape. The main exception to this conclusion is likely to be the lighting infrastructure and lighting effects at night, which would appear as an incongruous element in association with the farmed landscape, but arguably less so when seen with the A14 dual carriageway as the backdrop.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element. SCC would highlight that archaeological assessment and mitigation work must be undertaken prior to the implementation of any landscaping work

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
HE.1.39	ESC, SCCAS, Historic England	<b>Effect on Setting of Heritage Effects - Operation</b> 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])?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	These assets are Scheduled bowl barrows and a ring ditch. ESC defers to SCC Archaeological Service and Historic England on this matter.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element. SCC would highlight that archaeological assessment and mitigation work must be undertaken prior to the implementation of any tree planting or landscaping work.
	<b>Response by SZC Co. for Deadline 3</b>	No further comment from SZC Co is required.
HE.1.40	ESC, SCCAS, Historic England	<b>Secondary Mitigation Measures</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC Archaeological Service and Historic England on this matter.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE to advise regarding this element. Archaeological evaluation of the FMF has been completed (See HE 1.41). SCC would support mitigation through archaeological excavation and recording at this site.
	<b>Response by SZC Co. for Deadline 3</b>	More detailed comments on mitigation measures for this effect are set out in the Response to the Historic England Written Representation, Chapter 9 in <b>Comments on Written Representations</b> submitted at Deadline 3 (Doc Ref. 9.28).
HE.1.41	ESC, SCCAS, Historic England	<b>Mitigation</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	In the LIR [REP1-045], ESC did not identify any impacts on nonarchaeological terrestrial heritage within our remit arising from the FMF. Therefore, no further mitigation is required necessary from our consideration.
	<b>Response by Suffolk County Council at Deadline 2</b>	Archaeological assessment work has been completed at the FMF. Archaeological remains (relating to three prehistoric funerary moments) have been defined. Archaeological mitigation at this site prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should therefore be required going forward. A Site specific WSIs should be required for the mitigation work at this site, alongside a detailed method statement to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding mitigation

ExQ1	Question to:	Question:
		work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Southern Park and Ride (SPR)</b>		
HE.1.42	ESC, SCCAS, Historic England	<b>Landscaping Scheme</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	In the LIR [REP1-045], ESC did not identify any significant operational effects on heritage assets including Wickham Market and Marlesford Conservation areas. Landscaping proposals shown on the illustrative masterplan including perimeter landscape bunds, buffer zones, and enhanced hedgerow will, generally, minimise the impact on the setting of heritage assets and the historic landscape character as far as is possible for these kinds of features for the duration of the SPR.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defer to HE and ESC to advise regarding this element. SCC would highlight that archaeological assessment and mitigation work must be undertaken prior to the implementation of any tree planting or landscaping work.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
HE.1.43	ESC, SCCAS, Historic England	<b>Historic Landscape Character - Important Hedgerows</b> 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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The site of the Southern Park and Ride falls within the Suffolk Historic Landscape Character Assessment Sub Type 1.1 Pre 18th century enclosure (random fields) which is characterised by fields of an irregular pattern i.e., without a dominant axis. Many are of medieval origin or earlier, and display species rich boundary hedges. Where such field patterns are seen, they are regarded as some of our earliest farming landscapes. Although of some notable antiquity, such landscapes are not exceptionally rare, so ESC considers that the hedgerows in this case are of moderate to low heritage significance. The ES states that boundary hedgerows will be retained and protected during the duration of the development, and indeed planted up and enhanced where possible. With the clearance of the site postconstruction phase, the hedgerows can resume their role in historic landscape characterisation.
	<b>Response by Suffolk County Council at Deadline 2</b>	The methodology employed in the assessment of impacts on the terrestrial historic environment defines 'Low' significance as 'Asset has significance for elements of archaeological, architectural, historic, or artistic interest.' Hedgerows considered important under the Hedgerow Regulations can reasonably be considered as falling into this level, relative to other historic assets.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
HE.1.44	ESC, SCCAS, Historic England	<b>Mitigation</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk</b>	ESC does not consider that further mitigation is considered necessary in relation to non-archaeological terrestrial heritage effects at the SPR.

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	
	<b>Response by Suffolk County Council at Deadline 2</b>	Archaeological assessment work has been completed at the Southern Park and Ride site. Archaeological remains (relating to a Roman Small town) have been defined. Evaluation has confirmed that important archaeological remains associated with this site, as well as prehistoric and medieval remains, are present across the development area. The level of archaeological preservation, particularly to the south-west of Whin Belt, is very good. The site is arguably of national importance but has suffered considerable damage (A12 construction, intensive agriculture, metal detecting rallies). Evaluation has confirmed that the part of the site which would be impacted upon by this development is not of schedulable quality, however, it will need full and thorough mitigation prior to Archaeological mitigation at this site prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should therefore be required going forward. A Site specific WSIs should be required for the mitigation work at this site, alongside a detailed method statement to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Marine Historic Environment</b>		
HE.1.46	ESC, SCCAS, Historic England	<b>Enhancement of the Permanent BLF and Construction of Temporary BLF (Change 2)</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC has no remit for the marine historic environment.



ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defers to Historic England to advise regarding this element.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Two Village Bypass (TVB)</b>		
HE.1.48	ESC, SCCAS, Historic England	<b>Outline Landscape and Ecological Management Plan (oLEMP)</b> Would the proposed landscape measures within the oLEMP [AS-263] minimise impacts on cultural heritage resources? If not, please detail why.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	It is ESC's view that the proposed landscape measures within the oLEMP [APP-588] would be inadequate to minimise the impact of the proposed new roundabout adjacent Parkgate Farm on the wider setting of and intervisibility between St Mary's parish church (Farnham). Views from the church into its surrounding landscape are tree dominated and we suggest that woodland planting is included to the immediate east of the roundabout to reinstate such a character. This would take the place of a view from the church of the roundabout, the proposed hedgerow around which will offer very limited screening. The red line area suggests that there is sufficient space to provide for this woodland planting.  With respect to Farnham Hall, it is difficult to see what further landscape measures can be taken that will minimise impacts arising from the imposition of the route of the TVB, the cutting, the disrupted footpath route, the footbridge and the loss of the visual connection between the Hall and Foxburrow Wood, all of which will adversely impact the Hall's setting and, therefore, its significance.
	<b>Response by Suffolk County</b>	SCC defers to Historic England and ESC to advise regarding this element. SCC would highlight that archaeological assessment and mitigation work must be undertaken prior to the implementation of any landscaping, tree planting or ecological mitigation work.

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes that any mitigation landscaping would take place within the Order Limits and that any archaeological assessment and mitigation would therefore be provided for with the relevant site-specific WSI.</p> <p>SZC Co notes that the oLEMP sets out a mitigation scheme that balances the need to retain of the open views across the Alde Valley with the need to minimise visibility of the proposed roundabout. Therefore the proposed scheme responds to landscape character to maximise the effect of existing screening. A more detailed response to ESC comments is set out in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) submitted at Deadline 3.</p>
HE.1.50	ESC, SCCAS, Historic England	<p><b>Mitigation</b></p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC does not consider that further mitigation is considered necessary in relation to non-archaeological terrestrial heritage effects at the Two Village Bypass.
	<b>Response by Suffolk County Council at Deadline 2</b>	The completion of magnetometry and trial trenching surveys across all remaining areas of the DCO red line boundary along the TVB which have not yet been subject to full archaeological assessment, followed by archaeological mitigation (across all areas of the DCO red line boundary) prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should still be required going forward. Site specific WSIs should be required for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Northern Park and Ride (NPR)</b>		
HE.1.51	ESC, SCCAS, Historic England	<b>Oak Hall (LB 1030664) – Operational Effect on Setting</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	In the LIR [REP1-045], ESC stated that from a heritage and conservation perspective there are no significant operational effects on the Grade II listed Oak Hall (see paragraph 12.91). ESC accepts that the artificial bunds of 3 metres height will mitigate some of the visual and acoustic impact of the northern park and ride on the extended setting of the Grade II listed Oak Hall, into which the project site will fall. The application site contributes modestly to the significance of Oak Hall by forming a small part of its rural setting and embracing agricultural landscape. There will be an adverse impact arising from the development of the new access, bunding, hard surfacing, lighting, and noise from increased traffic movements on this area of the Hall's setting which is currently an arable field. The position of the Hall so close to the busy A12 onto which it faces means that transport movement and vehicle noise are already present factors arising from its setting which will be somewhat intensified by the park and ride, but which will not be new. ESC judge that this adverse impact on the Hall's setting will give rise to a small level of less than substantial harm to the Hall's significance. The harm that ESC identify will be transient, in that the park and ride facility will not be permanent but, nonetheless, harm will persist for its medium-term duration. ESC does not, therefore, concur that there would be no change to heritage significance during operation of the Northern Park and Ride.
	<b>Response by Suffolk County Council at deadline 2</b>	SCC defers to ESC to advise regarding impact on designated assets

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. considers that the assessment provided in <b>Volume 3, Chapter 9</b> of the <b>ES</b> [ <a href="#">APP-368</a> ] remains valid.
HE.1.52	ESC, SCCAS, Historic England	<b>Old Hall (LB 1198815) – Operational Effect on Setting</b> Due to the existing landscaping and buildings located to the north and west of Old Hall, due you concur that there would be no change to either the non-designated parkland or setting of the building?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	In the LIR [REP1-045], ESC stated that from a heritage and conservation perspective there are no significant operational effects on the Grade II listed Old Hall (see paragraph 12.92). ESC agrees that, due to intervening topography and existing mature trees to the west and north-west, there will be no change to the setting of Old Hall.  The associated former parkland to the Old Hall did not extend to the west side of the turnpike road (London Road/A12) and did not, therefore, include, the application site. The parkland, itself, has lost its original designed qualities such that it is not included on our local list of Historic Parks and Gardens (SPG6). ESC agrees that there will be no change to the remnant parkland.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC defers to ESC to advise regarding impact on designated assets.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
HE.1.53	ESC, SCCAS, Historic England	<b>Mitigation</b> 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?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC does not consider that further mitigation is considered necessary in relation to non-archaeological terrestrial heritage effects at the NPR.
	<b>Response by Suffolk County Council at Deadline 2</b>	Archaeological assessment work has been completed at the Northern Park and Ride. Archaeological remains (of Roman and medieval date) have been defined. Archaeological mitigation at this site prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should therefore be required going forward. A Site specific WSIs should be required for the mitigation work at this site, alongside a detailed method statement to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Rail</b>		
HE.1.55	The Applicant	<b>Change to the Setting of Archaeological Heritage Assets – Abbey Complex</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	As noted at <b>Volume 9, Chapter 9, paragraph 9.6.15</b> (Terrestrial Historic Environment) of the <b>ES</b> [ <a href="#">APP-560</a> ], the loss of historic interest resulting from the perception of construction works would result in an effect on the Abbey ruins that would, in the absence of mitigation, be considered moderate adverse and significant (SM 1014520 / LB 1215753), but (as per <b>paragraph 9.1.16</b> [ <a href="#">APP-560</a> ]) would not present any discernible loss of historic interest to other structures within the asset group.
	<b>Response by English Heritage</b>	EHT accepts that the effects are less than substantial but are nonetheless significant. To help mitigate the effects of the Sizewell C project on Leiston Abbey second site, EHT is proposing a comprehensive Sustainable Conservation and Management Strategy (SCMS).

ExQ1	Question to:	Question:
	<b>Trust for Deadline 2</b>	EHT proposes that the works and projects within the SCMS provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving understanding of the site, enhancing the visitor experience, and promoting local community participation. This will help to better reveal the significance of the Abbey site, and help protect the site for generations to come
	<b>Response by SZC Co. for Deadline 3</b>	Detailed discussions with EHT regarding measures to be included within the Draft Deed of Obligation are ongoing. SZC Co. agrees that the SCMS should be used as the basis for discussions.
HE.1.56	The Applicant	<b>Increased Frequency of Freight Train Movements (Change 1) – Abbey Ruins</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	As set out in the <b>ES Addendum, Volume 1, Chapter 9</b> [ <a href="#">AS-188</a> ], additional assessment of the noise and vibration effects of the proposed additional rail movements was undertaken, rather than assessment of the effects of the change on the historic environment. This assessment noted no change to airborne noise (paragraph 9.3.122) and slight reductions in ground-borne noise (paragraph 9.3.123) deriving from more accurate baseline data rather than the change to development proposals. It is considered that the increase in the number and frequency of rail movements would remain characterised as intermittent and infrequent. This change would not give rise to an increased magnitude of adverse effect as a result of change to the setting of Leiston Abbey, which was assessed at <b>Volume 9, Chapter 9, paragraph 9.6.36</b> (Terrestrial Historic Environment) of the <b>ES</b> [ <a href="#">APP-560</a> ], as a significant adverse effect in the absence of mitigation.
	<b>Response by English Heritage Trust for Deadline 2</b>	EHT has significant concerns about the impacts of the proposed rail movements and the proximity of the Green Rail Route to the Leiston Abbey (second site). EHT concerns are detailed in response to other questions hereunder and well covered in the responses from Historic England. The effects are to the visual setting of the abbey site, from noise intrusion, and also in the ability to access the site – in a sustainable manner – on foot, from Leiston. EHT are also concerned about the risks of the Green Rail Route being in place for longer than the current proposed period, due to any unforeseen reasons e.g., construction delays.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comment from SZC Co is required.
HE.1.57	ESC, SCCAS, Historic England, English Heritage, Pro Corda Trust/Leiston Abbey	<b>Mitigation</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Pro Corda Trust for Deadline 2</b>	Here, we have had joint discussions with EDF and EH about EDF “start- up” investment in a new “Visitor Entrance” facility at Leiston Abbey which we would run (and to lever Lottery funding.) This new “Gateway” would serve the joint purpose of allowing increased control over footfall (with the vastly increased numbers now living opposite the site in the construction worker campus) as well as forming part of the enhanced visitor experience legacy (mentioned above) which proper mitigation for Leiston Abbey can enable. Within the above, initial discussion has taken place around the siting of such a facility on the “Burnt out House” plot to the west of the Lady Chapel as the visitor enters the Abbey ruins from the main car park side. Within enhancements to the visitor experience (and managing the increased access / impact of the proposed construction worker campus) Pro Corda’s position is that a main entrance gate and improved driveway and car park need to be part of this area of mitigation.
	<b>Response by English Heritage Trust for Deadline 2</b>	To help mitigate the effects of the Sizewell C project on Leiston Abbey second site, EHT is proposing a comprehensive Sustainable Conservation and Management Strategy (SCMS). EHT proposes that the works and projects within the SCMS provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving understanding of the site, enhancing the visitor experience, and promoting local community participation. This will help to better reveal the significance of the Abbey site, and help protect the site for generations to

ExQ1	Question to:	Question:
		come Obligations and S106 discussions continue on a 'without prejudice' basis, but EHT would expect to see direct links between conditions of the DCO and the S106 when drafted, and the SCMS
	<b>Response by East Suffolk Council for Deadline 2</b>	The attenuation of noise arising from the Green Rail Route is provided by the proposed 3-metre-high bunds which, themselves, will have a visual impact. There is clearly a balance between visual and noise impacts arising that affect the identified tranquil rural land which forms an important part of Leiston Abbey's setting. Reducing further the perceptible noise levels from the rail extension when in operation may require increased physical measures and concomitant impacts that are undesirable. On this basis, therefore, ESC does not suggest any further mitigation in relation to terrestrial heritage effects upon which ESC commented in the LIR [REP1-045].
	<b>Response by Suffolk County Council at Deadline 2</b>	The completion of magnetometry and trial trenching surveys across all remaining areas of the DCO red line boundary along the Green Rail route which have not yet been subject to full archaeological assessment, followed by archaeological mitigation (across all areas of the DCO red line boundary) prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should still be required going forward. Site specific WSIs should be required for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. notes that the principle of mitigation measures as proposed by SCC are provided for in the Overarching WSI and a detailed scope of such measures will be set out in the relevant Site-Specific WSI.
<b>Yoxford Roundabout and Other Highway Improvements (YROHI)</b>		
HE.1.58	ESC, SCCAS, Historic England	<b>Mitigation</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.



ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC stated in our LIR [REP1-045] that the designed mitigation for Yoxford roundabout should address localised adverse impacts in terms of embanking, hedging and field edges. Suggested mitigation for the proposed Yoxford roundabout could include: minimising the extent of associated signage to the remodelled junction; reinstatement of hedgerow and tree planting to the new boundary alignments; and avoiding an overtly urban engineered junction design in terms of materials choices including kerbing, planting, road lining, highway boundary fencing and lighting – all to acknowledge that the majority of this new highways feature will be within the Yoxford Conservation Area which should be either preserved or enhanced. These measures should be secured through detailed design of the Yoxford roundabout.
	<b>Response by Suffolk County Council at deadline 2</b>	Archaeological assessment work has been completed at the Yoxford Roundabout Site. Archaeological remains (of prehistoric date) have been defined. Archaeological mitigation at this site prior to the commencement of any site preparation, landscaping, ecological mitigation or construction works, should therefore be required going forward. A Site specific WSIs should be required for the mitigation work at this site, alongside a detailed method statement to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. For any other highway improvement works involving areas of significant ground disturbance (including compounds or landscaping works), full archaeological assessment, should be required going forward. Site specific WSIs should be required for each phase of assessment and mitigation work for every site within the DCO red line boundary, alongside detailed method statements for each site and phase of work to be produced by the appointed archaeological contractor(s). These documents must also be in line with the final approved Overarching WSI. This outstanding assessment and mitigation work (as well as post excavation analysis, reporting, publication and archive deposition) should be secured through appropriate and detailed requirement wording.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co notes that detailed design of the roundabout, including the response to local character set out by ESC would be in line with the plans in <b>Volume 7, Chapter 2, Appendices 2A - 2B</b> <a href="#">[APP-481]</a> . SZC Co. note that the principle of mitigation measures as proposed by SCC are provided for in the Overarching WSI and a detailed scope of such measures will be set out in the relevant Site-Specific WSI.
<b>Chapter 18 - LI.1 Landscape impact, visual effects and design</b>		
<b>General</b>		

ExQ1	Question to:	Question:
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><b>Design Approach</b></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> <p>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</p> <p>A 'design review panel' to provide a 'critical friend' role. Such a role would provide comment on the development of sustainable design proposals</p> <p>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> <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>
	<b>Response by SZC Co. for Deadline 2</b>	Please refer to <b>Appendix 18B</b> of the written responses.
	<b>Response by Walberswick Parish Council at Deadline 2</b>	<p>Parish Councils have been asked to comment on whether a "design champion", a "design review panel" or a "design code" would ensure that a sustainable, good quality design can be effectively integrated into the landscape.</p> <p>The immediate answer is that none of these measures will counteract the impact of two nuclear reactors and all the ancillary construction proposed in the DCO. It is precisely because this infrastructure project is impossible to build in a sustainable, good quality design to integrate into the landscape that it cannot be given approval to proceed. The landscape currently consists of an AONB and SSSI, bordered by the Minsmere RSPB site, by National Trust's Dunwich Heath, by small villages, farmland, and heritage sites like Leiston Abbey amongst others. How could something as devastating to the environment as Sizewell C possibly be 'integrated' into the landscape? This project should be a non-starter and rejected on this point alone. What can a design champion or review panel do about two of the world's biggest nuclear reactors in such a landscape besides influence the most minor issues in some of the ancillary developments? Throughout the Consultation Period, EDF never addressed this central point but instead proposed over and over largely unchanged plans? One already has ample evidence of EDF's approach in the destruction of</p>

ExQ1	Question to:	Question:
		<p>the 100 year old Coronation Wood – completely destroyed in order to try to make room for Sizewell C which doesn't even have approval! There is no option for the construction of Sizewell C but to largely destroy everything in its path at the building site, to create 30 foot slag heaps on its edges, to create a workers campus that will overwhelm and wipe out the hamlet of Eastbridge and make the walking and cycling in the entire area unpleasant at best and inaccessible at worst</p>
	<p><b>Response by Woodbridge Town Council at Deadline 2</b></p>	<p>With respect to</p> <p>i) 'design champion'.</p> <p>This role would encompass a vast array of engineering, architecture, environmental and other design and planning aspects and would require the engagement of a design and construction project manager/director as a co-ordinator with extensive practical experience through design and construction phases of large and complex infrastructure projects. Access to support to address specific, sometimes complex, issues would be essential and as such it is likely that the person will reside within a large 'multi-disciplinary' consultancy with the ability to cover the majority of such tasks in-house under his/her leadership.</p> <p>The precise contractual relationship between the 'design champion' and the developer would require careful drafting to ensure that the advice and guidance is not given lip service by the Applicant or its successor in title. Further As design is never finished until completion of a project of the complexity that will be Sizewell C the 'design champion' would need to be engaged during the construction phase as well as the pre-construction phase</p> <p>ii) 'design review panel'.</p> <p>This approach is reasonably common on many major overseas infrastructure projects and UK projects. It can be a highly effective tool to provide comments and advice and would be suitable for the development of sustainable design guidelines and proposals as design progresses and issue arise. The precise authority of the design review panel decisions on the developer design development would, as with the design champion, would need careful drafting.</p> <p>iii) an approved 'design code' or 'design approach document'</p> <p>It is unclear who would be the approving authority/body for such codes or documents as there is no statutory, governmental or quasi-governmental body that we are aware of that could encompass all the aspects of design within their capabilities to be a suitable and qualified approver. Further it is questionable if any such body has the in-house capacity to adequately perform such a role which will require intense upfront development prior to detailed design. It is likely such a document would lead to substantive delay</p>

ExQ1	Question to:	Question:
		<p>compared to utilising option i) and ii) where such development can progress and develop as design proceeds.</p> <p>Woodbridge Town Council would anticipate that the ONR and other regulators would have regular design review meetings with the Applicant but in this instance given the close proximity of the site to many sensitive receptors we consider it would be appropriate and necessary that these organisations managing those receptors also have such review meetings with the 'design champion' or 'design review panel' to discuss means by which the most appropriate sustainable design can be achieved.</p>
	<p><b>Response by Stop Sizewell C and Theberton and Eastbridge Parish Council at Deadline 2</b></p>	<p>i) We consider that if a 'design champion' is employed to advise on the quality of design and spatial integration that the advice should consider the location of the proposed Main Development Site development being in a nationally designated landscape and not simply functional design. Given the purpose of the AONB the primary concern should be to minimise the inevitable negative impacts on the AONB.</p> <p>ii) We consider the role for a design review panel should include an overriding purpose of minimising any negative environmental impact, including landscape impacts. The defined qualities of the AONB such as landscape quality, scenic quality and tranquillity should be maintained as a result of their deliberations and recommendations.</p> <p>iii) We note the design code at Hinkley Point C Connector project but given the fact that Sizewell sits in the national landscape of the AONB and on the Suffolk Heritage Coast, with the highest level of protection from inappropriate development in planning policy, comparisons to Hinkley Point cannot be regarded as remotely similar.</p> <p>We endorse the recommendations of the Suffolk Coast &amp; Heaths AONB Partnership in establishing a review structure and panel to ensure that any resultant design meets the obligations as required for such a designated landscape.</p> <p>It is regrettable that matters of design critical to minimising impacts on the AONB have not formed part of the proposed Development Consent Order and instead have been left as a requirement within the draft DCO. The AONB Partnership and other stakeholders should be given a role in the agreement of such a requirement.</p>
	<p><b>Response by Leiston Town</b></p>	<p>LI.1.1 Design issues and Landscape</p>

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	It seems to LTC highly unlikely that the design can be sympathetically integrated into the landscape visually and we are not qualified to comment on sustainability and quality. However, the suggestions put forward might all help to lessen the adverse impact of the building. A code drawn up by people with relevant professional expertise, a review panel of stakeholders to comment and discuss and a 'design champion' whose job would be to advise and make sure recommendations were implemented. Concerns have been expressed about the grey concrete domes compared with the white cladding on Sizewell B and also about the height of the stacks on the turbine buildings and the new pylons.
	<b>Response by Together Against Sizewell C at Deadline 2</b>	TASC is opposed to the proposal to build any new nuclear plants in the UK, but of all the potential sites identified, Sizewell in almost certainly the worst for reasons TASC has detailed in its WRs. To construct Sizewell C in its proposed location would be an act of folly which no amount of designing would justify. The questions of a 'design champion', 'panel', 'code' or 'approach' are therefore beyond TASC's contemplation. It is clear that any design will have major adverse impacts on all the attributes that gave rise to the AONB and the Heritage Coast designations: landscape value, scenic quality, relative tranquillity, relative wildness, wildlife value. It is TASC's view that any attempt to incorporate 'good design' would be akin to rearranging the deckchairs on the Titanic - the end result would be an industrial building whose function, purpose and presence would be totally at odds with its environment.
	<b>Response by AONB Partnership at Deadline 2</b>	<p>i) The AONB Partnership consider it to be imperative that if a 'design champion' is employed to advise on the quality of design and spatial integration that the advice should consider the location of the proposed Main Development Site development being in a nationally designated landscape and not simply the design and function of the development. The development should seek to meet the purpose of the AONB and seek to avoid and minimise the inevitable negative impacts on the AONB.</p> <p>ii) The AONB partnership consider there could be a role for a design review panel if the terms of reference for the panel include the remit to minimise any negative environmental impact, including landscape impacts. This should seek to minimise the impact of the development on the defined qualities of the AONB such as landscape quality, scenic quality and tranquillity.</p> <p>iii) The AONB Partnership note the design code at Hinkley Point C Connector project but consider that any design code or design approach document should acknowledge that the proposals for Sizewell C sit in a nationally designated landscape, unlike Hinkley Point C, and as such has the highest level of protection from inappropriate development in planning policy.</p> <p>To deliver the aspirations outlined above the AONB Partnership consider that the applicant should facilitate a design champion and associated design review panel and design code/design approach document. The</p>

ExQ1	Question to:	Question:
		<p>appointment of such a design champion, panel appointees and terms of reference for design code/design approach document should require the endorsement of the AONB Partnership and local authorities.</p> <p><b>The AONB Partnership considers that matters of design are critical to minimising impacts on the AONB and should have formed part of the proposed Development Consent Order and not as a requirement. The AONB Partnership and other stakeholders should be given a role in the agreement of such a requirement.</b></p>
	<p><b>Response by Kelsale-cum-Carlton Parish Council at Deadline 2</b></p>	<p>Extract from Response by Kelsale-cum-Carlton Parish Council at Deadline 2:</p> <p><i>"1.1 No, sufficient weight has not 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.</i></p> <p><i>1.2 The Parish of Kelsale-cum-Carlton has many connections to Minsmere and the AONBs, the adverse impact on all these areas will be significant. Further details on this is provided in our Written Representation on Community Impacts. In essence whilst noting that the premise of NPS EN-1 is that such a project would cause some harm, the sheer scale of it here means that it gives designations little or no protection and therefore approval should not be granted.</i></p> <p><i>1.3 The proposed route for the SLR and its design (of little or no merit) has a direct and profound impact on the setting of the ANOB and can only be described as incongruous with other routes leading further into the Suffolk Coast &amp; Heaths AONB. It is difficult to think of an uglier route to an AONB than the proposed SLR.</i></p> <p><i>1.4 The landscape here is rural and the proposed 'other developments' including a number of roundabouts with lighting outside of the main development, are urban in nature, and make no concession to the existing complementary landscape and setting."</i></p> <p>Please refer to <a href="#">REP2-347</a> for full response.</p>
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>ESC can comment from direct and recent experience of a NSIP project at the Third Crossing in Lowestoft (PINS reference TR010023), promoted successfully by SCC.</p> <p>i) For the Third Crossing project, advice to appoint a design champion was made by Design Council CABE. One was appointed by the project promoter to objectively critique the quality of detailed design as it was being produced. This champion was an architect but was not the designer of the scheme. Such a role was invaluable in providing interested parties not involved in project implementation that agreed sustainable design principles would not be lost, watered down or misinterpreted as detailed design, design changes,</p>

ExQ1	Question to:	Question:
		<p>budgeting and (significant) contractor input evolved. Such a champion for this project would need to have the confidence of interested parties and would need to have access and influence over design quality at a strategic level. Such a champion would need also to exhibit experience and understanding of this type and scale of project. The champion would need to be accountable to the design review panel (ii) to ensure that the design code (iii) was being adhered to. There is also a question of what the champion's discipline would be, as sustainable design includes architectural, landscape and ecological aspects amongst others, often cross-cutting.</p> <p>ii) A design review panel is an excellent suggestion and would include the design champion, who could report to it, for example. Such a panel was established for the Third Crossing project and met on a 3-monthly basis to receive feedback directly from the project manager, project designer and the design champion. The panel's remit included the production of what is suggested here at (iii) which ensured that it was actively useful beyond providing a 'critical friend' role. Membership of that panel was narrow, and it may be that a wider membership for this project would be more appropriate and include a balance between expert and lay opinion. The panel was serviced by the project promoter to ensure that it was well organised, with agendas and minutes provided.</p> <p>iii) A design approach document or code is an excellent suggestion. For the Third Crossing project, a 'Design Guidance Manual' was developed by the design review panel and formed part of the DCO submission, such that it became an embedded and approved design quality control document. In the case here, such a code would be derived from and complement the DAS.</p> <p>For all these suggestions, a willing Applicant is essential to manage, fund and be responsive to the implementation of all the above (and below).</p> <p>There is also a question of the continuing involvement of the Design Council. Only two high-level reviews have been undertaken over the extended design genesis of this project (2014 and 2019, both included in the DAS). It remains unclear, for example, how the current proposals responded to the most recent review, as there is no ongoing involvement with the Design Council that we are aware of. We strongly recommend, therefore, that a mechanism is established whereby the nationally eminent expertise and capacity of the Design Council is embedded in continuing phases of the project, where detailed design issues are being considered for the landscape masterplan, operational service centre and workers' accommodation.</p> <p>Perhaps the Design Council can provide the Design Champion. It could also provide the design review panel, although other local representation would still be required.</p> <p>This would need to be secured through the Section 106 if a Design Champion is to be appointed and a Design Review Panel enabled and funded by the Applicant.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Whilst a Design Champion has the potential to contribute to consideration of sustainable design issues this would probably need to be incorporated into the discharge of requirements related to design which is a matter for ESC. A design review panel to review the detailed design to support the discharging Authority has the potential to provide useful comment on sustainable design issues. A design code type document has the potential to establish useful parameters and support the discharge of requirements and test any minor modifications that may be made to the finishing and detailing discussed with discharging Authority, particularly given the length and complexity of this project</p>
	<b>Response by Natural England for Deadline 2</b>	<p>This is a nuclear power station proposed for the highly sensitive setting of an Area of Outstanding Natural Beauty, and the largest scheme of its type ever proposed for an AONB. Unlike Sizewell B, this is not a bespoke design for the AONB, but an existing power station design with some modifications deemed deliverable and compatible with the operational and safety needs of the nuclear facility.</p> <p>Design measures can of course enable the scheme to be integrated into the landscape to some extent (and that is welcome) but not 'effectively' if that means reducing the adverse effect on the landscape, and consequently the statutory purpose, of the AONB to a below significant level. Its individual presence, and the combined effect with the existing power stations and other energy infrastructure would, we believe, be too great to achieve that outcome. However, this does not mean that all potential design mitigation measures should not be explored and assessed to reduce, as far as possible, the effect on the AONB and its statutory purpose. An exhaustive exercise of that sort is commensurate with this nationally designated landscape.</p> <p>The design of the scheme has already been guided by a set of agreed design principles. The Design Council has also reviewed the scheme, although Natural England was not involved and not briefed on whether and how the statutory purpose of the AONB led that exercise. A limitation to design modifications is that operational and safety requirements take precedent. Therefore, for the reactor buildings and associated major structures a design champion or review panel would either need to accept the assurances of the developer that all possible design measures had been identified and applied, or have enough knowledge of nuclear facility operational design parameters to be able to challenge that.</p> <p>Regarding the Hinkley Point C scheme. If the 'Connector' Project refers to the Hinkley Connection Project that was a National Grid cabling scheme rather than the power station itself and therefore of very limited</p>



ExQ1	Question to:	Question:
		or no relevance to Sizewell. The Hinkley C power station is not in a designated landscape and so the same planning and design considerations do not apply. The design bar for an AONB is much higher.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. note the responses by stakeholders to the issue of design governance. SZC Co. provided a response on design governance matters raised/suggested by the ExA for ExAQ1 <b>LI 1.1</b> which was prepared in conjunction with the project design team for Deadline 2 [<a href="#">REP2-100</a>]. SZC Co. wish to secure a deliverable design governance model for key stakeholders that secures proper accountability and the correct resources to enable the planning authority in its role. For SZC Co's part, we consider the retention of the key members of our design team in a design guardianship role to mark our commitment for consistent high quality advice and direction in delivering good design through the discharge of requirements and that this would complement properly qualified officer time funded by SZC Co, working in conjunction with key stakeholders including the AONB Partnership in a consultative role. We believe our suggestion provides the basis for further discussions. SZC Co. are content to explore other options in reaching agreement acknowledging comments from stakeholders.</p> <p>Regarding the specific reference to the effects of the Sizewell Link Road on the setting of the Suffolk Coast and Heaths AONB, SZC Co. refer the Examining Authority to its response to ExQ1 <b>LI.1.85</b> [<a href="#">REP2-100</a>].</p>
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><b>AONB – Adverse Effects</b></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>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. has given substantial weight to the conservation of the natural beauty of the landscape and countryside in the Suffolk Coast and Heaths AONB in accordance with paragraphs 5.9.9 and 5.9.12 of the NPS EN-1<sup>2</sup>. SZC Co. has:</p> <ul style="list-style-type: none"> <li>• Consulted the Suffolk Coast and Heaths AONB (in its role as a consultee on the landscape and visual impact assessment, along with East Suffolk Council, Suffolk County Council and Natural England) on the approach to assessing the landscape and visual effects, and effects on the agreed natural beauty and special qualities of the AONB.</li> <li>• Engaged with the Suffolk Coast and Heaths AONB on matters related to the design of the proposed development, including the estate-wide landscape masterplan, design of the turbine halls and other embedded mitigation.</li> <li>• Sought to avoid or mitigate adverse impacts on the natural beauty and special qualities of the AONB wherever practicable through the design of the proposed development (see below for more details).</li> <li>• Assessed and documented the potential impacts of the proposed development on the natural beauty and special qualities of the AONB. This is set out in Tables 13.14 and 13.17 within <b>Volume 2, Chapter 13</b> of the <b>ES</b> [APP-216], and updated by the <b>ES Addendum</b> in <b>Volume 1, Chapter 2</b> [AS-181] and <b>Volume 3, Appendix 2.8.A</b> [AS-206].</li> <li>• Agreed an appropriately defined fund in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) to mitigate the residual landscape and visual effects of the proposed development on the AONB and its setting, and the wider landscape beyond the area designated.</li> </ul> <p>Measures to avoid or mitigate adverse impacts of development within the main development site on the natural beauty and special qualities of the AONB include:</p> <ul style="list-style-type: none"> <li>• A considered site selection process, as set out in Section 3 of the <b>Site Selection report, Appendix A</b> of the <b>Planning Statement</b> [APP-591].</li> <li>• Reducing as much as reasonably practicable the extent of physical disturbance to the landscape and the visual prominence of development within and in the setting of the AONB, as set out in <b>Paragraphs 13.5.9 and 13.5.12</b> in <b>Volume 2, Chapter 13</b> of the <b>ES</b> [APP-216]. This includes</li> </ul>

<sup>2</sup> DECC (2011) Overarching National Policy Statement (NPS) for Energy (NPS EN-1)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47854/1938-overarching-nps-for-energy-en1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf) [Accessed May 2021]

ExQ1	Question to:	Question:
		<p>lighting, which is controlled through the Lighting Management Plan included in <b>Volume 2, Appendix 2B</b> of the <b>ES</b> [<a href="#">APP-182</a>].</p> <p>SZC Co. recognises that an AONB can also be affected by non-visual factors, such as noise. A Tranquillity Assessment, which considers the effect that noise associated with construction work on the main development site would have on the tranquillity of the surrounding area (including the AONB) has been undertaken and is set out at <b>Volume 2, Appendix 15E</b> of the <b>ES</b> [<a href="#">APP-270</a>].</p> <p>SZC Co. is not proposing development within the AONB beyond the main development site. There would also be no views of that proposed development from within the AONB and, therefore, no potential for visual effects on the AONB. This is shown by the Zones of Visual Influence in <b>Figure 6.4</b> of <b>Chapter 6</b> of <b>Volumes 3 to 9</b> of the <b>ES</b> relating to the associated development sites [<a href="#">APP-362</a>], [<a href="#">APP-392</a>], [<a href="#">APP-423</a>], [<a href="#">APP-459</a>], [<a href="#">APP-492</a>], [<a href="#">APP-522</a>], [<a href="#">APP-553</a>].</p> <p>Tranquillity Assessments have also been undertaken for the two village bypass and Sizewell link road, which identify that the AONB is too distant from the proposed roads to have any material effect on tranquillity through increased noise levels, provided in <b>Appendix 8A</b> in <b>Volumes 5</b> and <b>6</b> of the <b>ES</b> [<a href="#">APP-430</a> and <a href="#">APP-465</a>].</p> <p>SZC Co. has sought to minimise and mitigate effects on the natural beauty and special qualities of the AONB through an extensive iterative assessment and design process. Indeed, to ensure that a comprehensive assessment and design process would be possible, SZC Co. worked with the Suffolk Coast and Heaths AONB Partnership, Suffolk County Council and East Suffolk Council to identify and agree the AONB's natural beauty and special qualities. The final and agreed version of the Suffolk Coast and Heaths AONB Natural Beauty and Special Qualities Indicators document is presented at <b>Volume 2, Appendix 13C</b> of the <b>ES</b> [<a href="#">APP-217</a>].</p>
	<p><b>Response by Walberswick Parish Council at Deadline 2</b></p>	<p>Parish Councils have been asked to comment on whether 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 NPS EN-1. If not, please identify what additional measures are required?</p> <p>This is the key question in the process and the answer is an overwhelming “NO” – sufficient weight has not been given. One must assume in reading NPS EN-1 that only in the most extraordinary circumstances should an AONB be disturbed. It is clearly stated that the AONB (not to mention SSSI) must have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.</p>

ExQ1	Question to:	Question:
		<p>As with our answer to the first question above, it is clear that building Sizewell C in Suffolk's AONB should be prohibited. It is impossible to protect the landscape and scenic beauty of the AONB and SSSI if Sizewell C is built within it and on its borders. Everything that Sizewell C will do will overwhelm the natural environment including the land, water and sea. The night sky, a critical part of the natural environment for wildlife and humans, will be lost to the construction. The wildlife that depends on the AONB and Minsmere, including the Marsh Harrier, will be severely impacted and cannot be addressed through any mitigation except not to build Sizewell C. The slag heaps will be visible and environmentally destructive, the light, noise and air pollution will be felt not only in the AONB, but on all villages and towns that border it.</p> <p>Moreover, the proposal for Sizewell C fails on other aspects of the policy. As quoted in Walberswick's and other Councils written representations, the development's impact will be detrimental on the local economy by making tourism, the mainstay of our local economy, unsustainable at least for the duration of the construction. This will impact the area with the loss of jobs and businesses. The ability to walk and cycle, to visit the AONB and appreciate the natural and delicate beauty of the coastal area will be extraordinarily impacted by the construction of the workers' campus, the Northern Park and Ride, the by-pass road and the huge number of HGVs and other vehicles on the road, even if EDF were able to secure the marine and rail options proposed.</p> <p>Finally, EDF has not provided any sufficient information on the impact on coastal processes and erosion. These impacts not only fail NPS EN-1, but could potentially be calamitous for communities up and down the Suffolk coast that are already threatened by climate change. This would have impacts far beyond the AONB and adjoining areas.</p>
	<b>Response by Stop Sizewell C and Theberton and Eastbridge Parish Council at Deadline 2</b>	<p>Paragraph 5.9.9 of the NPS EN-1 requires the former IPC (now Examining Authority (ExA)) to give substantial weight to the impacts on the AONB when deciding on applications. The paragraph is reproduced below:</p> <p><i>National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC should have regard to in its decisions<sup>126</sup>. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.</i></p> <p>Throughout the pre-application consultation and even within the DCO application, we do not consider that the applicant has given sufficient weight to the statutory purpose of the AONB and its environs. Whilst suggestions have been made regarding changes in cladding and other relatively simple changes have been</p>

ExQ1	Question to:	Question:
		<p>made by the applicant, the fact of the matter is that both the cumulative size of all the buildings plus the unforgiving nature of the concrete reactor shell cannot really be adapted in a sympathetic way.</p> <p>Paragraph 5.9.12 recognises that development outside nationally designated areas can compromise the purposes of adjacent designations and that such projects should be sensitively designed. We agree with the AONB Partnership that the accommodation campus and temporary beach landing facility/jetty, but would add that the increased height of the Hard Coastal Defence and the lengthened and more substantial design of the permanent beach landing facility, which will be on the coast for close to a century, in the setting of the AONB will compromise the purpose of the AONB designation as the defined characteristics of the AONB, including landscape quality, scenic quality, relative wildness and tranquillity, will be significantly negatively impacted.</p> <p>We agree with the AONB Partnership and consider that the applicant should further review these elements of the application and seek to redesign those aspects that have a significant negative impact on the AONB.</p>
	<b>Response by Leiston Town Council at Deadline 2</b>	<p>LI.1.2 AONB – Adverse Effects</p> <p>Leiston Town Council has always expressed concerns about the siting of another nuclear power station of this scale within the AONB. The aim of the AONB is to “conserve and enhance” a landscape that has special qualities. The development of SZC will do nothing to conserve or enhance the landscape qualities, scenic value, relative wildness or the tranquility of the area. Indeed, during construction, the landscape, character and special qualities will be lost completely for the duration of the construction and the restoration will take decades and the generations currently enjoying this environment will never see a return to its current character. Splitting the AONB into two parts is also seen as detrimental to the whole. While recognizing there will be an attempt to screen the buildings from both the land and seaward sides and the ambition to enhance the estate in the long term, without question, it will lead to the total destruction of our much loved and enjoyed section of the Suffolk Coast and Heaths AONB.</p> <p>During construction, the view of high cranes will be seen from Leiston itself and for miles along the coast, including within close proximity to RSPB Minsmere and National Trust Dunwich Heath. Light pollution will affect the residents within the local area and also its ecology. In addition, noise and dust and the loss of clean air, will mean the enjoyment of the AONB in this area is deemed impossible.</p> <p>We can evidence the above views by observing the site at Hinkley Point C, which despite the topography in Somerset, can still be seen for miles around – even from Dunkery Beacon on Exmoor National Park, which is 30 miles away. Also by the experience of the Sizewell B construction which was on a smaller scale.</p> <p>It would therefore, in our view, be impossible to protect the landscape, character and special qualities of the SC&amp;H AONB should this project go ahead. Furthermore, experience has shown (with Coronation Wood</p>

ExQ1	Question to:	Question:
		<p>for example) that mitigation or safeguards built in at this stage cannot be guaranteed for the long term should future unforeseen needs involve further demand for land from the AONB.</p> <p>Leiston Town Council concurs with the Relevant Representation and other submissions by Suffolk Coast and Heaths AONB to further evidence these observations and concerns.</p>
	<b>Response by Together Against Sizewell C at Deadline 2</b>	<p>The construction of Sizewell C, creating 12 years of light, noise and air pollution on a 900 acres site within the AONB will impair the ability of the AONB to deliver its core values to the area. TASC refer PINS to the TASC document 'AONB and landscape' for further assessment of the impact the development will have and the inadequacy of the weight given to the need to protect the landscape and the special qualities of the Suffolk Coast and Heaths AONB.</p>
	<b>Response by AONB Partnership at Deadline 2</b>	<p>The AONB Partnership consider that paragraph 5.9.9 of the NPS EN-1 requires the former IPC (now Planning Inspectorate) to give substantial weight when deciding on applications. The paragraph is reproduced below:</p> <p><i>National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC should have regard to in its decisions<sup>126</sup>. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.</i></p> <p>The AONB Partnership anticipates that the Examining Authority will give substantial weight to the statutory purpose of the AONB when making decisions. Furthermore, the AONB Partnership do not consider that the applicant has given sufficient weight to the statutory purpose of the AONB as it has repeated the design from Hinkley Point C, which is not in a nationally designated landscape and has therefore not sought to significantly adapt the design to avoid and minimise the landscape character, natural beauty and special qualities of the AONB.</p> <p>The AONB Partnership considers that the applicant should seek to avoid and minimise negative impacts on the AONB by the design and not simply replicate a design from Hinkley Point C. Therefore the AONB Partnership does not consider that sufficient weight has been applied to the statutory purpose of the AONB, its landscape, character and special qualities.</p> <p>Paragraph 5.9.12 recognises that development outside nationally designated areas can compromise the purposes of adjacent designations and that such projects should be sensitively designed. The AONB Partnership consider that the accommodation campus and temporary beach landing facility, in the setting of the AONB will compromise the purpose of the AONB designation as the defined characteristics of the</p>

ExQ1	Question to:	Question:
		<p>AONB, including landscape quality, scenic quality, relative wildness and tranquillity, will be significantly negatively impacted.</p> <p>The AONB Partnership consider that the applicant should further review these elements of the application and seek to redesign those aspects that have a significant negative impact on the AONB.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>Early in the consultation stage it was realised that this issue needed to be addressed, and in response, the Applicant commissioned its landscape consultants (LDA) to draw up a document that described all the special qualities of the AONB that justified its designation as a protected landscape of the highest level of designation. The preparation of the document followed a rigorous criteria-based approach that built on the existing Natural England process for the designation of protected landscapes. The final approved version was published in November 2015. That Special Qualities document went on to be adopted by Suffolk Coast and Heaths AONB and is now universally applicable to all planning and AONB management processes. It has been submitted to the ExA as Appendix 1:19 [REP1- 079] of the LIR. The DCO must comply with this document to demonstrate significant weight has been given to the special qualities of the AONB.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The Applicant commissioned its landscape consultants (LDA) to draw up a document that described all the special qualities of the AONB that articulated the reasons for its designation by explaining how natural beauty in the terms of s82 of CROW Act 2006 is expressed in the Suffolk Coast and Heaths AONB. The preparation of the document followed a rigorous criteria-based approach using the existing Natural England process for the designation of protected landscapes. See <a href="https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/Natural-Beauty-and-Special-Qualities-of-the-Suffolk-Coast-and-Heath.pdf">https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/Natural-Beauty-and-Special-Qualities-of-the-Suffolk-Coast-and-Heath.pdf</a></p> <p>Whilst this work has informed the design and approach to the Applicant's proposals, SCC considers that the Applicant has not given appropriate weight to the sensitivity of the receiving environment with respect to the power export solution proposed, the design of non-nuclear buildings and the location of the outage car park within the AONB, as set in in the Local Impact Report [REP1-049] at section 7 and Table 2, and in SCC's Written Representation submitted at Deadline 2.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>Firstly, a fundamental point. The national importance, status and statutory purpose of the AONB should have been reflected in a bespoke design for the proposed power station, as was delivered for the Sizewell B station. In those terms sufficient weight has not been given to the statutory purpose and related matters of landscape character and quality.</p>

ExQ1	Question to:	Question:
		<p>Moving on to the assessment of landscape effects and proposed mitigation measures. We do not consider that the developer's assessment of the effect of this scheme on the delivery of the area's statutory purpose is realistic, both for the construction and operational phases of the power station.</p> <p>In that context it can be argued that insufficient weight has been given to the statutory purpose, or to put it another way the vulnerability of the statutory purpose to this proposed development may have been under played. A combination of the extent and long duration of the construction phase, the scale of the operational scheme, and its in-combination effect with the existing power stations, all within a narrow neck of the AONB presents a risk that this part of the AONB will no longer be contributing to the statutory purpose.</p> <p>We have no 'additional measures' to add but anticipate that the examination process will give appropriate (i.e. significant) weight to the statutory purpose.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has reviewed Chapter 7 of the Local Impact Report prepared by ESC and SCC and has prepared a response to the issues and comments presented including matters related to use of pylons and the siting of the outage car park at Goose Hill, see <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).</p> <p>SZC Co. is also engaging with the AONB, SCC and ESC to prepare Statements of Common Ground, which include matters related to the location of the proposed Sizewell C development within the Suffolk Coast and Heaths AONB, the design of the proposed development and embedded mitigation, the findings of the LVIA in regards to the effects on the natural beauty and special qualities of the AONB and the scope of the Natural Environment Fund to mitigate the residual landscape and visual effects of the proposed development on the AONB and wider landscape beyond the designated area.</p>
LI.1.3	The Applicant, ESC, SCC, Natural England	<p><b>AONB and Heritage Coast</b></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>



ExQ1	Question to:	Question:
		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.
	<b>Response by SZC Co. for Deadline 2</b>	<p>The final and agreed version of the Suffolk Coast and Heaths AONB Natural Beauty and Special Qualities Indicators document (<b>Volume 2, Appendix 13C</b> of the <b>ES</b> <a href="#">[APP-217]</a>) includes characteristics of coastal and offshore areas with reference to the Seascape Character Assessment and comments from LVIA consultees, as requested by LVIA consultees and recorded in the LVIA Consultation Report (<b>Volume 2, Appendix 13H</b> of the <b>ES</b> <a href="#">[APP-217]</a>).</p> <p>The purposes of the Heritage Coast definition are presented in paragraph 13.6.151 in <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> <a href="#">[APP-216]</a>.</p> <p>The main development site LVIA in <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> <a href="#">[APP-216]</a> presents an assessment of the effects on the Suffolk Heritage Coast during construction and operation separately to the assessment of effects on the Suffolk Coast and Heaths AONB. Construction phase effects on the Suffolk Heritage Coast are presented in paragraphs 13.6.152-13.6.159. Operation phase effects on the Suffolk Heritage Coast are presented in paragraphs 13.6.322-13.6.326.</p> <p>SZC Co. considers that the approach taken to the assessment of effects on the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast is appropriate and not misleading.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	Other than the fact that one (Heritage Coast) is defined and the other (AONB) is statutorily designated, there is still a good deal of cross over on the reasons for defining/designating so to that end, ESC are satisfied that the adopted approach by the Applicant is acceptable.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC notes that Heritage Coasts are protected through development control within the planning system. Paragraph 173 of the National Planning Policy Framework (June 2019) states that "Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character". SCC also notes that the coincidence of the Heritage Coast with the AONB reinforces the importance of the undeveloped coastal landscapes and their seascape settings in defining the character and special qualities of the AONB, as set out in the Natural Beauty and Special Qualities Indicators document prepared by the applicant [REP1-079]. SCC is satisfied with the Applicant's approach and that the relevance of the Heritage Coast definition is reflected in the assessments undertaken.
	<b>Response by Natural</b>	The AONB Partnership is justified in seeking separate assessments of effects on the AONB (which is the statutory designation with clear legislative and planning policy protections) and the Heritage Coast (which

ExQ1	Question to:	Question:
	<b>England for Deadline 2</b>	<p>is a non-statutory 'designation' with its own set of purposes). This hasn't been a major issue for NE in considering the scheme as a whole in relation to the AONB's statutory purpose, but we recognise that it could be a hindrance for those, like the AONB Partnership, in looking at individual effects on the AONB and Heritage Coast.</p> <p>NE has commented in its Relevant Representations (PINS ref: RR-0878, our ref: 306236, dated 30th Sep 2020) that the proposed development is not compatible with a Heritage Coast 'designation' which is applied to stretches of largely undeveloped coastline. Whilst some residential or marine related development may be present a Heritage Coast would not be expected to feature a line up of three nuclear power stations. We understand that the applicant does not accept this.</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. note that ESC and SCC is satisfied with the Applicant's approach to the assessment of effects with regards to the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast is acceptable.
LI.1.4	ESC, SCC, Natural England and AONB Partnership	<p><b>Baseline Photographs and Visualisations</b></p> <p>Are you satisfied with the presentation of baseline photographs and visualisations prepared for the Proposed Development, including the Associated Development Sites?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	The AONB Partnership are satisfied with the presentation of baseline photography and visualisations. It will not be commenting on Associated Development Site matters due to lack of capacity.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is satisfied with the submitted baseline photographs and visualisations for both main site and associated development sites.

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at deadline 2</b>	SCC considers this to be acceptable. The additional work by the Applicant in relation to visualisation and representation of construction at the Main Development site is also noted.
	<b>Response by Natural England for Deadline 2</b>	Yes, in relation to our considering the scale and appearance of the scheme in relation to the area's statutory purpose. We defer to the local authorities and AONB Partnership as to whether the baseline photographs and other visuals are adequate in relation to the assessment of individual landscape effects.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
LI.1.5	ESC, SCC, Natural England and AONB Partnership	<b>Night-Time Assessment of Lighting</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	The AONB Partnership considers that the documents that form part of the Development Consent Order application do not sufficiently assess the impacts of lighting on relative tranquillity of the AONB, a defined characteristic of natural beauty, particularly during the 9-12 year construction phase from the temporary beach landing facility, necessary lighting for safe working and cranes. Some members of the AONB Partnership are aware of work the applicant has done relating to this topic where a comparison with Hinkley Point C has been undertaken and consider this work should have a wider audience for full appraisal and be applied to the proposals relating to Sizewell C.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC considers that the night-time assessment of lighting is well considered and usefully based on recommended LVIA methodologies which gives it wider consistency across other landscape impact assessments.

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers that the night-time assessment lighting is well considered and usefully based on recommended LVIA methodologies and that this is acceptable see para 6.12 in GLIVIA3: "For some types of development the visual effects of lighting may be an issue. In these cases it may be important to carry out night-time 'darkness' surveys of the existing conditions in order to assess the potential effects of lighting and the effects of lighting need to be taken into account in generating the 3D model of the scheme. Quantitative assessment of illumination levels, and incorporation into models relevant to visual effects assessment, will require input from lighting engineers but the visual effects assessment will also need to include qualitative assessments of the effects of the predicted light levels on night-time visibility. The visibility survey and definition of ZTVs may need to be reviewed and updated as siting, layout and design proposals are progressively refined and lighting effects become clearer"
	<b>Response by Natural England for Deadline 2</b>	NE has not been able to assess lighting issues in any detail in relation to the AONB and its statutory purpose. We recognise of course that lighting will form part of the raft of construction phase effects impacting on the AONB.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. welcome the endorsement by ESC and SCC of the approach adopted in the ES to the assessment of night-time effects, and note the comments of ESC and SCC that the assessment of effects arising at night from artificial lighting is well considered and based on LVIA methodologies that are recommended.</p> <p>In response to the comments from the AONB Partnership, SZC Co. submitted the <b>Hinkley Point C Construction Phase Visual Analysis (Appendix 18E)</b> [<a href="#">REP2-111</a>], which presents the approach taken to illustrate the visual effects of Sizewell C during construction (during the day and at night) by using Hinkley Point C (HPC) as a proxy.</p>
LI.1.7	SCC	<p><b>Mitigation and Offsetting</b></p> <p>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.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by Suffolk County</b>	SCC has provided further detail on the landscape and visual impact of the proposed development on the AONB and beyond in the Local Impact Report, Section 6 Table 1. This identifies the further mitigation and

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	compensation measures in respect of these impacts that SCC considers the applicant needs to put in place in order for the proposals to be considered adequate.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. acknowledges and is grateful for the comments and recommendations presented in Table 1 of Section 6 of the Local Impact Report prepared by SCC and ESC.</p> <p>SZC co. has responded to the issues in the <b>Comments on Councils' Local Impact Report</b> and refers the ExA to this (Doc Ref. 9.29).</p>
LI.1.12	SCC	<b>Detailed Design</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council at Deadline 2</b>	Further detail should be added to the Design and Access Statement, Table 5.2 to give greater certainty to the colouration of prominent structures such as the reactor stack, and the turbine hall. While there has been a welcome change in Principle 56 in revisions submitted at D1 in respect of the turbine hall, it would be better to refer to the Cladding Colour Assessment referred to in 6.17 of the DAS. Further detail should be added to Table 5.3 to give assurance that the proposals for the SSSI Crossing would be adhered to in terms of size of the culvert opening, angle of the embankment and landscaping as it is not clear that this is otherwise fixed. There should be greater detail provided at this point so that the nature and impact of Works 1A (f) and (g) (intermediate level waste store and interim spent fuel store) are more clearly described to this Examination.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Design Principles in Table 5.2 of the Design and Access Statement relate to the landscaping design within and beyond the platform. Design Principles relating to structures fall within Table 5.3 of the Design and Access Statement and as acknowledged have been amended (as submitted in Deadline 1) to provide more detail on colour for the reactor stack, turbine hall and interim spent fuel store.</p> <p>With regards to securing the colour of the turbine halls, SZC Co. will need to build in accordance with the relevant plans in Schedule 7 (Approved Plans) and the detailed design principles set out in chapter 5 of the</p>

ExQ1	Question to:	Question:
		<p>Design and Access Statement, as secured in <b>draft DCO Requirement 11</b> [<a href="#">REP2-015</a>]. Any alternative plans submitted must also accord with the same design principles. As acknowledged by Suffolk County Council, Design Principle 56 was amended at Deadline 1 to state that the colour palette shall be discussed and agreed with East Suffolk Council, therefore, SZC Co. does not feel it is necessary to refer further to the cladding colour assessment in the Design and Access Statement.</p> <p>For the avoidance of doubt, the layout, scale and external appearance of the SSSI crossing will be submitted and approved under Requirement 12C of the draft DCO in general accordance with the plan listed in the Requirement. That plan shows details including those listed by SCC above. Therefore SZC Co. do not think it is necessary to provide a new Design Principle in the Design and Access Statement.</p> <p>The maximum heights of Works 1A (f) and (g) (intermediate level waste store and interim spent fuel store) and the zones within which they will be located are secured via the Operational Parameter Plans and also illustratively described in <b>Chapter 7</b> of the <b>Design and Access Statement</b> [<a href="#">APP-586</a>]. Sufficient detail is provided to allow them to be environmentally assessed. The detailed design of those buildings will be submitted to and approved by East Suffolk Council prior to their commencement, following consultation with the stakeholders listed in that Requirement.</p>
<b>Main Development Site (MDS)</b>		
LI.1.15	ESC, SCC, Natural England, AONB Partnership	<p><b>Outline Landscape and Ecological Management Plan (oLEMP)</b></p> <p>The overarching objective of the oLEMP [<a href="#">APP-588</a>] 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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	The AONB Partnership consider that there is potential for elements of the oLEMP to deliver landscape and biodiversity enhancements but as the plan is only outline it is not possible to fully assess at this stage. It supports an objective to enhance landscape value and biodiversity habitat in the AONB to offset negative impacts.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	Yes. The LCT description refers to extensive areas of heathland or acid grassland as being a key characteristic. The replacement of existing agricultural farmland with acid grassland plus scrub and appropriate woodland will be a substantial and significantly positive enhancement of the LCT.
	<b>Response by Suffolk County Council at Deadline 2</b>	The proposed habitat creation would, subject to effective implementation and management, produce a feature that is characteristic of the Estate Sandlands.
	<b>Response by Natural England for Deadline 2</b>	We defer on the specific point regarding this LCT to the AONB Partnership and the local authorities. We however, make a wider and important point about the OLEMP in our response to question LI 1.99.
	<b>Response by SZC Co. for Deadline 3</b>	A Landscape and Ecological Management Plan will be prepared in general accordance with the measures set out in the <b>Outline Landscape and Ecology Management Plan</b> [ <a href="#">REP1-010</a> ]. This is secured by a requirement within Schedule 2 of the <b>Draft DCO</b> [ <a href="#">REP2-015</a> ]. SZC Co. would like to thank ESC, SCC and NE for their comments and engagement in developing the Outline Landscape and Ecological Management Plan thus far and look forward to future engagement with them on this matter.
LI.1.16	ESC, SCC, Natural England, AONB Partnership	<b>Pillbox Field - Planting</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB</b>	The AONB Partnership consider the loss of Coronation Wood to be unfortunate given its heritage value as well as wildlife and screening functions. Cultural heritage, along with landscape quality and natural heritage

ExQ1	Question to:	Question:
	<b>Partnership at Deadline 2</b>	<p>features form part of the defined qualities of the AONB and as such the removal of Coronation wood has had a negative impact on the AONB.</p> <p>The AONB Partnership consider that new woodland and woodland edge planting is a poor substitute for the removal of an existing mature woodland. These two factors add up to the conclusion that new planting is not an adequate replacement for the removal of Coronation Wood. The AONB Partnership consider that any new planting should not be at the expense of the loss of any important grassland.</p> <p>The AONB Partnership consider or recognise that the new planting will offer some screening function for power station infrastructure but notes that screening is cosmetic and assumes that it proposed to hide the negative impacts on the landscape character from the development and the defined qualities of the AONB including landscape quality, scenic quality, relative wildness and natural heritage features. The new planting will not fully achieve this given the scale and height of some of the buildings proposed as part of the development.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>In the long term the proposed 1 Ha of new planting in Pillbox Field is regarded as adequate replacement planting for the loss of Coronation Wood. Coronation Wood was a largely coniferous plantation, planted to mark the coronation of George V in the early 1900s and many of the trees were coming to the end of their useful sustainable life. A number of the examples of mature Pinus nigra were showing signs of red band needle blight which leads to progressive defoliation of the tree and thus tree death. Given the coastal location, such trees would be prone to wind throw thus exposing the inner areas of the wood to progressive further windthrow. The new planting has been specified to have notably greater habitat diversity than the Wood, and to be notably more in accord with prevailing landscape character than the Wood was. Its elevated position will allow it to make a notably useful contribution to screening of power station infrastructure as viewed from Sizewell Gap and Sandy Lane.</p>
	<b>Response by Suffolk County Council at deadline 2</b>	<p>The question of the adequacy of replacing Coronation Wood is best addressed by ESC and NE. Subject to effective implementation and maintenance woodland planting in this location would, in due course, make a contribution to the visual screening of the power station infrastructure from these locations.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>We defer on this point to the AONB Partnership and local authorities.</p>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. considers the planting proposals within Pillbox Field provide sufficient mitigation of the Sizewell B relocated facilities and the loss of Coronation Wood. Please refer to <b>LI.1.19</b> [<a href="#">REP-100</a>] for details of the replacement planting schemes.</p> <p>The proposed woodland planting within Pillbox Field would be located on former arable land which was taken out of active management approximately 10 years ago. It has since been left to regenerate naturally and now comprises a mix of dry grassland and scrub including gorse, broom and bramble. As a relatively recent arable reversion the existing grassland is not considered to be an 'important grassland'. Nevertheless the proposed woodland planting will retain areas of grassland across the majority of the field, including to the south of the Pillbox.</p>
LI.1.23	AONB Partnership	<p><b>Photomontages/Wireframes</b></p> <p>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?</p> <p>Are you satisfied in respect of operational visualisations?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	<p>The AONB Partnership noted in its relevant representations that:  <i>the EDF Computer Generated Imagery are not fit for purpose to give a visual representation of the impacts of construction</i></p> <p>This statement relates to the computer generated imagery available to the public during public consultation and did not provide enough detail to see the impacts on the AONB-eg AONB boundary not available. The AONB Partnership consider that the production of material similar to that produced for Wylfa, see for example Wylfa Newydd Project Illustrative Construction and Operation Visualisation for Viewpoint 27, and Viewpoint 38 at Felin Gafnan <a href="https://tinyurl.com/43efjykp">https://tinyurl.com/43efjykp</a> would provide the Examining Authority an easier understanding of the operational and construction impacts on the AONB's landscape quality, scenic quality and relative tranquillity for both the operational and construction periods.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Please refer to SZC Co.'s response to EXQ1 <b>LI.1.22</b> [ <a href="#">REP2-100</a> ]
LI.1.27	ESC	<b>Operational Effects – AONB</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	This comment arises from concerns that ESC has, that the ES conclusion that, because the identified major adverse landscape and visual effects would occur over localised sections of the designations, as far as the whole extent of the designations is concerned, the effects are assessed as not significant. This seems to be a conclusion of only academic note in terms of percentage of affected areas, given the key issues on the recognised major effects on coastal aspects of the designations in the locality of the main development site. ESC raised this point to ensure that the significant localised effects on these designations are not obscured by the less relevant reference to the designations as a whole. See paragraph 6.27 of the LIR [REP1-045 ].
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. does not consider that the references to the effects on the Suffolk Coast and Heaths as a whole obscures the significant adverse effects that are identified for a more limited area within the AONB.  <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> [ <a href="#">APP-216</a> ], as updated by <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [ <a href="#">AS-181</a> ], fully acknowledges the nature, extent and significance of effects of the proposals during construction and operation on the Suffolk Coast and Heaths AONB, informed by a full appreciation of the AONB's natural beauty and special qualities.  SZC Co. note that the Council's consider this to be academic interest, and the comment in the LIR (paragraph 6.27) that "...it is hard to envisage any single development that would have a significant effect on such an extensive area of AONB as a whole".

ExQ1	Question to:	Question:
		SZC Co. determined that in addition to presenting details of the extent of effects on the AONB in the LVIA, a conclusion should also be presented on the effects on the AONB as a whole given its status and importance.
LI.1.35	ESC, SCC, AONB Partnership, Natural England	<b>Ancillary and Plant Buildings</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	The AONB Partnership considers that decisions relating to any coloured cladding should draw on the AONB commissioned study Guidance on the selection and use of colour in design, see <a href="https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/SCH-Use-of-Colour-Guidance-v7.pdf">https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/SCH-Use-of-Colour-Guidance-v7.pdf</a> Careful use of colour may support the aspiration for parts of the development to have a less negative impact on the statutory purpose of the AONB. and should be a requirement to any consent given. The AONB Partnership considers that this element of design should be subject to binding independent advice to the applicant via specialist consultancy, drawing on the AONB commissioned work on the use of colour. The AONB Partnership consider this should be a requirement or conditioned as part of any consent.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC takes this question to mean are we satisfied that the use of a darker finish would allow the ancillary and plant buildings to be visually cohesive with the wider operational platform. Our answer is yes. The plinth storeys to the turbine halls and OSC building – the principal buildings - will be finished in a dark coloured glass fibre reinforced concrete. In this way, the thematic use of a darker, visually recessive colour treatment across the wider operational platform will ensure that the ancillary and plant buildings will form an architecturally cohesive group with other key structures – at least in respect of colour choice. ESC is satisfied that this approach works as far as minimising potential landscape and visual impacts are concerned.
	<b>Response by Suffolk County</b>	SCC is satisfied that the use of a darker finish would allow the ancillary and plant buildings to appear grounded within the wider operational platform.

ExQ1	Question to:	Question:
	<b>Council at deadline 2</b>	
	<b>Response by Natural England for Deadline 2</b>	We defer on this point to the AONB Partnership and local authorities.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. is grateful for the comments from ESC and SCC confirming that they are satisfied with the proposed recessive darker colour of the cladding for the ancillary buildings which will ground them within the wider operational site.</p> <p>SZC Co. would like to confirm that the AONB's study Guidance on the selection and use of colour in design has and will continue to be considered for the proposed colour choice for these structures. These structures will be in general accordance with the detailed design principles set out in <b>chapter 5</b> of the <b>Design and Access Statement</b> [<a href="#">REP2-040</a>] and in accordance with the parameter plans as secured by Requirement 13 of the <b>draft DCO</b> [<a href="#">REP2-015</a>].</p>
LI.1.40	ESC, SCC, AONB Partnership, Natural England	<p><b>Accommodation Campus – Massing Model and Photomontage/Wireframe Visualisations</b></p> <p>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.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	The AONB Partnership have no comment to make on the photomontage/wireframe visualisations presented of the proposed accommodation campus from the three viewpoints beyond the previously stated comments about this 'major' development being in the setting of a nationally designated landscape and as such should pay regard to the purpose of the AONB.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC has reviewed the described additional information and have noted its content but have no additional comment to make from previously submitted comment in respect of these areas. See Chapter 6 of the LIR [REP1-045].
	<b>Response by Suffolk County Council at Deadline 2</b>	Having reviewed AS 050 SCC have no specific comments to make on this material
	<b>Response by Natural England for Deadline 2</b>	We have not had an opportunity to review this material. Nonetheless, and considering the future delivery of the statutory purpose, this part of the development by itself would constitute major development immediately abutting the AONB and therefore impacting on its statutory purpose. It will form part of construction phase changes right across this part of the AONB from the shoreline to its inland boundary and setting.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
LI.1.41	ESC, SCC, Natural England, AONB Partnership	<b>Accommodation Campus – Key Design Principles</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	The AONB Partnership consider that additions to the Key Design Principles listed in table A.1 [APP-587] should include the following given its location adjacent to the nationally designated landscape and policy constraints: <ul style="list-style-type: none"> <li>• An assessment of the impacts of the proposals on the AONB</li> <li>• Design, including use of colour, massing and on site location to minimise visual and other impacts on the AONB</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Use of sustainable materials</li> <li>• Exemplar environmental performance of buildings in terms of energy use, water treatments</li> <li>• End of life plan for campus buildings-maximise recycling opportunities by planned design</li> </ul>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>For some Design Principles, ESC is not satisfied that the contents of Table A.1 are sufficiently robust, precise – or even comprehensive. Design Principles 1, 2, 4, 9 and 10 could be made more robust and precise by expanding along the lines of the following:</p> <ul style="list-style-type: none"> <li>• The design shall minimise impacts on neighbouring amenity;</li> <li>• The design shall demonstrate sustainability in its choice of materials, methods of construction, servicing, deconstruction, removal and site remediation post-occupation;</li> <li>• The design shall result in a positive user experience in respect of the quality of the built environment, open spaces, on-site uses and internal connectivity;</li> <li>• The design shall include multi-functional green infrastructure which encourages the health and well-being of workers; and</li> <li>• The design shall bring a coherent architectural narrative to all the distinct elements of the campus: accommodation blocks, reception, recreation building and decked car park.</li> </ul> <p>Specifically, for Design Principle no.6 ESC suggests it should either define a value for the level of lighting in that location or reference the DCO submission document which does.</p> <p>In respect of potential landscape and visual impacts, the design principles contained in Table 1 are satisfactory, although ESC note that it contains no reference to the Green Streets concept that is described elsewhere (A27.2) in the Design and Access Statement. ESC would prefer to have seen this commitment to provision of green space for recreation and wellbeing as a key design principle. ESC would welcome early conversation on design detailing and materials, particularly given this building's location adjacent the AONB boundary.</p>
	<b>Response by Suffolk County Council at deadline 2</b>	<p>Given that the Applicant states that "This Appendix to the Sizewell C Design and Access Statement has been prepared in order to set out the indicative proposals for the accommodation campus and the rationale behind them" SCC do not consider that it is reasonable that only table A.1 is for approval, however wishes to defer to ESC as the proposed discharging authority on this matter</p>
	<b>Response by Natural</b>	<p>We defer on this point to the AONB Partnership and local authorities.</p>

ExQ1	Question to:	Question:
	<p data-bbox="315 248 551 316"><b>England for Deadline 2</b></p> <p data-bbox="315 336 551 440"><b>Response by SZC Co. for Deadline 3</b></p>	<p data-bbox="577 336 2168 475">In response to the feedback received for Deadline 2, the key design principles set out in Table A.1 [<a href="#">APP-587</a>] will be updated as set out below (amendments to existing principles and additional principles are underlined). The <b>Accommodation Campus Appendix</b> to the <b>Design and Access Statement</b> [<a href="#">APP-587</a>] will be updated to reflect the amendments set out below at Deadline 5.</p> <ol data-bbox="629 531 2168 1437" style="list-style-type: none"> <li>1. Creation of high quality <u>internal and external environments which promote the health and well-being of workers. This is to include provision of informal green space within the accommodation block area within which workers can rest and socialise between shifts.</u></li> <li>2. Development contained within the land to the east of Eastbridge Road, reducing the heritage and visual impacts, <u>including those on the setting of the AONB.</u></li> <li>3. Orientation of accommodation blocks (siding on to Eastbridge Road) and massing (units of up to 3 storeys closer to Eastbridge Road) to minimise the visual impact on sensitive receptors to the west of the site, including Leiston Abbey (second site) and the realigned section of Bridleway 19.</li> <li>4. Visual impact of the accommodation blocks, <u>including that on the setting of the AONB,</u> minimised by limiting heights to four storeys.</li> <li>5. Accommodation blocks (the tallest buildings on the accommodation campus) consolidated generally towards the middle of the accommodation campus area to minimise the visual impact from Leiston Abbey (second site) and Public Right of Way E-363/010/0.</li> <li>6. No built development or perceptible light spill within 15m of the eastern edge of the accommodation campus area to establish a bat corridor. No built development or perceptible light spill within 15m of the eastern edge of the accommodation campus area to establish a bat corridor.</li> <li>7. Retention of the majority of existing trees and hedgerows to help establish an attractive, high quality environment for workers <u>and minimise the visual impact of development.</u></li> </ol>

ExQ1	Question to:	Question:
		<p>8. Realignment of Bridleway 19 to run adjacent to Eastbridge Road. Configuration and landscape treatment to minimise views to the accommodation campus buildings and help retain its rural character as far as reasonably practicable.</p> <p>9. Provision of a footpath generally around the inner edge of the perimeter of the site, where appropriate, to allow workers to exercise within the accommodation campus boundaries.</p> <p>10. Recreation building designed to create a well-defined entrance to the accommodation campus, with a strong relationship between the internal uses and open space.</p> <p>11. Parking (with the exception of drop-off points and disabled parking) provided within a two level decked car park and adjacent to non-residential buildings to minimise the disturbance to workers on different shifts.</p> <p>12. A reasonable standard of internal and external acoustic amenity (defined in accordance with BS 8233) will be achieved through acoustic design and specification of the building envelope. Plant associated with the accommodation campus, for example a combined heat and power unit (CHP) plant, air source heat pump network (ASHP) and/or back-up generator will be designed to achieve a rating level of noise not exceeding 35dB LAr,15mins at the closest off-site residential receptor, when assessed in accordance with British Standard 4142: 2014+A1: 2019.</p> <p>13. <u>Application of a building colour palette that takes into consideration the Suffolk Coast and Heaths AONB Guidance on the Selection and Use of Colour in Development document.</u></p> <p>14. <u>Use of building materials that respond to the local vernacular and help to integrate the larger structures into the landscape.</u></p> <p>15. <u>Design of the distinct built elements of the accommodation campus (i.e. accommodation blocks, amenity hub and decked car park) to deliver a coherent architectural narrative in terms of colour, materiality and style.</u></p>



ExQ1	Question to:	Question:
		16. <u>Demonstrate a sustainable approach to development in terms of: use of materials; methods of construction; energy and water supply; waste management; water treatment; drainage; deconstruction; post-construction phase re-use of materials; and site remediation.</u>
LI.1.42	ESC, SCC, Natural England, AONB Partnership	<b>Accommodation Campus – AONB</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	<p>The location of the proposed accommodation campus is adjacent to the nationally designated AONB. Therefore, the AONB Partnership considers that the applicant should adhere to a range of policy documents in developing its proposals. These include:</p> <p>National Planning Policy Framework</p> <p>The application for Sizewell C will be determined by the Planning Inspectorate but it is worth noting what the draft revisions to the National Planning Policy Framework (para 172), which should be a material consideration in the Development Consent Order process, has to say on development impacting on nationally designated landscapes and their setting:</p> <p><i>Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these</i></p> <p><i>areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.</i></p> <p>Furthermore, Planning Practice Guidance is relevant. The Planning Practice Guidance is a material consideration in Development Consent Order process.</p> <p>The National Planning Practice Guidance published by Government provides amplification on the National Planning Policy Framework and explains key issues in implementing the policy. The guidance on AONBs was updated in 2019. It recognises that where poorly located or designed, development within the settings</p>

ExQ1	Question to:	Question:
		<p>of AONBs that development can do significant harm to the nationally designated landscape. The Planning Practice Guidance states:</p> <p><i>Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.</i></p> <p>Any development in the setting of the AONB, particularly a large scale development adjacent to a nationally designated landscape has the potential to cause significant harm to its statutory purpose. The defined and agreed (with the applicant, Suffolk County Council, Suffolk Coastal District Council [now East Suffolk Council] and the AONB Partnership) natural beauty and special quality characteristics of the area relate to: landscape quality, scenic quality, relative wildness, relative tranquillity, natural heritage features and cultural heritage.</p> <p>The AONB Partnership do not consider that a development of this scale, in this location, contributes to the statutory purpose of the AONB and would indeed cause harm to several of its defined characteristics as listed above.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>• Landscape quality will be negatively impacted by loss of character by the development of a built accommodation campus</li> <li>• Scenic quality will be harmed by large scale development that does not form part of AONB character visible from within the AONB and adjacent to AONB boundary</li> <li>• Relative wildness will be lost by the introduction of a built element close to the AONB</li> <li>• Relative tranquillity of the AONB will be lost by impacts from noise and light from the development adjacent to the AONB over a substantial time period</li> <li>• Natural heritage features, such as mobile wildlife will be negatively impacted from the development by loss of routes to the AONB and habitats supporting wildlife that travels to and from the AONB</li> </ul>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>The proposed accommodation campus is located on land that is outside the AONB but immediately adjacent to its western boundary in this area. In this respect it is considered to be in the setting of the AONB. Whilst the inclusion of the accommodation campus will have no direct impact on the actual fabric of the landscape of the AONB, it has the potential to have an impact on those experiencing the adjacent</p>

ExQ1	Question to:	Question:
		AONB landscape, and other effects also have the potential to have an indirect impact on the special qualities of the AONB. These include visual impacts arising from the new buildings, and from lighting associated with the campus. For those using the adjacent Bridleway, they are likely to have a compromised experience of the rural landscape compared to what they might otherwise have expected to experience without the presence of the campus. In the immediate vicinity of the campus, and predominantly for users of the Bridleway, there will be a degree of comprising of the experience of the natural beauty of the AONB. The extent of likely effects will be influenced by the final design of the buildings and especially by proposed planting along the eastern boundary of the campus site. Current indications are that buffer planting along this boundary will usefully contribute to mitigating these effects on the AONB land.
	<b>Response by Suffolk County Council at deadline 2</b>	The proposed accommodation campus is located on land that is outside the AONB but adjacent to its western boundary in this area. Therefore, it is in the setting of the AONB and has the potential to have an impact on those experiencing the adjacent AONB landscape. Given that it is adjacent to the construction area for the project, it contributes, in combination with the construction laydown area, to the adverse impacts on the AONB during the construction phase of the project. See also answer to AR1.10 in relation to impacts of the campus on the tranquillity of the AONB
	<b>Response by Natural England for Deadline 2</b>	In terms of the actual effects of this part of the scheme on the AONB we defer to the AONB Partnership and local authorities. We would however: <ul style="list-style-type: none"> <li>• Emphasise that national planning policy is clear that development within the setting of an AONB can impact on the designated area itself.</li> <li>• Refer back to our answer to question LI 1.40 and the contribution that this element of the scheme makes to construction phase activities which span the width of the AONB from shoreline to the land which constitutes its 'setting'.</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	As set out in Sections A.21 and A.24 of the <b>Accommodation Campus Appendix</b> <a href="#">[APP-587]</a> , SZC Co. has given careful consideration to the planning and design of the proposals, and specifically in response to the location of the accommodation campus adjacent to the western boundary of the AONB and within land that forms part of its setting. The following points are highlighted: <ul style="list-style-type: none"> <li>• The delivery of the accommodation campus will be in general accordance with the key design principles which have been amended in response to stakeholder responses and are outlined in response to LI.1.41.</li> <li>• The campus development has been contained within the land to the east of Eastbridge Road and was selected following an optioneering process and stakeholder consultation prior to the DCO submission.</li> </ul>

ExQ1	Question to:	Question:
		<p>The single field option minimises the heritage and visual impacts, including those on the setting of the AONB.</p> <ul style="list-style-type: none"> <li>• The orientation of accommodation blocks (extending east - west and siding on to Eastbridge Road) and approach to building massing (units of up to three storeys to the west adjoining Eastbridge Road and rising to four storeys to the east) minimises the visual impact on sensitive receptors to the west of the site, including Leiston Abbey (second site) and the realigned section of Bridleway 19.</li> <li>• The visual impact of the accommodation blocks, including that on the setting of the AONB, has been minimised by limiting the height of the proposed development to four storeys.</li> <li>• The accommodation blocks (the tallest buildings on the accommodation campus) are arranged generally towards the middle of the accommodation campus site to minimise the visual impact from Leiston Abbey (second site) and Public Right of Way E-363/010/0.</li> <li>• The masterplan for the campus retains the majority of existing trees and hedgerows to help establish an attractive, high quality environment for workers and minimise the visual impact of development.</li> <li>• The proposed realignment of Bridleway 19 extends adjacent to Eastbridge Road and adjoins proposed planting that along with a strategy to offset the buildings from the road, minimises views to the accommodation campus and helps retain the road's rural character as far as reasonably practicable and soften and screen views of the development in conjunction with the sensitive selection of building cladding colour.</li> <li>• The updated design principles outlined in LI 1.41 make a commitment to take into consideration the Suffolk Coast and Heaths AONB Guidance on the Selection and Use of Colour in Development document and material selection.</li> </ul>
LI.1.43	Yoxford Parish Council	<p><b>Accommodation Campus – Scale</b></p> <p>Please provide additional information as to why it is considered that the proposed accommodation campus would not provide enough accommodation [RR-1277].</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by Yoxford Parish Council at Deadline 2</b>	<p>In RR-1277, in trying to cut out extraneous words to keep within the requested word count in leading into points 3 and 4, we have unintentionally created a meaning at paragraph 2 that wasn't intended.</p> <p>Ideally, the quoted sentence should have been "We think that the proposed campus is not intended to provide enough accommodation for all non-home-based workers". This point was made to set the scene for points 3 and 4 about impacts on the private rented sector and repurposing tourist focused accommodation. We did not intend to imply that the campus should be bigger without any justification or a suggestion of a more suitable size.</p> <p>Of course a potential mitigation for our points 3 and 4 could be a larger campus but if, and only if, non-home-based workers would take up that accommodation rather than use the private rented sector and current tourist focused accommodation. We did not suggest that solution as we thought it would be unlikely to work. We are fairly sure that the campus and campsite have been sized assuming a percentage of workers would rather, and are going to use the private rented sector. In consequence a larger campus would sit partially unoccupied and would not mitigate the problem.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co's approach to accommodating the workforce represents a balance of project accommodation and use of private accommodation.</p> <p>As set out in the <b>Accommodation Strategy</b> [APP-613], the approach is intended to represent a balanced solution for meeting the temporary increase in local accommodation demand which the Sizewell C Project would generate – offering construction efficiencies and supporting the project's aspirations for zero harm; delivering economic benefits for the local area and mitigating impacts during the construction phase, while considering the environmental effects of the campus and caravan site (and taking into consideration feedback from consultation), and the likely demand for different types of accommodation from workers.</p> <p>The corollary of not accommodating all workers in Project accommodation is that some will seek accommodation in the wider market. The effects of this have been assessed, by sector and location, in <b>Volume 2, Chapter 9</b> of the <b>ES</b> [APP-195], resulting in significant adverse effects being considered likely in local areas, before mitigation. This has enabled SZC Co to work closely with ESC to develop appropriate mitigation measures, to ensure that the residual effect on private rented and tourist accommodation sectors are not significant. Primarily, this would be delivered by the Housing Fund. SZC Co and ESC broadly agree that as set out in Schedule 3 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)), the Housing Fund would be able to mitigate these effects through the proposed measures, subject to agreement on its scale.</p>
LI.1.47	ESC, SCC, AONB	<b>SSSI Crossing – Assessment (Change 6)</b>

ExQ1	Question to:	Question:
	Partnership, Natural England	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]?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	<p>The AONB Partnership consider that the proposed changes to the bank embankment slopes of the SSSI crossing do not make a significant change to how it is integrated into the landscape. More importantly it considers this as insubstantial given the overall impact of the Main Development Site and Construction Site on the defined qualities of the AONB and considers that as a minimum it concurs with the assessment of the views of operational as being of Major to Moderate (significant) and adverse from the AONB promoted Suffolk Coast Path and Sandlings Walk, where many residents and visitors will experience the development.</p> <p>The AONB Partnership considers the level of significance of effects from the revised application relating to the SSSI crossing during operation would remain similar to that in original application.</p> <p>The AONB Partnership consider that the Guidance in the selection and Use of Colour work commissioned by the AONB should inform the design of elements of the SSSI crossing</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	The changes to the slope profiles will potentially increase the likelihood of more successful tree and scrub establishment, and the less abrupt change in slope profile would seem to point to more successful landscape integration. These are relatively subtle changes and as far as views from coastal viewpoints are concerned, and therefore the level of significance of effects from these viewpoints, ESC considers that they should remain as stated in [APP-216].
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers that the change to shallower slopes increases the likelihood of successful tree and scrub establishment. However, the changes are relatively modest when viewed from coastal viewpoints. Therefore, the findings stated in [APP 216] remain as stated.
	<b>Response by Natural England for Deadline 2</b>	We defer on this point to the AONB Partnership and local authorities.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. is grateful for the comments from the Councils regarding the proposed changes resulting in the greater likelihood of more successful tree and shrub establishment, and comments from the Suffolk Coast and Heaths AONB Partnership and Council's regarding the assessment of landscape and visual effects presented in the landscape and visual impact assessment in <b>Volume 2, Chapter 13 of the ES</b> <a href="#">[APP-216]</a> as remaining as stated.</p> <p>SZC Co. note the AONB's comment on the Use of Colour guidance published by the AONB informing the design development. For hard elements of the SSSI Crossing that are visible from public viewpoints and where a colour coating can reasonably be applied, the choice of colour will have regard to 'Guidance on the Selection and use of Colour in Development' published by the Suffolk Coast and Heaths AONB, where doing so would not give rise to operational, safety or ecological harm. This includes polartactic invertebrates. Elements of the SSSI Crossing that are reasonably required to have a concrete finish are excluded from this design principle. This can be agreed as part of the discharge of Requirement 12C of the <b>draft DCO</b> <a href="#">[REP2-015]</a>.</p> <p>However, to further secure our commitment, SZC Co. propose to include the following Design Principle in the Design and Access Statement -</p> <p><i>"For hard elements of the SSSI Crossing that are visible from public viewpoints and where a colour coating can reasonably be applied, the choice of colour will have regard to the 'Guidance on the Selection and use of Colour in Development' published by the Suffolk coast and Heaths AONB', where doing so would not give rise to operational, safety or ecological harm. This includes polartactic invertebrates. Elements of the SSSI Crossing that are reasonably required to have a concrete finish are excluded from this design principle".</i></p> <p>This will be included in the revised Design and Access Statement submitted at Deadline 5.</p>
LI.1.48	AONB Partnership	<p><b>Alison Farmer Associates Report</b></p> <p>Please provide a copy of the Alison Farmer Associates report as referred to in your response to the proposed project changes [AS-307].</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by AONB Partnership at Deadline 2</b>	<p>This document is available from <a href="https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/Sizewell-C-Beach-Landing-Facility-Review-December-2020.pdf">https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/Sizewell-C-Beach-Landing-Facility-Review-December-2020.pdf</a> or <a href="mailto:schaonb@suffolk.gov.uk">schaonb@suffolk.gov.uk</a> and appendix 1 of this doc.</p> <p>Please refer to <a href="#">[REP2-163]</a> for Appendix 1.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. is grateful to the AONB for providing the Alison Farmer Report (the report) which was not previously provided to SZC Co.</p> <p>The report was produced in response to SZC Co.'s consultation on proposed changes and preliminary environmental information (PEI) submitted by SZC Co. in November to December 2020. The consultation document can be found at <b>Appendix E</b> to the <b>Consultation Report Addendum</b> submitted in January 2021 <a href="#">[AS-156]</a>. The purpose of the report is recorded as to highlight broad issues and any gaps in the information provided and to inform the AONBs formal response to consultation.</p> <p>The report specifically reviews chapter 3 of the consultation document (changes to the freight management strategy), and focusses on the landscape and visual effects (within the Suffolk Coast and Heaths AONB) of the proposed changes arising from enhancements to the permanent beach landing facility and the four options for a new, temporary beach landing facility (Table 3.7). It is noted that the review was a desk-based exercise only and as such was not informed by site visits specifically to assess the proposed changes.</p> <p>Subsequent to the review of the PEI presented in the report, SZC Co. undertook design development and submitted the <b>ES Addendum</b> in January 2021<a href="#">[AS-181]</a>.</p> <p><b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> <a href="#">[AS-181]</a> provides additional and updated information to that presented within <b>Volume 2, Chapter 13</b> of the <b>ES</b> <a href="#">[APP-216]</a> and of specific relevance here, a revised assessment for landscape and visual receptors resulting from the enhancement of the permanent beach landing facility and construction and operation of a new, temporary beach landing facility. The updated landscape and visual assessment is presented in Section 2.8d and 2.8e and makes reference to ZTV modelling (Figure 2.8.1 and 2.8.2) <a href="#">[AS-192]</a> and Construction Phase Parameters Based Photowire Visualisations (Figures 2.8.20, 2.8.21, 2.8.22) <a href="#">[AS-193]</a>.</p>



ExQ1	Question to:	Question:
		SZC Co. note that the report includes a section titled 'Additional Information/Clarification Required'. As noted previously, this comment relates to consultation material submitted in November-December 2020. A description of the proposed changes related to the enhanced permanent beach landing facility and new, temporary beach landing facility (referred to as 'Change 2') is presented in Section 2.2.b ii of <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [ <a href="#">AS-181</a> ] submitted in January 2021.
LI.1.50	SCC	<p><b>Pylons – Underground Cabling Options</b></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>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by Suffolk County Council at Deadline 2</b>	A copy of the report of SCC's consultants AFRY with an analysis of the policy implications is included in SCC's Written Representations at Appendix WR4a submitted at Deadline 2. Appendices WR4b and WR4d provide additional commentary from AFRY on updated technical notes provided by the Applicant with regard to alternatives to pylons and overhead lines.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Local Impact Report (LIR) and the Written Representation (WR) submitted by SCC at Deadline 2 acknowledge that SZC Co. has sought to address concerns raised during pre-submission consultation with regard to the use of overhead lines at Sizewell C by reducing in height some of the proposed pylons (WR paragraph 4.10).</p> <p>In addition to these consultations, SZC Co. has engaged in a series of detailed workshops with SCC on the design of the proposed power station throughout the pre-submission period and beyond. In particular, these workshops have since August 2018 included specific focus on the power export connections and the alternative technical solutions considered by SZC Co. This engagement has allowed agreement to be reached between SCC and SZC Co. on the suitability of a number of potential options, prior to commencement of the examination.</p>

ExQ1	Question to:	Question:						
		<p>SZC Co. therefore acknowledges the agreement confirmed by SCC in their WR that underground cables are not an appropriate solution for the power export connection in any form (WR Appendix 4d, paragraph 7, line no. 8), and that accommodating GIL in underground galleries would be unfeasible (WR Appendix 4d, paragraph 7, line no. 17).</p> <p>SCC has a number of outstanding concerns regarding the justification provided by SZC Co. for including overhead lines in the proposals (WR paragraph 4.18). SZC Co. responds to these points as follows, with reference to the Power Export Connection Technical Recommendation Report, which was presented in <b>Appendix 5E</b> of SZC Co's <b>Response to ExQ1s</b> [REP2-108]. That report provides comprehensive details of the alternative power export options considered and justification for the use of overhead lines as the preferred option.</p> <table><tr><th>SCC position</th><th>SZC Co. response</th></tr><tr><td><p><b>i.</b> The Applicant's report suggests that the use of GIL would lead to the use of SF6 gas, which is a contributor to global warming. AFRY points out that other operators have minimised or eliminated the use of SF6, instead using g3 gas for all installations. This is a far less potent greenhouse gas, with a much lower Global Warming potential</p></td><td><p>GIL was considered in detail for Sizewell C but would not be feasible due to unacceptable impacts on the operability and security of the site. Please refer to the report conclusions in the Technical Recommendation Report section 5 for a summary of the key issues.</p><p>The choice of insulating gas did not materially influence the option selection process, indeed the potential to use an insulating gas with a lower global warming potential than SF6 was acknowledged in section 3.2.</p></td></tr><tr><td><p><b>ii.</b> The Applicant's report considers that the inspection and maintenance of GIL in troughs is time consuming and hazardous. AFRY's view is that maintenance would be at a minimum, because of the nature of the product and that machine handling of trough covers should not be seen as hazardous when removal is required.</p></td><td><p>The potential to install GIL in troughs was considered in detail. The reasons for rejecting such a method of installation are set out in the Technical Recommendation Report section 3.2.1.</p><p>The reliability of overhead lines and GIL are discussed in sections 4.2.4 and 4.3.3</p></td></tr></table>	SCC position	SZC Co. response	<p><b>i.</b> The Applicant's report suggests that the use of GIL would lead to the use of SF6 gas, which is a contributor to global warming. AFRY points out that other operators have minimised or eliminated the use of SF6, instead using g3 gas for all installations. This is a far less potent greenhouse gas, with a much lower Global Warming potential</p>	<p>GIL was considered in detail for Sizewell C but would not be feasible due to unacceptable impacts on the operability and security of the site. Please refer to the report conclusions in the Technical Recommendation Report section 5 for a summary of the key issues.</p> <p>The choice of insulating gas did not materially influence the option selection process, indeed the potential to use an insulating gas with a lower global warming potential than SF6 was acknowledged in section 3.2.</p>	<p><b>ii.</b> The Applicant's report considers that the inspection and maintenance of GIL in troughs is time consuming and hazardous. AFRY's view is that maintenance would be at a minimum, because of the nature of the product and that machine handling of trough covers should not be seen as hazardous when removal is required.</p>	<p>The potential to install GIL in troughs was considered in detail. The reasons for rejecting such a method of installation are set out in the Technical Recommendation Report section 3.2.1.</p> <p>The reliability of overhead lines and GIL are discussed in sections 4.2.4 and 4.3.3</p>
SCC position	SZC Co. response							
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ExQ1	Question to:	Question:
		<div data-bbox="584 240 1420 576"> <p>This compares favourably with the issues associated with the maintenance of overhead lines, including working at height. The nature of the coastal situation of this site means that overhead lines would require regular maintenance and cleaning. Accordingly, there is no agreement that overhead lines are more reliable or have lower maintenance risks, than a GIL solution.</p> </div> <div data-bbox="1420 240 2188 576"> <p>respectively. SZC Co. does not consider there to be any material difference in failure rates between these two technologies; they have both been proven to be reliable in service. Notwithstanding this, in the unlikely event of a fault, the time required to repair GIL is significantly longer than for overhead lines, as noted in 4.3.3.</p> </div> <div data-bbox="584 576 1420 879"> <p><b>iii.</b> The Applicant's report identifies problems with the exclusive use of overhead or underground GIL routes, but does not appear to analyse the opportunities to use hybrids with underground or overground being used at appropriate places. The product allows such switching to meet the constraints imposed by different parts of the cable route</p> </div> <div data-bbox="1420 576 2188 879"> <p>The potential to combine overground and underground installation techniques for GIL has been considered. Overground and underground constraints for each area that a GIL would need to traverse are described in the Technical Recommendation Report sections 4.3.2 and 4.3.3.</p> </div> <div data-bbox="584 879 1420 1182"> <p><b>iv.</b> The Applicant considers that, with the constrained nature of the site, there is not adequate space to accommodate a GIL route. AFRY points to examples where a similar connection occupies a space of no more than 1m in width and therefore it should be able to be accommodated and has identified workable routes around the site.</p> </div> <div data-bbox="1420 879 2188 1182"> <p>The constrained nature of the site and the impact this has on the suitability of a GIL installation are described in detail in the Technical Recommendation Report section 4.3. These findings are not affected by the width of the installation.</p> </div> <div data-bbox="584 1182 1420 1455"> <p><b>v.</b> The Applicant suggests that, for security reasons, the only way in which an export cable can cross the site boundary is in overhead form. AFRY points out that the security could equally be achieved by using buried cables at this point. Material supplied by manufacturers shows that this is an appropriate use for the product.</p> </div> <div data-bbox="1420 1182 2188 1455"> <p>The potential to cross the site boundary by underground means has already been addressed in the report. Refer to the Technical Recommendation Report sections 3.2.1 and 4.3.3.</p> </div>

ExQ1	Question to:	Question:
		<p>SCC assert that the proposed pylons and overhead lines would significantly exacerbate the residual impacts on the character and special qualities of the Suffolk Coast and Heaths AONB (WR paragraphs 1.11, 4.8, 4.25, 4.45). This conclusion is not supported by the Landscape and Visual Impact Assessment. SZC Co. recognise that design solutions that minimise the visibility of pylons would be preferable and has selected a configuration that has the least visual impact from locations along the coast of the options considered.</p> <p>Power transmission lines are a standard feature of views of electricity generating stations, and form part of the baseline situation at Sizewell. At Sizewell, existing transmission lines traverse the Suffolk Coast and Heaths AONB to connect to Sizewell B power station. An important aspect of the proposed development is that no additional lines would be required to support the addition of Sizewell C – the pylons included in the proposals would simply connect Sizewell C to the end of the existing transmission route. The four pylons required for this would all be located within the operational footprint of the proposed power station.</p> <p>Notwithstanding this, SZC Co. confirm that the choice of technical solution to connect the proposed power station to the existing transmission lines was based entirely on site-specific issues as described in the <b>Planning Statement Appendix A Site Selection Report</b> [<a href="#">APP-591</a>], supported by the <b>Technical Recommendation Report</b> [<a href="#">REP2-108</a>].</p>
LI.1.52	SCC	<p><b>Pylons – Mitigation</b></p> <p>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].</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council at Deadline 2</b>	A significant compensation package could take a variety of forms, but is likely to involve some kind of compensation fund. SCC is currently working to evaluate an appropriate scale and form and will be able to propose a package in due course. However, as outlined in detail in SCC's Written Representation submitted at Deadline 2, to fulfil policy requirements, avoidance and reduction of the impacts should be prioritised before considering mitigation and compensation for residual impacts. Therefore, before considering compensation packages, alternatives that avoid pylons and overhead lines such as GIL should be exhaustively considered.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	In accordance with NPS EN-6, SZC Co. has sought to limit visual impacts through design and to mitigate residual impacts where practical. As paragraph 3.10.8 of NPS EN-6 recognises, however, effects cannot be eliminated. SZC Co. has proposed a Natural Environment Improvement Fund <a href="#">[REP2-060]</a> as an effective approach to enabling the conservation and enhancement of the landscape and habitats to be delivered over time across the area of visual influence, thereby further limiting and mitigating effects. This is a practical and effective approach, consistent with the NPS. It is not understood what SCC believes is necessary by way of 'compensation', how this would address the requirements of the NPS or how such a compensation payment would be applied in practice to be any more effective than the carefully constructed approach already proposed to the Natural Environment Improvement Fund.
LI.1.58	ESC, SCC, MMO, Natural England and AONB Partnership	<b>Temporary Beach Landing Facility – Assessment (Change 2)</b> 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]?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	<p>The AONB Partnership note the statement in the Environment Statement Addendum [AS-181] para 2.8.7 that:</p> <p><i>No additional mitigation has been identified to that embedded in the changed design</i></p> <p>and consider that the Beach Landing Facility and Temporary Beach Landing Facility have extremely limited embedded mitigation and such features do not contribute to the purpose of the AONB designation. Furthermore, it recognises that both the enhanced Beach Landing Facility and Temporary Beach Landing Facility and more activity off the coast due to more deliveries by barge, tug and ships into a highly sensitive landscape be a high magnitude, major (significant) and adverse and concur that the effects will be of high magnitude from the AONB.</p> <p>A Permanent Beach Landing Facility in the AONB and a Temporary Beach Landing Facility in the setting of the AONB and associated craft are not features that contribute to the purpose of the AONB and negatively impact on defined features such as landscape quality, scenic quality and tranquillity.</p>

ExQ1	Question to:	Question:
		<p>Where the AONB Partnership diverge from the assessments that of impacts on the AONB is the reference to a localised extent of impacts eg para 2.8.54 of Environment Statement Addendum [AS-181] that states:  <i>The effects would continue to remain generally of high-medium to medium magnitude, remain major to major-moderate (significant) and adverse between approximately Dunwich Coastguard Cottages and Thorpe Ness, with the temporary BLF presenting a localised addition to the construction effects of the main development site in the coastal environment.</i></p> <p>The AONB Partnership consider that impacts of this magnitude and significance have a negative impact on the AONB designation and its statutory purpose as a whole. It does not consider that reference to localised impacts of this magnitude and significance is helpful as the impacts are impacting the very purpose of the AONB as recognised in the National Policy Statement for Nuclear Power Generation (EN-6), para C.8.73, that states:  <i>...Therefore the Appraisal of Sustainability has found that there is the potential for some long lasting adverse direct and indirect effects on landscape character and visual impacts on the Suffolk Coast and Heaths AONB, with limited potential for mitigation.</i></p> <p>The damage from elements of the proposed development is acknowledged to impact the AONB. Significant negative impact on the AONB cannot be discounted as localised as the AONB is a single entity.</p> <p>The AONB Partnership are satisfied with these amended findings and that the revised temporary BLF would have wider localised effects as discussed in AS 181 para 2.8.24 -26 on the landscape; rather than the more limited extent effects identified in APP 216</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Whilst it is noted that the described changes to the Temporary BLF would introduce some new built elements into the field of view of the described viewpoints, these changes are not so great that they will change the previously described significance of effects which is established by the fundamental introduction of the structures into the views in the first place.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC are satisfied with these amended findings, particularly that the revised temporary BLF would have wider localised effects (as discussed in [AS 181] para 2.8.24 -26) on the landscape; rather than the more limited extent effects identified in [APP 216].</p>

ExQ1	Question to:	Question:
	<b>Response by the MMO for Deadline 2</b>	The MMO defer comments on visual impact to Natural England and the Area of Outstanding Natural Beauty (AONB) partnership.
	<b>Response by Natural England for Deadline 2</b>	We defer on this point to the AONB Partnership and local authorities.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. acknowledges the location of the new, temporary beach landing facility and enhanced permanent beach landing facility within and adjacent to the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast, and has sought to minimise and mitigate effects as far as reasonably practicable. SZC Co. is grateful for the consultees review of the assessment findings and note that there is agreement to the assessment of residual landscape and visual effects as presented albeit diverging in regards to the extent of impacts on the AONB.</p> <p><b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> [<a href="#">APP-216</a>] and <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>] fully acknowledge the nature, extent and significance of effects of the enhanced permanent beach landing facility and proposed new temporary beach landing facility during construction and operation phases on the Suffolk Coast and Heaths AONB, informed by a full appreciation of the AONB's natural beauty and special qualities.</p> <p>SZC Co. does not agree that the proposals would have a negative impact on the AONB designation and its statutory purpose as a whole. <b>Volume 2, Chapter 13</b> (Landscape and Visual) of the <b>ES</b> [<a href="#">APP-216</a>], as updated by <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [<a href="#">AS-181</a>], fully acknowledges the nature, extent and significance of effects of the proposals during construction and operation on the Suffolk Coast and Heaths AONB, informed by a full appreciation of the AONB's natural beauty and special qualities.</p>
LI.1.68	ESC, SCC, Natural England, AONB Partnership	<p><b>Mitigation</b></p> <p>What, if any, further mitigation is considered necessary in relation to the MDS? If necessary, how do you consider such measures should be secured?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by AONB Partnership at Deadline 2</b>	<p>The AONB Partnership recognises the section 106 process to compensate and mitigate impacts of development. It has set out its views on how a Landscape and Environment fund could compensate and mitigate impacts on the AONB and its setting in a 'Position Statement' agreed and published in January 2021. This can be viewed at: <a href="https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/03/AONB-Partnership-Position-Statement-on-Potential-Sizewell-C-Fund.pdf">https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/03/AONB-Partnership-Position-Statement-on-Potential-Sizewell-C-Fund.pdf</a> or a copy can be secured on request from schaonb@suffolk.gov.uk</p> <p>The AONB Partnership is currently developing its thoughts on the magnitude of what such a compensation and mitigation fund might look like for both the main development site and the construction site based on the previously agreed section 106 agreement signed by Suffolk Coastal District Council (now East Suffolk Council), Suffolk County Council and EDF Energy for the Dry Fuel Store associated with Sizewell B</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC considers that no specific further mitigation measures in respect of landscape and the MDS are necessary. It is considered that the emphasis should be on delivering those proposed to the highest quality through the discharge of requirements process.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC refers the ExA to the LIR [REP1-049], section 6, particularly Table 1 and paragraphs 6.18 – 6.59. This highlights a range of issues where SCC believes the Applicant needs to consider further mitigation of the landscape and visual impact of the Main Development Site or, failing that, where substantial compensation for the significant residual adverse impacts of the development will be required. Table 1 in the LIR [REP1-049] identifies a number of mechanisms through which SCC considers this mitigation and/or compensation should be secured. SCC is continuing to engage with the Applicant in all of these matters, seeking to ensure that any impacts are at best avoided (eg use of pylons), mitigated through design (eg design of non-nuclear buildings) or compensated for (eg residual impacts on the character and special qualities of the AONB) through a Natural Environment fund of sufficient size, scope and longevity.
	<b>Response by Natural England for Deadline 2</b>	We defer on this point to the AONB Partnership and local authorities. We would however, make a general point that it is for the applicant to identify all practicable mitigation measures for a very large and complex site and scheme such as this. Only they have the engineering, site and project management and related skills to advise what is achievable.



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>In accordance with the NPS, SZC Co. has sought to limit impacts through design and to mitigate residual landscape and visual impacts where practical. As the NPS recognises, however, landscape and visual effects cannot be eliminated. SZC Co. has proposed a Natural Environment Fund (Doc Ref. 8.17(D)) as an effective approach to enabling landscape and ecology improvements to be delivered over time across a defined area, thereby further limiting and mitigating effects. This is a practical and effective approach, consistent with the NPS.</p> <p>With regards to a response to SCC's reference to the LIR and specifically section 6, Table 1 and paragraphs 6.18 – 6.59 of the LIR [<a href="#">REP1-045</a>], references should be made to the matters raised in the <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).</p> <p>It is not understood what SCC believes is necessary by way of 'compensation', how this would address the requirements of the NPS or how such a compensation payment would be applied in practice to be any more effective than the carefully constructed approach already proposed to the Natural Environment Fund.</p>
<b>Freight Management Facility (FMF)</b>		
LI.1.73	The Applicant, ESC, SCC	<p><b>Representative Viewpoint 3: Footpath E-169/017/0</b></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>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Paragraphs 6.6.64 and 6.6.65 of the landscape and visual impact assessment at <b>Volume 8, Chapter 6</b> of the <b>ES</b> [APP-520] provide further explanation of the assessment of effects at Viewpoint 3 (as part of Receptor Group 6 – Users of footpath (E-169/017/0) and local roads (Tenth Road and Levington Lane) south of Bucklesham and north of the A14). Paragraph 6.6.65 sets out the assumed height of proposed vegetation along the northern boundary of the freight management facility by year 10 as around 4.8m, based on the assumptions of growth rates set out at paragraph 6.3.40. The screening effect that would be provided by the proposed vegetation by that time is the basis for the reduction in the scale of effect from medium (defined in the landscape and visual methodology at <b>Volume 1, Appendix 6I</b> of the <b>ES</b> [APP-171] as 'Partial alteration to key elements, features, qualities or characteristics, such that post development the baseline will be noticeably changed') to small (defined in the landscape and visual methodology at <b>Volume 1, Appendix 6I</b> of the <b>ES</b> [APP-171] as 'Minor alteration to key elements, features, qualities or characteristics, such that post development the baseline will be largely unchanged despite discernible differences').</p> <p>(ii) As set out in paragraph 6.6.65 of the landscape and visual impact assessment at <b>Volume 8, Chapter 6</b> of the <b>ES</b> [APP-520], by year 10 the proposed vegetation is assumed to have grown to a sufficient height to screen the majority of the proposed development '<i>with only taller elements such as lighting and the stop and search canopy likely to remain visible</i>'. Lighting columns would be a maximum of 8m high and the HGV screen and search area canopy up to 6m high with a relatively thin profile to the canopy. The lower buildings, at a maximum height of 4m as defined by the parameters shown on <b>Volume 8, Figure 2.6</b> of the <b>ES</b> [APP-513], as well as the majority of vehicles and vehicle movements, would be screened by that time. This would be a reduction in the amount of development visible and would remain seen in the context of the foreground traffic on the A14.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is satisfied that effects would reduce from medium scale to small scale as the proposed planting matures at this viewpoint, although it should be noted that on the prevailing light sandy soils found in this location, very positive measures will be needed to ensure successful early establishment of such planting.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is generally satisfied, however given that the reduction in effect is dependent on satisfactory plant growth in these very light and free draining soils, a high standard of establishment and planting will be essential to achieve this outcome.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
LI.1.76	ESC, SCC	<b>Lighting</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Given the close association of the FMF with the A14, which is a notably busy road given that it carries all Port road based freight traffic, ESC considers that it is unlikely that night-time lighting will have a significant impact on the associated LCTs.
	<b>Response by Suffolk County Council at Deadline 2</b>	Reviewing [APP 520] p27, it appears that a range of measures are proposed to limit the adverse impacts of operational lighting minimise impacts on receptor group of which particular regard should be given to residents of Keepers Cottages. The mitigation measures proposed here should be consistent with those used at the Park and Ride sites to ensure impacts on public and residential amenity are robustly addressed.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. confirms that the mitigation measures proposed at the freight management facility are consistent with those proposed at the park and ride sites, with operational lighting designed so that light spill beyond the site boundary would be minimal. This would be secured by Requirement 20, Schedule 2 of the <b>Draft DCO</b> [ <a href="#">REP2-015</a> ] which restricts commencement of Work No. 9 (northern park and ride), Work No. 10 (southern park and ride) and Work No. 13 (freight management facility) until a Statement of Compliance has been submitted to and approved by ESC. This Statement of Compliance is required to demonstrate compliance with the <b>Associated Development Design Principles</b> [ <a href="#">REP2-041</a> ] and how those principles have been incorporated into the design proposals.
LI.1.79	ESC, SCC	<b>Landscaping</b> 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

ExQ1	Question to:	Question:
		adjoining agricultural landscape [APP-520]? In answering please be specific in respect of location if any concern exists.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Noting that additional screen planting around all boundaries is also proposed, ESC is satisfied that the described landscape mitigation measures are likely to be effective in providing visual screening to the site, subject to approval of final details submitted through the discharge of requirements stage.
	<b>Response by Suffolk County Council at Deadline 2</b>	These measures in addition to the proposed planting by the Applicant are likely to be effective subject to high standards of establishment and aftercare as supervised by the discharging Authority
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
LI.1.80	ESC, SCC, Natural England	<b>Mitigation</b> What, if any, further mitigation is considered necessary in relation to the FMF? If necessary, how do you consider such measures should be secured?
	<b>Response by SZC Co. for Deadline 2</b>	As detailed in <b>Volume 8</b> of the <b>ES</b> [APP-509 to APP-537, and <a href="#">AS-187</a> ], no significant effects are anticipated during the construction, operation or removal and reinstatement phases for the majority of environmental disciplines. The landscape and visual impact assessment [ <a href="#">APP-520</a> ] does predict significant adverse effects on Group 1 receptors (users of PRoW, Registered Common Land/open access land and residents of Keepers Cottages to the east of the site) during the construction and removal and reinstatement phases, due to views of construction/demolition activity and plant. However, given the effects would be temporary and, for the removal and reinstatement phase, the proposed planting along the eastern boundary of the site would be mature and provide visual screening (assumed to be 4.8m high for woodland and shrub planting), the visual effects for this receptor group would be reduced. It is not considered that any additional mitigation is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	A lighting strategy that causes the least amount of light spill possible will need to be sought through the discharge of requirements stage.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers that no additional landscaping measures are required. The mitigation measures proposed here should be consistent with those used at the Park and Ride sites to ensure impacts on public and residential amenity are robustly addressed.
	<b>Response by Natural England for Deadline 2</b>	NE is only able to provide 'landscape' advice with regard to the AONB and its statutory purpose. We therefore defer on this point to the local authorities.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. are grateful for the responses received from ESC, SCC and NE, identifying that no additional landscape mitigation measures are required. SZC Co. confirm that the mitigation measures relating to lighting proposed at the freight management facility are consistent with those proposed at the park and ride sites and would be designed in accordance with a lighting strategy for the freight management facility. Mitigation measures for the freight management facility would be secured by Requirement 20, Schedule 2 of the <b>Draft DCO</b> [ <a href="#">REP2-015</a> ] which restricts commencement of Work No. 13 (freight management facility) until a Statement of Compliance has been submitted to and approved by ESC. This Statement of Compliance is required to demonstrate compliance with the <b>Associated Development Design Principles</b> [ <a href="#">REP2-041</a> ] and how those principles have been incorporated into the design proposals. The Design Principles require all lighting at the freight management facility to be in accordance with a lighting strategy.
<b>Sizewell Link Road (SLR)</b>		
LI.1.83	ESC, SCC, Natural England	<b>Outline Landscape and Ecological Management Plan (oLEMP)</b> 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?

ExQ1	Question to:	Question:
		<p>(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?</p> <p>(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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(I) ESC considers that, subject to final details submitted through the discharge of requirements stage, the proposed measures and subsequent monitoring are likely to provide correctly implemented post construction habitats, together with the appropriate management to ensure their successful establishment and integration into the surrounding landscape.</p> <p>(ii) ESC considers that the proposed new habitats reflect the prevailing local landscape character and would contribute to its enhancement.</p> <p>(iii) Yes, ESC accepts that the described tree and hedge planting would generally be successful in minimising the visual impact of the SLR in views from the surrounding landscape, and would integrate with the surrounding landscape to contribute to its resilience and long-term sustainability.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	The proposed new habitats would contribute to the enhancement of the landscape character of this section of the Ancient Estate Claylands and Rolling Estate Claylands and partially reduce the impact of the SLR in views from the surrounding landscape. The proposals for the landscape and ecology would ameliorate the long-term damage created by the SLR, but SCC considers that the removal of a temporary road would be more effective in ensuring the long-term sustainability of the landscape and its ecological function.
	<b>Response by Natural England for Deadline 2</b>	We defer on the specific point regarding this LCT to the local authorities. We however, make a wider and important point about the OLEMP in our response to question LI 1.99.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is grateful for the responses from ESC, SCC and NE and will continue to discuss the <b>oLEMP</b> [ <a href="#">AS-264</a> ] with these parties as it is developed into the full LEMP. SZC Co. also acknowledges the comment from NE at LI.1.99 in relation to ensuring that the full potential to help mitigate for the effect of the power station is achieved and will continue to ensure this is a key consideration of the oLEMP. No further response from SZC Co. is required.

ExQ1	Question to:	Question:
LI.1.88	ESC, SCC	<b>Lighting</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC suggests that at discharge of requirements stage, lighting options of primarily the least amount of upward, but also lateral light spill are proposed and agreed. Planting options to address lateral light spill should also be considered.
	<b>Response by SZC Co. for Deadline 3</b>	Requirement 22 of the <b>draft DCO</b> [REP2-015] secures the <b>Associated Development Design Principles</b> [REP2-041] for the highway works, comprising Work Nos. 12 (Sizewell link road). The Design Principles for the Sizewell link road include at item 4 " <i>Operational phase lighting would be designed to achieve a balance between providing lighting appropriate for all road users whilst applying suitable mitigation measures in keeping with the local environment</i> ". SZC Co. will give further consideration to any additional planting to address lateral light spill will be undertaken as part of the detailed design, acknowledging the existing and proposed hedgerows already shown in the vicinity of the proposed A12 roundabout.
LI.1.89	ESC, SCC, Natural England	<b>Lighting and Special Landscape Area (SLA)</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Special Landscape Areas (SLAs) are no longer used as a landscape designation by ESC, and therefore ESC cannot provide a meaningful response to this question.
	<b>Response by Suffolk County</b>	SLAs are no longer identified within the Local Plan

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	
	<b>Response by Natural England for Deadline 2</b>	We defer on this point to the local authorities.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
LI.1.90	ESC	<b>Layout</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC can advise that these comments were raised in respect of impact in relation to Listed Buildings and this matter is more fully addressed in the HE section of questions.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
LI.1.96	SCC	<b>Design and Mitigation</b> 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.



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>1) A detailed scheme for the downgrading of the existing road,</p> <p>2) A package of offsite planting and habitat creation required to offset the impacts on the character and ecological environment along the new route.</p> <p>3) Appropriate requirements for the same. Further discussions around the recently received oLEMP for the SLR would be required.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The SZC Co. response to ExQ1 <b>AI.1.33</b> [<a href="#">REP2-100</a>] provides some of the context to the downgrading of the B1122. Discussions with SCC are ongoing in relation to downgrading the existing route.</p> <p>The landscape and visual assessment at <b>Volume 6, Chapter 6</b> of the <b>ES</b> [<a href="#">APP-457</a>] and as updated by <b>Volume 1, Chapter 6</b> of the <b>ES Addendum</b> [<a href="#">AS-185</a>] does not identify any significant residual effects on landscape character that would require additional offsite planting along the proposed Sizewell link road. However, SZC Co. will continue to discuss any requirements for offsite planting and habitat creation with SCC as appropriate.</p>
LI.1.98	ESC, SCC, Natural England	<b>Mitigation</b> What, if any, further mitigation is considered necessary in relation to the SLR? If necessary, how do you consider such measures should be secured?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: none at this stage.
	<b>Response by Suffolk County</b>	The principal mitigation measure would be to implement a scheme that was suitable as a temporary access road for the duration of project construction, and was capable of effective restoration, with appropriate requirements for the same. See SCC's Written Representations on this matter.

ExQ1	Question to:	Question:
	<b>Council at Deadline 2</b>	
	<b>Response by Natural England for Deadline 2</b>	We have highlighted the risk of this road within the setting of the AONB presenting as other than a rural road if a significant amount of standard kerbing, lighting and signage introduce 'suburbanising' features into this area. The DCO should include a detailed design which minimises these elements.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The SZC Co. response to ExQ1 <b>AI.1.33</b> [REP2-100] sets out why SZC Co. consider that the Sizewell link road should be retained permanently. The mitigation measures are currently based on the assumption that the road would be permanent. Should the decision be taken that the Sizewell link road should be a temporary route, the scheme would be reconsidered in discussion with SCC and ESC.</p> <p>As set out in the SZC Co. response to ExQ1 <b>LI.1.85</b> [REP2-100], SZC Co. does not consider that the Sizewell link road is located within the setting of the AONB. However, the design of the road seeks to minimise the use of features such as kerbs, lighting and signage, introducing them only where required to comply with highway standards, such as at roundabouts, as set out in the <b>Associated Development Design Principles</b> [REP2-041].</p>
<b>Two Village Bypass (TVB)</b>		
LI.1.99	ESC, SCC, Natural England	<p><b>Outline Landscape and Ecological Management Plan (oLEMP)</b></p> <p>In respect of the proposed oLEMP [AS-263], please provide comment on the following:</p> <p>(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?</p> <p>(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?</p> <p>(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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) Yes, as far as can be understood at this stage and subject to agreement of further details to be considered and agreed at discharge of requirements stage.</p> <p>(ii) Yes, ESC considers that the proposed new habitats associated with the Two Village Bypass would contribute to the character of the respective landscape character types through which it passes.</p> <p>(iii) Yes, the described woodland areas, tree belts and hedges would all contribute to minimising the visual impact of the TVBP in the landscape and would help to ensure its long-term persistence in the landscape in a sustainable and resilient fashion. That said, ESC considers that there is one particular visual impact issue with regards to the southern Two Village Bypass roundabout and its presence in the visual connection between Parkgate Farm and Farnham Parish Church, that still requires further consideration and mitigation/compensation. (see HE section of questions).</p>
	<b>Response by Suffolk County Council at deadline 2</b>	<p>(i) Yes, as far as can be understood at this stage and subject to agreement of further details to be considered and agreed at discharge of requirements stage.</p> <p>(ii) The proposed new habitats associated with the road would contribute appropriately to the character of the respective landscape character types through which it passes.</p> <p>(iii) The woodland areas, tree belts and hedges would contribute to reducing the visual impact of the new road.</p>
	<b>Response by Natural England for Deadline 2</b>	We defer on this point to the AONB Partnership and local authorities. We believe however that the oLEMP deserves to be scrutinised to ensure that its full potential to help mitigate for the effect of the power station can be realised. There are limits to which this development's impact of the statutory purpose of the AONB can be mitigated by design measures and screening. Therefore, the capacity of the oLEMP to deliver landscape enhancements which might provide a degree of 'counterbalance' to the remaining significant effects of the operational power station is, we believe, an important consideration. We advise that this also applies to new habitat provisions within the Natural Environment Fund.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is grateful for the responses from ESC, SCC and NE and will continue to discuss the <b>oLEMP</b> [ <a href="#">AS-263</a> ] with these parties as it is developed into the full LEMP. SZC Co. also acknowledges the comment from NE in relation to ensuring that the full potential to help mitigate for the effect of the power station is achieved and will continue to ensure this is a key consideration of the oLEMP. SZC Co. consider that the revised illustrative masterplan of the two village bypass provided at <b>Figures 5.2.2 to 5.2.5 in Volume 2, Chapter 5 of the ES Addendum</b> [ <a href="#">AS-197</a> ] provides a large area of approximately 2.77ha of restored floodplain grazing, alongside the proposed woodland and hedgerow planting, which in combination provide substantial landscape and ecological enhancements along the route of the two village bypass. The <b>Biodiversity Net Gain Report - Two Village Bypass</b> [ <a href="#">REP1-018</a> ] indicates that the highest value

ExQ1	Question to:	Question:
		<p>habitats, woodland and forest and grassland, would approximately double in area as a result of the proposals.</p> <p>In relation to the visual effects on the visual connection between Parkgate Farm and Farnham Parish Church, please see SZC Co.'s response at Deadline 3 to HE.1.48 above.</p>
LI.1.106	ESC, SCC, Natural England	<p><b>Mitigation</b></p> <p>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?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The two village bypass Landscape and Visual Impact Assessment identifies significant effects on three of the receptor groups identified (Groups 1, 2, and 4) during construction due to the views of construction activity and plant seen above existing vegetation, and significant adverse effects would remain to Groups 1 and 4 during operation due to visibility of the proposed lighting at night.</p> <p>The lighting design is dictated by highways requirements and measures are included to minimise lighting effects, but the lighting will remain visible. Bunds or acoustic barriers are unlikely to assist for these effects as they would need to be of a height that would cause landscape and visual intrusion in their own right. During construction, effects on those receptor groups are largely about the physical extent of construction activity and the direct impacts on rights of way users but these impacts would be temporary in nature.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>No further mitigation is considered necessary at this stage in respect of landscape mitigation for the Two Village Bypass.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Given the extensive effects on landscape fabric, paragraph 6.8.8. page 29 [APP 421], SCC would wish to have discussions with the applicant and ESC regarding a possible package of offsite planting and habitat creation required to offset the impacts on the character and ecological environment along the route.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>NE is only able to provide 'landscape' advice regarding the AONB and its statutory purpose. We therefore defer on this point to the local authorities.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	The landscape and visual assessment at <b>Volume 5, Chapter 6</b> of the <b>ES</b> [APP-421] and as updated by <b>Volume 1, Chapter 5</b> of the <b>ES Addendum</b> [AS-184] does not identify any significant residual effects on landscape character that would require additional offsite planting along the proposed Sizewell link road. The physical changes to the landscape fabric within the site set out at paragraph 6.6.8 <b>Volume 5, Chapter 6</b> of the <b>ES</b> [APP-421] are mitigated through the current package of proposed planting and habitat creation measures, as shown on the revised illustrative masterplan of the two village bypass provided at <b>Figures 5.2.2 to 5.2.5</b> in <b>Volume 2, Chapter 5</b> of the <b>ES Addendum</b> [AS-197]. However, SZC Co. will continue to discuss any requirements for offsite planting and habitat creation with SCC as appropriate.
<b>Northern Park and Ride (NPR)</b>		
LI.1.111	ESC, SCC, Natural England	<b>Mitigation</b> What, if any, further mitigation is considered necessary in relation to the NPR? If necessary, how do you consider such measures should be secured?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Screening mounds and new planting have been described in the ES. Full details of this can be agreed at discharge of requirements stage, as necessary, together with lighting strategies. It is anticipated that as much new planting as possible can be left as legacy planting after completion of the project and therefore its nature and location will need to be well suited to the prevailing local landscape character.
	<b>Response by Suffolk County Council at Deadline 2</b>	Subject to effective discharge of requirements, in combination with the design and implementation of mitigative lighting strategies, no further mitigation is required.
	<b>Response by Natural England for Deadline 2</b>	NE is only able to provide 'landscape' advice regarding the AONB and its statutory purpose. We therefore defer on this point to the local authorities.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Southern Park and Ride (SPR)</b>		
LI.1.114	The Applicant, Wickham Market Parish Council	<b>Representative Viewpoint – Wickham Market</b> 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.
	<b>Response by SZC Co. for Deadline 2</b>	To address this question, SZC Co. has liaised with Anne Westover as the nominated representative of Wickham Market Parish Council. The Parish Council have identified two additional locations with views towards the southern park and ride site. Photography has been taken from both of these locations on 4 May 2021 and <b>Figures 18.51</b> and <b>18.52</b> to this chapter present the views, along with a description of the characteristics of the existing view and the likely effects of the proposed development. Given the timing of the Examining Authority's Questions, the views are not truly winter views, however neither are trees and hedgerows fully in leaf. Where relevant, reference is made to any changes in the extent of visibility that would be possible in fully winter views.
	<b>Response by Wickham Market Parish Council for Deadline 2</b>	29th April: Cllr Westover WMPC email to LDA "Further to our conversation this afternoon I am just confirming by email too. We identified clear views of the SP&R site some time ago which gave/give us cause for concern regarding adverse impacts and lack of mitigation provided. We were unclear why parish views had not been encapsulated in the range of VPs. In particular from WM on PRow9 south of King Edward Avenue/Meadowside there will be clear views of the site and the access road. The mature oak is a good marker in the view. We consider that the effects arising here need to be dealt with by appropriate landscape mitigation. Further distant but also clear views of the site on the horizon are available in views from the PRow 6 north of Chapel Lane, locally known as Sandy Lane (and actually in Pettistree). We have recently carried out a tree planting scheme along this lane with 22 oaks and other species so you will see those if you do visit.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is grateful for the input provided by WMPC in identifying the additional viewpoint locations provided as part of the SZC Co. submission in response to this question. SZC Co. consider that the retention and enhancement of the existing vegetation along the western edge of the park and ride site, including Whin Belt and the mature oak and the hedgerow it is within, would screen much of the park and ride site from view, but acknowledge that the access road would be visible in the distance. Hedgerow

ExQ1	Question to:	Question:
		planting will also be provided along the access road whilst the park and ride is operational, as stated in the <b>Associated Development Design Principles</b> [REP2-041]. and retained important hedgerows along the B1078 slip road, accessing the site, will be augmented by additional hedgerow planting as shown on the proposed landscape masterplan [AS-125].
LI.1.120	ESC, SCC, Natural England	<b>Mitigation</b> What, if any, further mitigation is considered necessary in relation to the SPR? If necessary, how do you consider such measures should be secured?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Screening mounds and new planting have been described in the ES. Full details of this can be agreed at discharge of requirements stage, as necessary, together with lighting strategies. It is anticipated that as much new planting as possible can be left as legacy planting after completion of the project and therefore its nature and location will need to be well suited to the prevailing local landscape character.
	<b>Response by Suffolk County Council at deadline 2</b>	Subject to effective discharge of requirements, in combination with the design and implementation of mitigative lighting strategies, no further mitigation is required.
	<b>Response Natural England at Deadline 2</b>	NE is only able to provide 'landscape' advice regarding the AONB and its statutory purpose. We therefore defer on this point to the local authorities.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Rail</b>		
LI.1.124	Pro-Corda/Leiston	<b>Design – Leiston Abbey</b>

ExQ1	Question to:	Question:
	Abbey, English Heritage	Does the design of the rail extension route effectively minimise the visibility of the route from Leiston Abbey?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by English Heritage Trust for Deadline 2</b>	<p>EHT is concerned that the setting of the Abbey site will be compromised by the construction of the rail extension.</p> <p>The view of the Abbey site through the hedge row on Abbey Lane is iconic. This approach to the Abbey site needs to be conserved as far as possible. EHT do not wish to see any 'normalising' of the effects of the rail extension that would allow for permanent changes to setting of the Abbey site.</p> <p>Moreover, the mitigation for the rail must also include improvements to the interpretation and understanding of the Abbey site as visitors approach it from the south. This will help to offset the circuitous Public Right of Way (PROW) redirection that is proposed. EHT is concerned that access to the Abbey site will be directly affected by the closure of PROW E363/006/0 for the construction phase. A diversion is provided which heads east / crosses the railway / heads back west to re-join the current alignment.</p> <p>EHT is pleased to note the following DCO requirement:  <u>Associated development sites: Removal and reinstatement</u>  <i>(1) Within 12 months of the completion of the SZC construction works, Work No. 9 (northern park and ride including highway works), Work No. 10(a) (southern park and ride), Work No. 13(a) (freight management facility), Work No. 4B (green rail route), and Work No. 4D (rail spur) must be demolished.</i>  <i>(2) All materials resulting from the demolition of the above Works must be removed from the relevant site, and the land restored to a condition suitable for agricultural use.</i></p> <p>EHT are also concerned about the risks of the Green Rail Route being in place for longer than the current proposed period, due to any unforeseen reasons eg construction delays.</p> <p>To help mitigate the effects of the Sizewell C project on Leiston Abbey second site, EHT is proposing a comprehensive Sustainable Conservation and Management Strategy (SCMS).</p> <p>EHT proposes that the works and projects within the SCMS provide the protection and enhancement needed. This includes advocacy for best practice site maintenance and care, conservation, improving</p>



ExQ1	Question to:	Question:
		understanding of the site, enhancing the visitor experience, and promoting local community participation. This will help to better reveal the significance of the Abbey site, and help protect the site for generations to come
	<b>Response by Pro Corda Trust for Deadline 2</b>	Our position is that the rail extension route will be very visible and form a very new backdrop to the southside of the Leiston Abbey site, in turn reducing significantly its current sense of tranquility and seclusion.
	<b>Response by SZC Co. for Deadline 3</b>	<p>Detailed discussions with EHT and Pro Corda regarding measures to be included within the Draft Deed of Obligation are ongoing.</p> <p>SZC Co. has also suggested to EHT and Pro Corda that a whole site landscape strategy / masterplan might be helpful, drawing on landscape, amenity, heritage and ecology perspectives. This would aim to address the residual visual impacts of the proposed development. The palette of interventions that might be appropriate include for example, hedgerow improvements, new planting, meadow creation, new seating and mown paths. Interpretation could also be incorporated into a designed and agreed 'masterplan', subject to agreement with EHT.</p> <p>It is proposed that the masterplan would be funded under the Deed of Obligation. This approach is not yet agreed and a decision would need to be made by the Parties as to whether it sits within the Resilience Fund or Heritage Contribution. Notwithstanding this, all Parties would need to work together and be consulted on this.</p> <p>An application could be made to the Natural Environment Fund for and interventions identified by the masterplanning exercise - see Schedule 11 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)).</p> <p>Pro Corda is supportive of this approach, as set out within the updated <b>Statement of Common Ground</b> (Doc Ref. 9.10.21(A)). EHT has requested further detail to enable it to consider this approach, noting that SZC Co. introduced this proposal very recently.</p>
LI.1.125	ESC, SCC, Natural England,	<b>Mitigation</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC considers that no further mitigation is required in respect of landscape effects. Given the temporary nature of the rail route, it is arguably more important that landscape restoration measures are fully provided, the details of which can be secured in detail through the discharge of requirements process.
	<b>Response by Suffolk County Council at deadline 2</b>	No further mitigation is required in respect of landscape effects. However, an effective and robust restoration scheme must be secured and implemented through the discharge of requirements.
	<b>Response by Natural England at Deadline 2</b>	NE is only able to provide 'landscape' advice regarding the AONB and its statutory purpose. We therefore defer on this point to the local authorities.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
<b>Yoxford Roundabout and Other Highway Improvements</b>		
LI.1.127	ESC, SCC, Natural England,	<b>Mitigation</b> 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?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC considers that further mitigation in respect of anticipated landscape impacts resulting from the introduction of the Yoxford roundabout other than that currently indicated is unlikely to be required. Full details of indicated landscape mitigation provision can be discussed and agreed at discharge of requirements stage, as necessary.
	<b>Response by Natural</b>	NE is only able to provide 'landscape' advice regarding the AONB and its statutory purpose. We therefore defer on this point to the local authorities.

ExQ1	Question to:	Question:
	<b>England at Deadline 2</b>	
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.



**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)**

**ExQ1 Part 5 of 6**

Chapter 19 Ma.1	<a href="#">Marine water quality and sediment</a>
Chapter 20 MN.1	<a href="#">Marine Navigation</a>
Chapter 21 NV.1	<a href="#">Noise and Vibration</a>
Chapter 22 R.1	<a href="#">Radiological considerations</a>

ExQ1      Question to:      Question:		
<b>Chapter 19 - Ma.1      Marine water quality and sediment</b> <b>In the following questions, unless otherwise stated, paragraph numbers are to [APP-314] with section references drawn from [AS-034] (A.b.b and so on)</b>		
Ma.1.0	The Applicant, MMO, EA	<p>Para 21.2.8 Section D, eel management plans.</p> <p>Please explain further the importance in legal and policy terms, of the relevant plan, any non-compliance arising from the Proposed Development, and what is in place should the Proposed Development be non-compliant.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Eel Management Plans (EMPs) were required by European Council (EC) Regulation 1100/2007.</p> <p>There is no legal requirement to comply with eel management plans.</p> <p>Delivery of the UK EMPs for inland waters, and tidal waters to a distance of 6 nautical miles, is the responsibility of the Environment Agency. The Sizewell C Project is within the Anglian River Basin District EMP. The EMP (dated March 2010) aims to describe the status of eel populations at that date, assess compliance with the target set out in Council Regulation No 1100/2007 and detail management measures to increase silver eel escapement.</p> <p>The EMP does not set out policies to be complied with by the developers and operators of development which may affect eel populations.</p> <p>However, of some relevance to the DCO application is the statement that '<i>[A]ll abstraction points in the RBD will be assessed for their likely impact on eel populations and appropriate screening recommended</i>' (p.29). Although this appears to relate to abstraction points which were in existence in 2010 (at the time the EMP was written) it is relevant to this application.</p> <p>The impact of the Sizewell C project on eels has been fully assessed. An Eels Regulations Compliance Assessment (ERCA) has been undertaken to support to the application for development consent and Water Discharge Activity (WDA) Permit for Sizewell C (see <b>Volume 2, Appendix 22S</b> of the <b>ES</b> <a href="#">[APP-332]</a>). In compliance with the EMP, the ERCA identified and assessed the key offshore construction and operational activities of Sizewell C (marine structures and Beach Landing Facility (BLF); cooling water system; cooling water discharge; and Fish Recovery and Return (FRR) systems) which have the potential</p>

ExQ1	Question to:	Question:
		to impact on the safe passage of the European eel and their life cycle (see <b>Section 5.3 of Volume 2, Appendix 22S</b> of the <b>ES</b> [ <a href="#">APP-332</a> ]).
	<b>Response by Environment Agency at Deadline 2</b>	<p>The proposed development will not be compliant with the Eel Regulations 2009 as the Applicant is unable to use a compliant mesh screen to prevent the entrainment of glass eels for the system abstracting water for the cooling system.</p> <p>We requested that entrainment monitoring be undertaken to quantify entrainment impacts. We understand the Applicant is considering options but that it is unlikely to be achievable. Without this monitoring it will not be possible to quantify what the impact is from the operation of this station.</p> <p>We have therefore advised that compensation measures would be required and are awaiting proposals from the Applicant.</p>
	<b>Response by the MMO for Deadline 2</b>	The MMO defer to the Environment Agency as the appropriate body to comment on this subject.
	<b>Response by SZC Co. for Deadline 3</b>	<p>Based on the material provided in the Application (see <b>Volume 2, Appendix 22S</b> of the <b>ES</b> [<a href="#">APP-332</a>]), SZC Co. does not agree with the Environment Agency that the proposed development will be non-compliant with Eels Regulations 2009. Further, SZC Co considers that entrainment monitoring is unlikely to be achievable or effective in bringing about the desired outcome.</p> <p>SZC Co. understands the Environment Agency's concerns and this will be discussed through ongoing engagement and an update provided in the next version of the SoCG at Deadline 5.</p>
Ma.1.10	The Applicant, EA	<p>Tables 21.22 and 23 – summary of effects for the construction and commissioning phase (22) and operation (23).</p> <p>In many places, these tables identify the need for additional mitigation in the form of WDA permits and the monitoring set out in those permits. The Environment Agency has indicated that it is not able to issue Letters of No Impediment (which presumably will relate to these permits, amongst others) prior to the end of the examination.</p> <p>(i) Please will the Environment Agency say whether it considers that the mitigation will be appropriate?</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(ii) Please will the Applicant and the Environment Agency set out how the absence of Letters of No Impediment will affect (a) the conclusions in relation to residual effects and (b) the assessment in this Chapter 21.</p> <p>In order to discharge water relating to its cooling system SZC Co. requires a water discharge activity environmental permit to be granted under the Environmental Permitting (England and Wales) Regulations 2016. This process is separate to the DCO being considered by the Examining Authority and to be decided by the Secretary of State.</p> <p>SZC Co. has applied for a WDA permit to allow the discharge of operational cooling water, process chemicals and treated sewerage from the two offshore outfalls and for dead and moribund biota from the two FRR outfalls (Environment Agency Application Number: EPR/CB3997AD/A001).</p> <p>In short, the absence of letters of no impediment are not a barrier to the Secretary of State's decision. SZC Co. knows of no good reason why permits will not be granted. In any event, the mitigation listed in Tables 21.22 and 23 is not necessary to demonstrate that the impacts of the various effects will not be significant. This is explained further below.</p> <p>The Overarching Energy NPS and the Nuclear NPS make clear that it is not necessary for permits to be determined in advance of the DCO being granted. Relevant extracts state:</p> <p>EN-1</p> <p>"4.10.6 Applicants are advised to make early contact with relevant regulators, including EA and the MMO, to discuss their requirements for environmental permits and other consents. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the IPC. Wherever possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the IPC for development consent.'</p> <p>4.10.7 The IPC should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with EA and/or the pollution control authority, and other relevant bodies, such as the MMO, Natural England, the Countryside Council for Wales, Drainage Boards, and water and sewerage</p>

ExQ1	Question to:	Question:
		<p>undertakers, the IPC should be satisfied, before consenting any potentially polluting developments, that:</p> <ul style="list-style-type: none"> <li>• the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and</li> <li>• the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.</li> </ul> <p>4.10.8 The IPC should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.”</p> <p>EN-6</p> <p>‘2.7.1 [...] when considering a development consent application the IPC should act on the basis that:</p> <ul style="list-style-type: none"> <li>• the relevant licensing and permitting regimes will be properly applied and enforced;</li> <li>• it should not duplicate the consideration of matters that are within the remit of the Nuclear Regulators (see paragraph 2.7.4 below); and</li> <li>• it should not delay a decision as to whether to grant consent until completion of the licensing or permitting process (see paragraphs 2.7.5 and 2.7.6 below).</li> </ul> <p>2.7.4 Certain matters are for consideration of the Nuclear Regulators and the IPC should not duplicate the consideration of these matters itself. Such matters include the Generic Design Assessment (GDA) and the site licensing and environmental permitting processes (including in respect of the management and disposal of radioactive waste, the permitting of cooling water discharges, etc). The Nuclear Regulators are also responsible for those matters listed in paragraph 3.5.3 of this NPS.</p> <p>2.7.5 Applicants should have involved the Nuclear Regulators early enough during the pre-application stage so that they have had the opportunity to incorporate the relevant regulators’ requirements in proposals where appropriate. However, the IPC can still consider and determine an application for development consent where the relevant</p>



ExQ1	Question to:	Question:
		<p>regulatory licensing, permitting and authorisations process is still in progress, because the IPC can seek and rely on advice from the relevant Nuclear Regulators on whether the necessary licences, authorisations or permits are likely to be issued. Consent should not be refused on the grounds of matters within the remit of the regulators unless the IPC has good reason to believe that any necessary licence, permit or authorisation will not subsequently be granted.</p> <p>2.7.6 If the regulatory approvals process is incomplete the IPC should also seek advice from the relevant Nuclear Regulators on any regulatory requirements that are likely to be attached and the anticipated timing of these processes and the IPC should liaise with the Nuclear Regulators over any relevant requirements it is considering attaching to a development consent. This is in order to ensure that where possible the requirements attached to a development consent order are consistent with the regulatory approvals process and vice versa.’ (EN-6)</p> <p>These policies are consistent with relevant judgments addressing the relationship between planning decisions and other regulatory processes. In <i>R Morge v Hampshire CC</i> [2011] UKSC 2 the Supreme Court considered the interrelationship between a decision over whether to grant planning permission and the need for a species licence. The Court held that there was no reason why a permission should not ordinarily be granted save where the decision-maker concluded that the development would be likely to breach the relevant species regulations (and therefore require a licence) and would be unlikely to be licensed. In other words, there was no need for the decision-maker to be certain that a license would be granted. Rather, the decision maker should only refuse the planning permission if they were of the view that a license would be unlikely to be granted.</p> <p>Further, the Courts have emphasised that planning decision-makers are entitled to take into account the role of a specialist regulator in granting permits for relevant activities. In <i>Gateshead MBC v Secretary of State</i> (1971) 71 P.&amp;C.R. 350, the Court of Appeal stated that ‘It is not the job of the planning system to duplicate controls which are the statutory responsibility of other bodies...Nor should planning authorities substitute their own judgment on pollution control issues for that which the bodies with the relevant expertise and the responsibility for statutory control over those matters’.</p>

ExQ1	Question to:	Question:
		<p>SZC Co. knows of no good reason why the WDA Permit will not be granted and its conditions will not effectively control the impacts listed in Tables 21.22 and 21.23 (within Volume 2, Chapter 21 of the ES [APP-314]) relating to SZC's water discharge activity.</p> <p>Further, it is to be noted that in Tables 21.22 and 21.23, the fourth column of each addresses the 'assessment of effects' prior to any additional mitigation being applied. In relation to each of the assessed impacts the effects (without mitigation, including in the form of permit conditions) are assessed to be 'minor adverse' or 'negligible' and 'not significant'.</p> <p>As such, in relation to the impacts set out in Tables 21.22-21.23 there is no need for permit conditions to ensure that the effects will not be significant.</p>
	<b>Response by Environment Agency at Deadline 2</b>	<p>The Environment Agency is considering these matters as part of the environmental permit applications, the determination of which is in progress so we cannot provide a view at this time.</p> <p>To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Chapter 20 - MN.1 Marine Navigation</b>		
<b>No Interested Party responses received at Deadline 2.</b>		
<b>Chapter 21 - NV.1 Noise and Vibration</b>		
NV.1.0	The Applicant, ESC (ii) only	<p><b>Methodology</b></p> <p>The Council in their [RR-0342] raise concern that relying simply on a fixed sound level could underestimate the impact on a receptor.</p> <p>(i) How do you respond to this concern?</p>

ExQ1	Question to:	Question:
		(ii) What additional information do you (ESC) seek to improve the assessment of effect?
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) SZC Co. does not rely solely on fixed sound levels and considers that to be a mischaracterisation of the assessment.</p> <p>A range of considerations is applied to the assessment, taking account of the sensitivity of the receptor, the character of the sound, for example in the assessment of noise from mechanical and electrical plant, changes caused by the project, for example in the assessment of road traffic noise, and the absolute levels, for example in the assessment of construction noise.</p> <p>It is necessary to define specific levels or change thresholds against which noise and vibration likely to be generated by the project levels can be assessed, and each different source of noise and/or vibration must be evaluated against standards and guidance relevant to that source (or group of sources).</p> <p>The levels or change thresholds at which adverse effects might occur are different for receptors with different sensitivities, and this is taken into account in the assessment.</p> <p>(ii) No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	(ii) Further technical assessment of the information submitted in support of the DCO application since the Relevant Representation and engagement of specialist acoustic consultants has provided confidence that impacts have been assessed qualitatively as well as quantitatively, where appropriate, particularly in the consideration of context
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.1	ESC	<p><b>Methodology</b></p> <p>In paragraph 1.9 of the RR it is indicated that using a noise level such as LOAEL or SOAEL may not be of sufficient sensitivity.</p> <p>(i) How does the Council wish this concern to be addressed?</p> <p>(ii) Would this be a specific assessment for each receptor or noise generating activity or would a broad approach be considered appropriate?</p>

ExQ1	Question to:	Question:
		<p>(iii) What parameters is the Council looking to define such that ongoing monitoring could be undertaken to ensure that any obligations/requirements are achieved?</p> <p>In responding to the above please support the answer with reference to relevant guidance or precedents.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The LOAEL and SOAEL should be set according to local context, i.e. the existing noise environment and the nature and duration of the works. They should not be set based on what is achievable; ESC recognises that it will not always be possible to avoid significant adverse effects with a project of this scale and duration, which is why it is important to set LOAEL and SOAEL (and other significance thresholds) at levels which represent likely impacts, not practical constraints, so that likely effects can be accurately and realistically assessed.
	<b>Response by SZC Co. for Deadline 3</b>	The derivations of LOAEL, SOAEL and the EIA impact thresholds, which are set out in <b>Section 5 of Volume 1, Appendix 6G, Annex 6G.1</b> of the <b>ES</b> [ <a href="#">APP-171</a> ], are based on guidelines and guidance on the effects of noise and vibration and not on what is achievable nor on "practical constraints", as suggested by ESC. The noise and vibration assessment thresholds for mitigation remain under discussion with ESC.
NV.1.2	ESC	<p><b>Rochdale Envelope</b></p> <p>In light of the comments you make in paragraph 1.11 of your RR can ESC explain what justification is required to acknowledge that the Proposed Development is not abusing the flexibility of the Rochdale Envelope in line with case law?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	In terms of noise from the operational power station, the Council acknowledge that the assessment is informed by relatively detailed designs based on Hinkley Point C, in line with extensive experience of building power stations in France. This is a reasonable basis for assessment and ESC is satisfied that the assessment is likely to be based on representative predictions of operational noise. In terms of construction noise and vibration, ESC accepts that the assessment is based on initial construction proposals and

ExQ1	Question to:	Question:
		that there will be modifications to the proposals once main and sub-contractors are appointed. ESC expect that the noise and vibration impact of construction proposals will be reviewed as more information is known, and that the final Code of Construction Practice (which should be submitted to ESC for approval) will include final proposals for mitigation, based on such a review.
	<b>Response by SZC Co. for Deadline 3</b>	<p>There is no mechanism for ESC to approve the <b>Code of Construction Practice (CoCP)</b> [REP2-056] post-consent, should it be granted, although the document will be subject to review and agreements during the Examination. The final version will be certified by the Secretary of State in the event that the DCO is granted.</p> <p>The 'Noise Monitoring and Management Plans', which will be issued under the CoCP, will be subject to agreement with ESC, and will contain further details of mechanisms to manage or mitigate noise or vibration from the construction works.</p>
NV.1.3	ESC	<p><b>DCO Requirement</b></p> <p>Is the Council seeking a requirement within the DCO to ensure there is a commitment to ongoing monitoring and provision of mitigation if appropriate as set out in [RR-0342]? Please provide a draft of such a requirement if this is what is being sought.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The Council expect that there will be a commitment to ongoing monitoring and provision of mitigation in the final Code of Construction Practice. This could be secured by DCO requirement.
	<b>Response by SZC Co. for Deadline 3</b>	The <b>Code of Construction Practice (CoCP)</b> [REP2-056] includes a commitment to ongoing monitoring and provision of mitigation for the construction works. The detail of the monitoring, and the provision of measures to manage and mitigate the works, will be contained in the 'Noise Monitoring and Management Plans', which will be subject to agreement with ESC.
NV.1.4	ESC	<b>Underestimate of Effects</b>

ExQ1	Question to:	Question:
		Paragraph 1.14- 1.19 of [RR-0342] suggests that that the ESC have concerns about the noise assessment and whether effects could have been underestimated. Are there particular areas that this concern refers to? Please clarify the position.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	There are multiple receptors around the Main Development Site where significant adverse construction noise effects have not been identified. ESC expects the levels predicted in some cases to result in significant adverse effects considering the location and duration of the works, which is why ESC considers there to be justification for lower SOAEL values. In addition, while paragraphs 1.14 – 1.19 of [RR-0342] relate specifically to construction noise, ESC has concerns in relation to noise from the operational power station at night, where we consider there is justification for absolute noise levels to be assessed against more onerous criteria than they have been.
	<b>Response by SZC Co. for Deadline 3</b>	These matters remain under discussion between SZC Co. and ESC, including the appropriateness of the selected values for operational noise control and the extent of identified effects during construction of the main development site.
NV.1.5	ESC	<b>Tranquillity</b> A tranquillity assessment has been undertaken [APP-270] [Volume 2, Chapter 15, APPENDIX 15E ] (i) Does this not achieve what you are asking for? (ii) What additional work would you expect to be carried out?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	(i) ESC acknowledges that an appropriate assessment of noise impacts on tranquillity at amenity and recreation receptors has been completed, in that the inputs (noise levels and observation scores) and outputs (tranquillity scores and conclusions) presented in Chapter 15 the ES are in line with ESC's expectations. The assessment in Chapter 15 necessarily balances various impacts on these receptors, not just noise. (ii) However, ESC considers that significant adverse noise effects on tranquil areas should also be given adequate consideration in isolation, given the rural character of the area.

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Perception of tranquillity involves all senses and, like all aspects of perception, is greatly influenced by unconscious cues. Whilst the Natural Tranquillity Method (NTM), on which the noise effects within the tranquillity assessment have been based, provides a reliable prediction of how people rate the degree of tranquillity for most locations by considering only sounds, factors other than noise influence perception of tranquillity as well.</p> <p>There are many factors influencing public perception of tranquillity in a location, as follows:</p> <p><b>Environmental factors</b></p> <ul style="list-style-type: none"> <li>• Sound – levels and types of sounds</li> <li>• Visual appearance – landscape</li> <li>• The character of the area immediately outside of the site of interest – the ‘neighbourhood tranquillity’</li> <li>• Presence of water (river, lake, waterfall, fountain, sea)</li> <li>• Perceived safety (e.g., people, biting insects, birdsong)</li> <li>• Comfort (e.g., somewhere to rest, weather conditions)</li> <li>• Smells</li> <li>• Textures</li> </ul> <p><b>Personal factors</b></p> <ul style="list-style-type: none"> <li>• Current psychological and /or emotional state</li> <li>• Past experience / feelings / expectations about a site</li> </ul> <p>The NTM considers sounds – both level and character – to provide a reliable prediction of tranquillity without reference to the other factors. However, this does not mean that the other factors have no influence; just that sounds provide a good proxy for the majority of those other factors in the majority of situations. Hence, although the NTM considers only sound and it might be argued that it does consider noise effects in isolation, it is actually doing more than this and taking account of the relative quiet and degree of naturalness of the environment. In this way it provides a more complete assessment of tranquillity than other methods or than any approach which considered only the numerical value of the measured or predicted noise.</p>

ExQ1	Question to:	Question:
		SZC Co. considers that the assessment of effects on amenity and recreation receptors, including effects on tranquillity, in the assessment for the main development site presented in <b>Volume 2, Chapter 15</b> (Amenity and Recreation) of the <b>ES</b> [APP-267], provides a thorough and robust assessment of how effects on tranquillity within the predominantly rural landscape of the area would be perceived by people, and a that further consideration of significant adverse noise effects on tranquil areas in isolation is unnecessary.
NV.1.6	The Applicant, ESC (part iii only)	<p><b>LOAEL and SOAEL</b></p> <p>(i) Please explain why the noise from new road schemes differentiates the measurement from free field during the day to facade level during the night? [Table 11.13 APP-202]</p> <p>(ii) The Day period overlaps with the night period 23:00 – 24:00 – in the event noise is generated during this period – which level would apply as a trigger? [Table 11.13 APP-202]</p> <p>(iii) Are the Council content that this approach would give them appropriate methods of monitoring and enforcement?</p> <p>(iv) In light of the range of SOAEL levels for construction work set out in Table 11.11 [APP-202] and the different levels road traffic noise in Table 11.13, please explain which level would apply where a receptor was subject to both noise sources and how this could be monitored and enforced.</p> <p>(v) Where a receptor is subject to noise from construction, road and rail traffic which SOAEL and LOAEL levels would apply?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The use of façade levels for the daytime and free-field levels for the night-time for the LOAEL and SOAEL values in <b>Table 11.13</b> in <b>Volume 2, Chapter 11</b> of the <b>ES</b> [APP-202] follows the guidance set out in the Design Manual for Roads and Bridges LA111<sup>1</sup>.</p> <p>This is set out in <b>paragraphs 1.3.73</b> and <b>1.3.74</b> in <b>Volume 1, Appendix 6G</b> of the <b>ES</b> [APP-171].</p>

<sup>1</sup> <https://www.standardsforhighways.co.uk/prod/attachments/cc8cfcf7-c235-4052-8d32-d5398796b364?inline=true> [Accessed May 2021]



ExQ1	Question to:	Question:
		<p>(ii) The hours that define daytime and night-time are set out in the Design Manual for Roads and Bridges (DMRB) LA111<sup>2</sup>.</p> <p>There are two one hour periods that are included in both daytime and night-time, as the one hour periods between 23:00 and 24:00 hours and between 06:00 and 07:00 hours are included in both of the larger periods.</p> <p>Since the assessment of either daytime or night-time road traffic noise is only undertaken on the basis of the 18 hour or 8 hour periods, the overlapping hours are simply included in both periods. Neither one hour period is tested against the LOAEL or SOAEL on their own.</p> <p>(iii) No response from SZC Co. is required.</p> <p>(iv) The LOAEL and SOAEL are assessed on a source-by-source basis and there is no method of combining them given the use of different noise indices over different time periods. However, the LOAEL and SOAEL are applied in the noise assessment where the separation of sources is both feasible and appropriate, so separate consideration is possible; each source is therefore assessed against the LOAEL and SOAEL values defined for that source, as well as against any criteria, such as change thresholds, that are appropriate.</p> <p>The application of the <b>Noise Mitigation Scheme</b> (the original version of which was set out in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [APP-210] with a revised version provided in Doc Ref. 6.3 11H(A)) is applied for each source separately against their own criteria, as it is assessed in advance of the start of the project.</p> <p>Monitoring will be against levels defined in the 'Noise Monitoring and Management Plan', which will be implemented under the <b>Code of Construction Practice (CoCP)</b> (Doc Ref 8.11(B)).</p> <p>Where levels are identified for the purposes of monitoring and multiple sources are present, the most practical option will be to measure close to the source of most interest,</p>

<sup>2</sup> <https://www.standardsforhighways.co.uk/prod/attachments/cc8cfcf7-c235-4052-8d32-d5398796b364?inline=true> [Accessed May 2021]

ExQ1	Question to:	Question:
		and calculate the level at the point of interest and compare that level against the monitoring threshold for that source. (v) The same principles apply to three sources as set out in (iv) for two sources.
	<b>Response by East Suffolk Council at Deadline 2</b>	Part iii) It is the responsibility regarding road traffic noise for SCC as local highway authority to determine what monitoring and enforcement is appropriate.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.7	ESC	<b>Setting of LOAEL and SOAEL</b> (i) What LOAEL/SOAEL levels would you consider appropriate for the assessment of night time noise arising from the different elements of the proposed development? (ii) On what would this be based?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	Construction noise LOAEL and SOAEL values are currently under discussion between ESC and the Applicant, alongside construction noise thresholds in the Code of Construction Practice and Construction Noise Mitigation Scheme. Operational noise LOAEL and SOAEL values also current under discussion. However, ESC do not consider that the WHO Night Noise Guidelines are an appropriate basis for setting night-time absolute noise limits for an operational power station, and that absolute noise criteria (should they be applicable) should be derived from BS 4142:2014+A1:2019 and consider the character of the sound.
	<b>Response by SZC Co. for Deadline 3</b>	As noted by ESC, these matters remain under discussion between SZC Co. and ESC. It is noted that it is not possible to derive absolute noise criteria from BS 4142:2014+A1:2019 <sup>3</sup> since the standard contains no guidance on such values.
NV.1.12	The Applicant, Network Rail(part iii only)	<b>Rail Noise</b>

<sup>3</sup> British Standard BS4142: 2014+A1: 2019 – Methods for rating and assessing industrial and commercial sound

ExQ1	Question to:	Question:
		<p>(i) The mitigation proposed appears to rely upon welds not being within a certain distance of sensitive receptors. What distance is required between receptor and the track to achieve the LOAEL and SOAEL levels?</p> <p>(ii) Please clarify where the measurements are taken from and to.</p> <p>(iii) How would this be delivered through the DCO?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(i) The specification and implementation of mitigation does not rely on the proximity and type of rail welds, rather, the potential effects are influenced by these factors. A range of values is set out in paragraph 4.3.26 in <b>Volume 3, Appendix 9.3.A</b> of the <b>ES Addendum</b> [<a href="#">AS-257</a>], stating the distances between track and receptor at which the LOAEL and SOAEL are attained, for specific combinations of train speed, track type and rail joint type.</p> <p>Where there are properties that fall within the distance stated for SOAEL for the particular combination of train speed, track type and rail joint type that is relevant to them, the expectation is that the <b>Noise Mitigation Scheme</b> (the original version of which was set out in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [<a href="#">APP-210</a>] with a revised version provided as Doc Ref. 6.3 11H(A)), will apply and a sufficient reduction in noise entering the property via the airborne path is achieved so that the combined total of groundborne noise and low frequency airborne noise will be below SOAEL.</p> <p>Examples of where this outcome is expected are stated in paragraphs 9.3.81 to 9.3.83 in <b>Volume 1, Chapter 9</b> of the <b>ES Addendum</b> [<a href="#">AS-188</a>].</p> <p>As the expectation is that SOAEL will be avoided even where properties are within the distances stated, SZC Co. does not rely on the proximity of specific weld types to comply with policy.</p> <p>(ii) The distances are measured from the track centreline to the façade of the receptor building, unless stated otherwise, for instance, some distances are quoted between the nearside rail and the receptor façade.</p> <p>(iii) The implementation of track renewal along sections of the line between Woodbridge and Saxmundham, which would permit the removal of aluminothermic welds, is the subject of active discussion with Network Rail. If those discussions demonstrate the benefit and deliverability of the improvements, they could be incorporated into the draft</p>

ExQ1	Question to:	Question:
		<b>Rail Noise Mitigation Strategy (Volume 3, Appendix 9.3.E of the ES Addendum [APP-258])</b> , which is secured through via Requirement 25.
	<b>Response by Network Rail for Deadline 2</b>	iii Network Rail are currently working with SZC on proposals for Track enhancements to SZC between Westerfield and Saxmundham Junction. In addition discussions includes status and potential alterations to sleepers, fasteners and welds to assist with noise mitigation. This work is ongoing and as such no further comments can be provided at this stage. However, we agree with the suggestion of the use of requirement 25 to secure any details agreed ahead of the close of the Examination, along with the inclusion of the Network Rail requested Protective Provisions
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.13	The Applicant, Network Rail part iii only)	<p><b>Rail Noise</b></p> <p>(i) The placement of matting under the ballast would appear to be required for all locations where a sensitive receptor is within 20m of the centreline of the railway, and this matting should extend 10m beyond the end of the receptor building. How would this be delivered through the DCO?</p> <p>(ii) Does this require a specific standard of matting to be provided and method of laying of the matting and the ballast to meet the minimum noise absorption required and therefore is a specific minimum specification required? If so, how is this to be secured?</p> <p>(iii) Do Network Rail agree to this method of installation?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Works to the Saxmundham to Leiston branch line are secured in the <b>draft DCO</b> (Doc Ref 3.1(C)) as Works 4C and through Requirement 18. The particular characteristics referenced in the question, however, are specified in the draft <b>Rail Noise Mitigation Strategy</b> which forms <b>Volume 3, Appendix 9.3.E</b> of the <b>ES Addendum [APP-258]</b>. Requirement 25 requires the detail of the <b>Rail Noise Mitigation Strategy</b> to be submitted to and approved by ESC before the operation of night-time trains and subsequently implemented.</p> <p>(ii) The under-ballast mat is required to achieve a specific standard, and an example of a product which has the required properties is included in Appendix A of the draft <b>Rail Noise Mitigation Strategy</b>, which is contained in <b>Volume 3, Appendix 9.3.E</b> of the <b>ES Addendum [APP-258]</b>. The principal requirement to be specified is the dynamic stiffness</p>

ExQ1	Question to:	Question:
		<p>modulus. The proposed product must have achieved Network Rail “product acceptance” which will specify certain performance and installation requirements. The chosen product, with those performance and installation characteristics, will be part of the Track Approval In Principle documentation (the “Form A”) accepted by Network Rail at the end of the next design phase which secures their place in the design.</p> <p>(iii) SZC Co. is engaging with Network Rail through a Basic Asset Protection Agreement (BAPA) to achieve successful Approval in Principle which will demonstrate their acceptance of this solution.</p>
	<b>Response by Network Rail for Deadline 2</b>	iii NR have an active BAPA in place which facilitates the design approval process. At present Network Rail does not have sufficient information to confirm this
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.17	The Applicant, Network Rail	<p><b>Rail</b></p> <p>[APP-558] makes reference to trains travelling at 25mph para 8.6.45, this would appear to conflict with the speed restriction of 20mph, please clarify the position.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The reference to train speed in <b>paragraph 8.6.45</b> of <b>Volume 9, Chapter 8</b> of the <b>ES</b> [APP-558] is to a ‘maximum’ of 25mph.</p> <p>The train speeds will be as set out in the draft <b>Rail Noise Mitigation Strategy</b> contained in <b>Volume 3, Appendix 9.3.E</b> of the <b>ES Addendum</b> [APP-258].</p>
	<b>Response by Network Rail for Deadline 2</b>	Network Rail will be working with the Applicant as part of the ongoing project development. This will include the processes for Timetabling and Track Access.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.18	The Applicant, ESC, SCC	<b>Rail SOAEL and LOAEL</b>

ExQ1	Question to:	Question:
		<p>The SOAEL and LOAEL is based at least in part on the assessment for HS2, and the justification of a higher rating appears to be based on the quantum and speed of rail traffic associated with HS2 as opposed to here.</p> <p>(i) Do the Councils agree this is a reasonable position to take in setting the SOAEL and LOAEL for rail noise?</p> <p>(ii) In the event the Councils do not agree, what method would be considered would provide a reasonable approach in the circumstances of this case?</p>
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>Reference is made to High Speed Two (HS2) in two contexts:</p> <ul style="list-style-type: none"> <li>• The derivation of a SOAEL for airborne railway sound in terms of <math>L_{AFmax}</math>; and</li> <li>• The derivation of SOAEL for groundborne noise.</li> </ul> <p>In both respects, the Sizewell C noise assessment is more stringent than the HS2 assessment.</p> <p>In particular, for airborne railway noise, the <math>L_{AFmax}</math> SOAEL references HS2, but the value adopted in the SZC noise assessment is a more stringent value than adopted for HS2.</p> <p>HS2 adopted two values for the <math>L_{AFmax}</math> SOAEL, which varied according to the number of trains per night; a value of 85dB <math>L_{AFmax}</math> was adopted where there were 20 trains or fewer, or 80dB <math>L_{AFmax}</math> where there were more than 20 trains per night. For SZC, the more stringent 80dB <math>L_{AFmax}</math> was adopted even though there are expected to be less than 20 trains per night.</p> <p><b>Volume 9, Chapter 4</b> of the <b>ES</b> <a href="#">[APP-545]</a> adopted a value for SOAEL of 50dB <math>L_{ASmax}</math> for groundborne noise considered in isolation; this is 5dB less stringent than HS2's equivalent figure, although it is noted that in the HS2 case there may be 20 or more groundborne noise events per hour.</p> <p>Groundborne noise was developed further in <b>Volume 1, Chapter 9</b> of the <b>ES Addendum</b> <a href="#">[AS-188]</a> and <b>Volume 3, Appendix 9.3.A</b> of the <b>ES Addendum</b> <a href="#">[AS-257]</a> where it is proposed that combined groundborne noise and airborne noise should be assessed against the LOAEL and SOAEL values for groundborne noise alone, namely 35 dB <math>L_{ASmax}</math> and 50 dB <math>L_{ASmax}</math> respectively. This approach effectively lowers the SOAEL for groundborne noise alone, by an amount dependent on the relative levels of groundborne and airborne noise as received.</p>

ExQ1	Question to:	Question:
		This change in approach was considered appropriate in this instance due to the unique circumstances at Sizewell C, where airborne and groundborne noise are likely to combine in a manner not addressed in previous groundborne noise assessments.
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Notwithstanding the obvious differences between a new high-speed rail line and rail traffic serving the construction of a power station, the technical basis for the adopted LOAEL and SOAEL is accepted.</p> <p>However, the overarching policy aims of NPS EN-1 require that all efforts are taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above SOAEL. As such, adequate consideration of mitigation is critical to the correct use of these parameters. ESC does not currently consider that the Applicant has adequately explored and exhausted all mitigation options to “mitigate and minimise” adverse impacts, or that the Rail Noise Mitigation Scheme and the Noise Mitigation Scheme provide adequate protection for residents. Specifically, we consider that the Noise Mitigation Scheme should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between the Applicant and ESC and progress is expected, but this remains a key concern.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>Although there are differences between the operation of a passenger railway line and a freight railway line, The Applicant has modelled and surveyed the level of rail noise anticipated to occur on the Leiston Branch Line and the East Suffolk Line and compared against the noise and vibration levels generated by HS2. Therefore, the technical basis for the adopted LOAEL and SOAEL is accepted. It is expected though that The Applicant will ensure that all efforts are taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above SOAEL, as set out in the NPS EN-1. As such, adequate consideration of mitigation is critical to the correct use of these parameters. SCC would like to see The Applicant explore all mitigation options to “mitigate and minimise” adverse impacts. This should be reflected in the Draft Rail Noise Mitigation Strategy and Noise Mitigation Strategy, which should provide adequate protection for local residents above a standard offer of double-glazing. Specifically, we believe that mitigation should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between The Applicant and ESC and progress is expected, but this remains a key concern.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. welcomes ESC's and SCC's confirmation that the LOAEL and SOAEL values for railway noise are appropriate.</p> <p>Both councils requested that noise insulation be offered at a lower sound level than the SOAEL for railway noise, and the recent revision of the <b>Noise Mitigation Scheme</b> submitted at Deadline 2 [<a href="#">REP2-034</a>] included this change.</p> <p>SZC Co. has committed to a number of practical mitigation measures in the draft <b>Rail Noise Mitigation Strategy</b> [<a href="#">AS-258</a>] and discussions with Network Rail are ongoing regarding the potential for track replacement along sections of the East Suffolk line.</p>
NV.1.19	The Applicant, ESC, SCC, PHE	<p><b>Rail SOAEL and LOAEL</b></p> <p>As currently assessed, the LOAEL would be exceeded at receptors within 42m of the line with trains travelling at 10mph and within 50m of the line for trains travelling at 20mph. In light of the need to protect human health from noise, and length of construction period should not the potential for noise mitigation be made available to all receptors where the LOAEL would be exceeded?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>It is a requirement of the Noise Policy Statement for England<sup>4</sup> and the Overarching National Policy Statement for Energy (NPS EN-1)<sup>5</sup> to mitigate and minimise noise falling between LOAEL and SOAEL, with the NPS stating that all reasonable steps should be taken in this endeavour while also taking into account the guiding principles of sustainable development (paragraph 2.24).</p> <p>The draft <b>Rail Noise Mitigation Strategy</b>, which is contained in <b>Volume 3, Appendix 9.3.E</b> of the <b>ES Addendum</b> [<a href="#">AS-258</a>], sets out the proposed operational and physical measures to limit railway noise and vibration, which has effect at properties affected by railway noise irrespective of whether they fall above or below LOAEL or SOAEL. The measures include:</p> <ul style="list-style-type: none"> <li>• Installation of a crossover north of Saxmundham station and upgrades to the signalling system to permit trains to join or leave the Saxmundham to Leiston</li> </ul>

<sup>4</sup> DEFRA (2010) Noise Policy Statement for England

<sup>5</sup> DECC (2011) Overarching National Policy Statement (NPS) for Energy (NPS EN-1)



ExQ1	Question to:	Question:
		<p>branch line without stopping, known as the 'change arrangements at Saxmundham'.</p> <ul style="list-style-type: none"> <li>• The Saxmundham to Leiston branch line will be upgraded with a refurbished trackbed, concrete or steel sleepers, and welded rails to provide a consistent rail cross-section consistent gauge, and smooth running surface.</li> <li>• The proposed rail extension route will be constructed using the same approach as the upgraded Saxmundham to Leiston branch line.</li> <li>• Under ballast mats will be installed where the Saxmundham to Leiston branch line or proposed rail extension route pass within 15m of a residential receptor, and will be installed for a minimum of 10m either side of the property. An alternative design may be substituted, if its effectiveness is equal and approved.</li> <li>• Night-time speed limits of 10mph will apply at three locations along the East Suffolk line: Woodbridge/Melton, Campsea Ashe, and Saxmundham.</li> <li>• Speed on the Saxmundham to Leiston branch line will be limited to 10mph during the early years.</li> <li>• Pending the results of further assessment of the upgraded and mitigated Saxmundham to Leiston branch line during the early years operation, the speed limit on Saxmundham to Leiston branch line may be increased to 20mph. This further assessment work is described later in this section.</li> <li>• The speed limit on the proposed rail extension route will match that applied to the Saxmundham to Leiston branch line. This enables constant train speeds to be maintained, thereby avoiding accelerating locomotive noise close to the north-western corner of Leiston.</li> <li>• Class 66 locomotives will be used in preference to Class 68 locomotives, where there is equivalent choice.</li> <li>• Night-time construction trains will not travel into or out of Leiston, instead being held on the Saxmundham to Leiston branch line to the west of the Saxmundham Road level crossing, at defined locations.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>Construction trains stabled overnight on the branch line will not be permitted to keep their engines idling.</li> </ul> <p>These measures, together with the extensive associated development proposed as part of the application which is primarily aimed at mitigating transport effects, are considered to be a reasonable and proportionate response to the potential adverse effects identified to result from the use of trains as part of the SZC project. Together with insulation where necessary, as provided by the <b>Noise Mitigation Scheme</b> (the original version of which was set out in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> <a href="#">[APP-210]</a> with a revised version provided as Doc Ref. 6.3 11H(A)), it provides a comprehensive mitigation package.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Ideally, setting the threshold for noise insulation mitigation at LOAEL would represent the most robust possible means of protecting amenity. However, there is no clear basis for this, and ESC recognise that other forms of mitigation exist that could negate the need for improved noise insulation, which should be a last resort. However, ESC considers that eligibility for noise insulation should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between the Applicant and ESC and progress is expected, but this remains a key concern.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>Setting the threshold for noise insulation mitigation at LOAEL would represent the most robust possible means of protecting amenity. However, there is no clear basis for this and both SCC and ESC recognise that other forms of mitigation exist that could negate the need for improved noise insulation, which should be a last resort. There is a need to ensure that rail infrastructure aimed at reducing noise is delivered and maintained to the highest standard on the Branch Line and the East Suffolk Line. A clear agreement between the Applicant and Network Rail is required.</p> <p>Both SCC and ESC believe that eligibility for noise insulation should be triggered at a level below SOAEL, which represents a threshold to be avoided. Discussions are ongoing on this between The Applicant and ESC and progress is expected, but this remains a key concern.</p>
	<b>Response by Public Health England for Deadline 2</b>	<p>In preparing this response, PHE has assumed that this question is with reference to the LOAEL specified for the maximum noise level (L<sub>Amax</sub>).</p>

ExQ1	Question to:	Question:																
		<p>The second aim of the Noise Policy Statement for England (Defra, 2010) is to “mitigate and minimise adverse impacts on health and quality of life” through the effective management and control of environmental noise.</p> <p>The health effects attributable to transportation noise are associated with both the longterm averaged noise, and the maximum noise level of each passby [1]. The latter is particularly relevant to physiological sleep disturbance (sometimes know as EEG awakenings). The scientific evidence has shown that every noise event above a certain threshold has an associated probability of disrupting sleep[1]. Therefore when carrying out a risk assessment for physiological sleep disturbance above the LOAEL it is important to take into account both the maximum levels and the number of events that occur during the night [2,3].</p> <p>PHE considers the dose-response relationships derived for the systematic review commissioned by the WHO [1] to be the most scientifically robust for estimating noise induced physiological sleep disturbance. Using these relationships, and assuming a conservative 10dB outdoor to indoor level difference (equivalent to windows wide open, for example to mitigate overheating), PHE has translated the levels assigned to “Low”, “Medium” and “High” magnitude of impact associated with new or altered railway lines (cf. Table 4.7 in ES_V9_Ch4).</p> <table><tr><th>Maximum noise level outside (<math>L_{Amax,outside}</math>)</th><th>Maximum noise level inside bedroom (<math>L_{Amax,inside}</math>)</th><th>Probability of noise-induced sleep state change</th><th>Minimum no. of train passbys required to result in one additional awakening per night*</th></tr><tr><td>60</td><td>50</td><td>3.8%</td><td>26</td></tr><tr><td>70</td><td>60</td><td>6.9%</td><td>15</td></tr><tr><td>77</td><td>67</td><td>9.5%</td><td>11</td></tr></table>	Maximum noise level outside ( $L_{Amax,outside}$ )	Maximum noise level inside bedroom ( $L_{Amax,inside}$ )	Probability of noise-induced sleep state change	Minimum no. of train passbys required to result in one additional awakening per night*	60	50	3.8%	26	70	60	6.9%	15	77	67	9.5%	11
Maximum noise level outside ( $L_{Amax,outside}$ )	Maximum noise level inside bedroom ( $L_{Amax,inside}$ )	Probability of noise-induced sleep state change	Minimum no. of train passbys required to result in one additional awakening per night*															
60	50	3.8%	26															
70	60	6.9%	15															
77	67	9.5%	11															

ExQ1	Question to:	Question:
		<p>* Note: Whilst there is evidence that sleep fragmentation is associated with health morbidity [4] and mortality [5], it is not yet possible to directly link average number of noise-induced awakenings with chronic health outcomes. One health-based approach that has been used for controlling night-time movements at a German airport has three principles [2]:</p> <ul style="list-style-type: none"> <li>• On average, there should be less than one additional awakening induced by noise.</li> <li>• Awakenings recalled in the morning should be prevented as much as possible. For aircraft noise this meant avoiding noise events in the bedroom exceeding 65dB L<sub>Amax</sub>, inside.</li> <li>• There should be no relevant impairment of the process of falling asleep again.</li> </ul> <p>It is important to note that the noise and sleep data that informed this evidence is primarily from studies based on physically-healthy subjects free of intrinsic sleep disorders. There are non-negligible inter-individual differences in the susceptibility to noise-induced sleep disturbance even amongst this subset of the general population [6]. The effect of transportation noise on sleep in those with pre-existing medical conditions is unknown. Therefore the results in the table above may underestimate the effect of noise on sleep in the general population[1].</p> <p>Another consideration is that in practice maximum noise levels may differ significantly from what was predicted. PHE encourages the Applicant to</p> <ol style="list-style-type: none"> <li>a) be clear on the assumptions made to arrive to the numbers in Table 4.27</li> <li>b) what is the expected variation around the “typical” levels reported in Table 4.28</li> <li>c) how much control would the Applicant have on which rolling stock would be running on these lines – for example a single wagon on a freight train with poorly maintained wheels may give rise to significantly higher maximum noise levels [7]</li> </ol> <p>These uncertainties could be addressed by widening the scope of the monitoring system described in 4.5.11.</p> <p>PHE is not able to dictate which mitigation measures would be appropriate for the properties identified in Table 4.27. The Applicant states that these will be “mitigated and minimised through the use of the quietest trains available, strategically located speed</p>

ExQ1	Question to:	Question:
		<p>restrictions, changes to the operational practices on the line, and the measures described in section 4.5." PHE would recommend that "the use of the quietest trains available" is clarified to mean that a system would be put in place to ensure that the levels specified in Table 4.28 will be relevant in practice. Consideration should also be given to what happens if the frequency of trains needs to be increased in the future, as this will change the risk of sleep disturbance.</p> <p>[1] M. Basner, S. McGuire. WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep. Int. J. Environ. Res. Public Health 2018, 15, 519.</p> <p>[2] M. Basner, A. Samel, U. Isermann. Aircraft noise effects on sleep: Application of the results of a large polysomnographic field study. J. Acoust. Soc. Am. 119 (5), May 2006.</p> <p>[3] M. Basner, U. Müller, B. Griefahn. Practical guidance for risk assessment of traffic noise effects on sleep. Applied Acoustics 71 (2010) 518–522.</p> <p>[4] WHO Regional Office for Europe. Night Noise Guidelines for Europe. 2009.</p> <p>[5] S. Shahrababaki et al. Sleep arousal burden is associated with long-term all-cause and cardiovascular mortality in 8001 community-dwelling older men and women. European Heart Journal (2021) 00, 1–12.</p> <p>[6] S. McGuire et al. Inter-individual Differences in the Effects of Aircraft Noise on Sleep. SLEEP, Vol. 39, No. 5, 2016.</p> <p>[7] D. Thompson. On the relationship between wheel and rail surface roughness and rolling noise.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>As noted in SZC Co.'s Deadline 3 response to <b>Question NV.1.18</b>, the threshold at which noise insulation is offered for railway noise has been reduced to a threshold below the SOAEL, as a result of discussions between SZC Co. and ESC and SCC. This is reflected in the current version of the <b>Noise Mitigation Scheme</b> submitted at Deadline 2 [<a href="#">REP2-034</a>].</p> <p>SZC Co. also welcomes both councils' recognition that there is no clear basis for amending the <b>Noise Mitigation Scheme</b> to trigger noise insulation at the LOAEL.</p>

ExQ1	Question to:	Question:
		<p>PHE has presented some detailed information on the relationship between noise and sleep disturbance, the key message of which concurs with SZC Co.'s understanding and approach to the assessments. In particular, PHE cites an example of an airport in Germany where night-time aircraft noise is controlled by avoiding noise levels within bedrooms of more than 65dB <math>L_{AFmax}</math>. This threshold forms the basis of the derivation of the SOAEL for railway noise, as SZC Co. seek to avoid the same effect.</p> <p>The values set out in <b>Table 4.27</b> in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [APP-545] were determined by counting the number of properties in each noise level band, as explained in paragraphs 4.6.79 to 4.6.82 in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [APP-545].</p> <p>The values set out in Table 4.28 in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [APP-545] were determined through a series of noise measurements, as reported <b>Volume 9, Appendix 4B, Annex B</b> of the <b>ES</b> [APP-546].</p> <p>As stated in both SZC Co's and Network Rail's responses to <b>Question NV.1.20</b> at Deadline 2, Freight Track Access Contracts are the standard mechanism for specifying rolling stock. It is expected that faulty rolling stock will be replaced at the earliest opportunity. Standard freight track access contracts impose obligations to maintain rolling stock.</p> <p>PHE has requested that <i>"Consideration should also be given to what happens if the frequency of trains needs to be increased in the future, as this will change the risk of sleep disturbance."</i> The assessment of railway noise presented in <b>Section 9.3</b> of <b>Volume 1, Chapter 9</b> of the <b>ES Addendum</b> [AS-188] was based on the largest practical number of freight movements to ensure a reasonable worst-case assessment was undertaken.</p>
NV.1.20	The Applicant. Network Rail	<p><b>Rail Freight Option</b></p> <p>What controls are there over when trains would run, what engines would be used, and therefore how realistic is the assessment that has been carried out?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant's response to <b>Question NV.1.11</b> in this chapter explains the controls that will be put in place both contractually and through the DCO to ensure that train operations accord with the description and assessment set out in the application.</p>

ExQ1	Question to:	Question:
		It is standard in Freight Access contracts to specify the type of rolling stock that are permitted to operate the relevant services. The contracts draw on a central asset management database (known as RSSB R2 <sup>6</sup> ) which holds details of every vehicle registered to operate on the UK railway. The contracts also specify 'Timing load requirements', which commit to a combination of trailing weight and traction type for each service.
	<b>Response by Network Rail for Deadline 2</b>	There is a standard process in place to manage these controls - Freight Track Access Contract
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.26	The Applicant, Network Rail, ESC, SCC	<p><b>Rail Noise</b></p> <p>In order to minimise disturbance to receptors in close proximity to the rail line, particularly at night, would a period excluding train operations be reasonable and or enforceable?</p>
	<b>Response by SZC Co. for Deadline 2</b>	The timing of trains would be specified in the Freight access contracts, which are explained in response to <b>Question NV.1.11</b> in this chapter and therefore enforceable. However, there is limited ability to 'choose' the timing of train operations. Night-time operations are necessary due to the absence of pathing capacity in the day. At night the scheduling of trains will be a function of the capacity available within the network timetable. The work undertaken on this has shown the ability to secure 7 train movements. The addition of timing limitations would be very likely to reduce that number – especially as the slowed speed of the trains means that each one takes a considerable time to travel from the main line at Ipswich to site. Limiting train numbers would act against the policy imperative in the NPS to prefer train-borne freight where cost effective. The Applicant's view is that the balance lies in favour of securing the available capacity at night but ensuring that impacts are appropriately mitigated. Once established, the timetable would be fixed, creating certainty about the timing of the Sizewell C freight trains.

<sup>6</sup> Rail Safety and Standards Board (June 2020), RIS-2453-RST, Vehicle Registration, Marking and Numbering.

ExQ1	Question to:	Question:
		An illustrative timetable is provided in Chapter 11 of the <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)).
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>Ideally, from a noise impact perspective, ESC would prefer there to be no freight train movements at night because this is a new source and there is clearly much greater potential for disturbance at night. However, ESC understands that the Applicant has engaged with Network Rail extensively on this point and that there is insufficient capacity during the day to accommodate the freight paths. Running all trains during the daytime would clearly negate any potential night-time impacts, but the Applicant has stated that this would not be practicable within the constraints on the line.</p> <p>We also understand that the timetable for the night rail, particularly at peak use, is relatively restricted however if a period where movements were excluded in the most sensitive part of the night could be accommodated and this did not unreasonably increase impact from movements in the more condensed periods before and after it would be worth considering but would require assessment first. In terms of enforceability, it should be a relatively simple matter as other than survey and maintenance trains we understand the only night rail traffic is as a result of the Sizewell C project, if trains were moving within any exclusion period then it would be easier to determine the source.</p>
	<b>Response by Network Rail for Deadline 2</b>	<p>Network Rail could only restrict train movements based on safety or capacity issues. However, if the Examiner felt it was necessary, we understand a restriction could be included in the DCO as a requirement. However, to optimise freight train movements overnight paths are necessary.</p> <p>The Applicant will need to comment on their impacts as a result of excluding train operations.</p>
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC's wish is to maximise rail movements and to have as many trains as are operationally possible; however, this must be balanced against causing a detrimental impact on residents. There is a balance to be struck between operational practicalities and the amenity of residents. In that spirit, SCC is supportive of a period of no train operations. By our estimation, under the current proposals there will be a short window between 01:30am and 04:30am when there will be no train movements. Such a provision would need to include a clause for emergencies, but subject to that it should in principle</p>



ExQ1	Question to:	Question:
		be reasonable and enforceable. On the mechanics of enforcement, SCC defer to the expertise of ESC.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has nothing further to add to its response at Deadline 2, other than to note in reply to SCC's response that limiting the number train paths would not be practical for the reasons set out at Deadline 2, and that the potential for gaps between trains is reduced after the early years where there are two trains per day. The gaps between trains are decreased as the number of trains increases.
NV.1.27	ESC, SCC	<b>Rail Noise</b> In the Additional information supplied by the Applicant in [AS 257] an assessment of sleep disturbance has been set out. Do the Councils agree the methodology of assessment and the subsequent justification for the setting of the LOAEL and SOAEL in this respect?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council for Deadline 2</b>	Notwithstanding the obvious differences between a new high-speed rail line and rail traffic serving the construction of a power station, the technical basis for the adopted LOAEL and SOAEL is accepted. However, the overarching policy aims of NPS EN-1 require that all efforts are taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above SOAEL. As such, adequate consideration of mitigation is critical to the correct use of these parameters. ESC does not currently consider the Applicant has adequately explored and exhausted all mitigation options to "mitigate and minimise" adverse impacts, or that the Rail Noise Mitigation Scheme provides adequate protection for residents. Specifically, we consider that the scheme should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between the Applicant and ESC and progress is expected, but this remains a key concern.
	<b>Response by Suffolk County Council for Deadline 2</b>	Notwithstanding the obvious differences between a new high-speed rail line and freight rail traffic serving the construction of a power station, the survey and modelling work undertaken by the Applicant makes the technical basis for the adopted LOAEL and SOAEL acceptable.  However, the overarching policy aims of NPS EN-1 require that all efforts are taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above

ExQ1	Question to:	Question:
		<p>SOAEL. As such, adequate consideration of mitigation is critical to the correct use of these parameters. SCC does not currently believe that the Applicant has adequately explored and exhausted all mitigation options to “mitigate and minimise” adverse impacts, or that the Rail Noise Mitigation Scheme provides adequate protection for local residents.</p> <p>Specifically, we believe that the scheme should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between The Applicant and ESC and progress is expected, but this remains a key concern. Further commitments are also needed between The Applicant and Network Rail to secure noise reducing rail infrastructure.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>As noted in SZC Co.’s Deadline 3 response to <b>Question NV.1.18</b>, the threshold at which noise insulation is offered for railway noise has been reduced to a threshold below the SOAEL, as a result of discussions between SZC Co. and the councils. This is reflected in the current version of the <b>Noise Mitigation Scheme</b> submitted at Deadline 2 [<a href="#">REP2-034</a>]. Discussions with Network Rail, and with both councils, are ongoing regarding the potential for track replacement in key locations along the East Suffolk line.</p>
NV.1.28	ESC, SCC, PHE	<p><b>Rail Noise</b></p> <p>It would appear that the ES recognises a significant harm to between 100 and 110 properties. Would this accord with NPS EN1 Policy to avoid harm to human health, or the aims of the Noise Policy Statement for England?</p> <p>Do the Councils or PHE consider the approach justified in seeking to set a SOAEL at a higher level than the significant level identified through the ES assessment?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>While not a question for SZC Co. to respond to, it should be clear that the number of 100 to 110 properties relates to the number of properties expected to have night-time <math>L_{AFmax}</math> noise levels of between 70 and 77dB, which would be considered to be subject to a significant adverse effect, in an EIA context.</p> <p>There is no direct link between a medical ‘harm’ and these outcomes and it is not SZC Co.’s position that the occupants of these properties will be subject to “significant harm”.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	<p>The overarching policy aims of NPS EN-1 require that all efforts be taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above SOAEL. As such, adequate consideration of mitigation is critical to the correct use of these parameters. ESC does not consider the Applicant has adequately explored and exhausted</p>

ExQ1	Question to:	Question:
		all mitigation options to “mitigate and minimise” adverse impacts, or that the Rail Noise Mitigation Scheme provides adequate protection for local residents. Specifically, we consider that the scheme should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between the Applicant and ESC and progress is expected, but this remains a key concern.
	<b>Response by Suffolk County Council for Deadline 2</b>	The overarching policy aims of NPS EN-1 require that all efforts be taken to mitigate adverse effects above LOAEL and to avoid significant adverse effects above SOAEL. As such, adequate consideration of mitigation is critical to the correct use of these parameters. SCC do not currently believe that The Applicant has adequately explored and exhausted all mitigation options to “mitigate and minimise” adverse impacts, or that the Rail Noise Mitigation Scheme provides adequate protection for local residents. Specifically, we believe that the scheme should be triggered at a level below SOAEL, which simply represents a threshold to be avoided. Discussions are ongoing on this between The Applicant and ESC and progress is expected, but this remains a key concern. Further commitments are also needed between The Applicant and Network Rail to secure noise reducing rail infrastructure.
	<b>Response by Public Health England for Deadline 2</b>	<p>In preparing this response, PHE has assumed that this question is with reference to the SOAEL and the levels associated with “Low”, “Medium” and “High” magnitude of impact expressed in terms of the maximum noise level (L<sub>Amax</sub>).</p> <p>PHE is not able to provide an evidence-based general recommendation for a single SOAEL that is able to achieve the aims and objectives of the Noise Policy Statement for England and the Planning Practice Guidance on noise. As noted in our response to question NV.1.19, consideration of physiological sleep disturbance from train pass-bys need to take into account both the maximum levels and number of events. For ES assessments, PHE welcomes judgements of significance that take into consideration a number of additional factors that are relevant to the noise-health association. For transportation schemes these factors can include:</p> <ul style="list-style-type: none"> <li>• The existing noise exposure of affected communities – in particular, consideration of any designated Noise Important Areas identified in proximity to the scheme;</li> <li>• The size of the population affected – for example an effect may be deemed significant if a large number of people are exposed to a relatively small noise change;</li> <li>• The relative change in number and type of vehicle pass-bys;</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Changes in the temporal distribution of noise during day/evening/night, or between weekdays and weekends;</li> <li>• Soundscape and tranquillity, in particular the value that communities put on the lack of environmental noise in their area, or conversely, on the lack of public areas within walking distance that are relatively free from environmental noise;</li> <li>• Opportunities for respite (predictable periods of relief from noise), either spatially or temporally;</li> <li>• Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution, Local health needs, sensitivities and objectives.</li> </ul>
	<b>Response by SZC Co. for Deadline 3</b>	<p>As noted in SZC Co.'s Deadline 3 response to <b>Question NV.1.18</b>, the threshold at which noise insulation is offered for railway noise has been reduced to a threshold below the SOAEL, as a result of discussions between SZC Co. and the councils. This is reflected in the current version of the <b>Noise Mitigation Scheme</b> submitted at Deadline 2 [<a href="#">REP2-034</a>]. Discussions with Network Rail, and with both councils, are ongoing regarding the potential for track replacement in key locations along the East Suffolk line.</p> <p>SZC Co. can confirm that no Noise Important Areas were identified as a result of railway noise between Ipswich and the site.</p>
NV.1.29	ESC	<p><b>Rail Noise</b></p> <p>The Applicant concludes [APP 545] that up to 460 properties would be subject to noise above the <math>L_{Amax}</math> based LOAEL. Do you agree that the secondary mitigation offered would minimise the adverse effects on health and quality of life?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>While not a question for SZC Co. to respond to, it is noted that the number of 460 properties relates to the total number of properties expected to be subject to railway <math>L_{AFmax}</math> noise levels above LOAEL, but does not include those above SOAEL.</p> <p>The <b>Noise Mitigation Scheme</b>, the original version of which can be found in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [<a href="#">APP-210</a>], has been amended following discussions with ESC so that noise insulation will be offered when maximum sound levels from trains exceeds 73dB <math>L_{AFmax}</math> (as a façade level, equivalent to 70dB as a free-field value).</p>

ExQ1	Question to:	Question:
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>The updated version of the <b>Noise Mitigation Scheme</b> is provided as Doc Ref. 6.3 11H(A).</p> <p>ESC understands that the Noise Mitigation Scheme is now referred to as "Secondary" mitigation, where it was previously referred to as "Other" mitigation in the original assessment (ES Vol 9 Ch 4).</p> <p>ESC does not currently consider that the Applicant has adequately explored and exhausted all mitigation options to "mitigate and minimise" adverse effects on health and quality of life (between LOAEL and SOAEL). Primary mitigation proposals are currently limited to track engineering (material upgrades and improvements) and operational restrictions, and other mitigation options exist which have not been considered and could effectively "mitigate and minimise".</p> <p>NPS EN-1 clearly states that "it may be appropriate for the Planning Inspectorate to consider requiring noise mitigation through improved sound insulation to dwellings" but only in situations "when all other forms of noise mitigation have been exhausted". This is an important distinction because it suggests that offering improved sound insulation to eligible properties should be the last resort in terms of mitigation.</p> <p>The Planning Practice Guidance for noise (PPG) also reflects this position, stating that there are four broad types of noise mitigation:</p> <ol style="list-style-type: none"> <li>1. Engineering (reducing noise at source)</li> <li>2. Layout (using distance and good design to reduce impacts)</li> <li>3. Planning conditions/obligations (e.g. restricted activities)</li> <li>4. Mitigation through noise insulation (for dwellings).</li> </ol> <p>Clearly, there is both potential and a policy-based intention for all forms of mitigation to be considered to "mitigate and minimise" adverse effects on health and quality of life. ESC has discussed this with the Applicant, who is currently carrying out an exercise to explore other options for mitigation, including trackside screening. This process could satisfy ESC's concerns, but this is ongoing.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	These matters remain under discussion between SZC Co. and ESC, and the potential for track replacement in key locations along the East Suffolk line also continues to be explored with Network Rail.
NV.1.30	The Applicant, Network Rail	<b>Saxmundham Points System</b> (i) Has it been confirmed that the automatic points system at Saxmundham can be implemented to avoid trains stopping and starting? (ii) How is this to be secured?
	<b>Response by SZC Co. for Deadline 2</b>	(i) In the 2017 GRIP 2 report Network Rail confirmed the feasibility of installing automatic points at Saxmundham Junction. This has formed the basis of the design work, which will be submitted to Network Rail for review and acceptance in their role as asset owner at GRIP 4 (approval in principle) prior to detailed design and construction. (ii) The automatic points system at Saxmundham prevents the need for trains to stop and start again to leave or join the branch line. The improvement would bring tangible noise benefits, as set out <b>Volume 9, Chapter 4</b> of the <b>ES</b> [ <a href="#">APP-545</a> ] and <b>Volume 1, Chapter 9</b> of the <b>ES Addendum</b> [ <a href="#">AS-188</a> ]. Accordingly, the enhancement is specified in the draft <b>Rail Noise Mitigation Strategy</b> (at section 2.2), which is contained in <b>Volume 3, Appendix 9.3.E</b> of the <b>ES Addendum</b> [ <a href="#">AS-258</a> ]. The <b>Rail Noise Mitigation Strategy</b> would be secured in the manner explained in response to <b>Question NV.1.11</b> in this chapter.
	<b>Response by Network Rail for Deadline 2</b>	The 2017 GRIP 2 report identified the feasibility of installing automatic points at Saxmundham Junction. Network Rail expect the updated design will be submitted for review at GRIP 4 (approval in principle) prior to SZC's detailed design and construction
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.31	The Applicant, Network Rail	<b>Rail Noise Mitigation Scheme</b> [APP-545] – makes reference to mitigation that ‘could’ include selection of alternative plant, working methods, barrier screening and or stand off margins. (i) Are Network Rail satisfied that there is the space to accommodate barrier screening, or increase stand off margins?

ExQ1	Question to:	Question:
NV.1.32		(ii) In the event neither of these are possible, what are the implications for receptors?
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The potential provision of 'alternative plant or working methods, barrier screening and/or stand-off margins and/or alternative plant' is set out in paragraph 4.7.3 in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-545</a>] and relates to construction noise, not operational railway noise.</p> <p>These construction works would generally be taking place on the Saxmundham to Leiston branch line and green rail route, not on the main East Suffolk line, other than where the branch line joins the main line.</p> <p>It is expected that the need to accommodate the listed measures will not be a concern for Network Rail where the works are away from the East Suffolk line. Where the works affect the East Suffolk line, it is expected that they will be carried out by Network Rail and would be subject to their normal controls and practice.</p> <p>(ii) It is expected that it will be possible to implement the listed measures to some degree, where they are required, and the <b>Code of Construction Practice</b> (Doc Ref. 8.11(B)) will be the mechanism through which they would be implemented.</p>
	<b>Response by Network Rail for Deadline 2</b>	(i) Network Rail are committed to working with the applicant to provide mitigations throughout the construction periods. However, at this stage Network Rail cannot comment on the deliverability of specific mitigation measures, as detailed feasibility work would be required to determine what mitigation measures are possible, including details of the construction methodology. Network Rail have not been commissioned to carry out this detailed analysis. The cost of construction, maintenance and (if required) eventual removal of any such measures would need to be at the Applicant's cost.
	<b>Response by SZC Co. for Deadline 3</b>	As stated in SZC Co.'s response at Deadline 2, the text extract relates to construction noise, not railway noise, and therefore consideration of appropriate measures, and the costs of implementing them, resides with SZC Co.
NV.1.32	The Applicant, Network Rail	<b>Level Crossing Warning Alarms</b>

ExQ1	Question to:	Question:
		[APP-545] indicates that warning alarms would need to be limited to a maximum of 70dB at night measured at 1m. It is also indicated that alarms should be set a minimum of 4m from noise sensitive receptors. How are these two methods of mitigation to be delivered?
	<b>Response by SZC Co. for Deadline 2</b>	<p>The volume of level crossing warning alarms is detailed in Network Rail standard NR/L2/SIG/11201/Mod X02 'Level Crossings: Common Design Requirements'<sup>7</sup>.</p> <p>In addition to stating that the warning alarms shall be capable of producing a sound level of at least 80dB at a distance of 3m, it states:</p> <p><i>"Default setting of the YO3 units is "high" during the day and "medium" during night, which equate to 80dB and 70dB sound levels. These may be adjusted as required by testing or maintenance staff in the light of any complaints received from local householders or similar."</i></p> <p>To inform the noise assessment set out in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [APP-545], a number of level crossing alarms were measured and they were found to generate sound levels, during the daytime, of 80dB at a distance of 1m.</p> <p>As stated in the Network Rail standard, the level of the alarms can be adjusted to suit local circumstances, subject to the agreement of Network Rail and following appropriate risk assessment.</p> <p>The same standard states that <i>'A minimum of two audible warning devices shall be provided. They shall normally be sited on the reverse side of the primary road traffic signals in diagonally opposite corners. However if only one side of the road has a recognised footpath, then they shall be both sited on the RTL's at the footpath side of the road'</i>.</p> <p>The level crossings alarms are part of Network Rail's infrastructure, so it is not possible to confirm the locations and noise levels of the alarms at this stage. However, there is nothing in Network Rail's standard that would prohibit compliance with the position set out in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [APP-545].</p>
	<b>Response by Network Rail for Deadline 2</b>	SZC have provided details on standards in response to the examiners questions which NR support. In addition Network rail would add that we would work with local residents to try and set volumes to an acceptable level.

<sup>7</sup> Network Rail standard NR/L2/SIG/11201/Mod X02 'Level Crossings: Common Design Requirements'



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.49	The Applicant, ESC, SCC	<p><b>Two Village Bypass</b></p> <p>In light of the recognised significant adverse effects that would arise from the use of the two village bypass during operation, can this be regarded as sustainable development?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The DCO application falls to be considered primarily against the policy requirements of the NPSs. Compliance with the terms of the NPSs would provide a strong indication that a proposal accords with government policy, including policies for sustainable development which involve the need to balance economic, social and environmental considerations. The NPSs are deliberately drawn to be wide ranging and to encompass all of those matters which Government considers are most directly relevant to the assessment of proposals for nationally significant infrastructure. There is no 'other' policy test which sits outside and above the NPSs.</p> <p>Even if the two village bypass were a stand-alone project assessed on its own merits, it would be appropriate to also recognise the significant benefits that it brings, along with the support for the principle of the bypass apparent through successive consultations, including the consistent support for a bypass from the affected parish councils, the District Council and the County Council.</p> <p>A bypass of at least the two villages is supported in the East Suffolk Local Plan (at paragraph 3.31) and in the Infrastructure Delivery Plan at Appendix B of the Plan, which describes the bypass as 'essential'. In this context, 'essential' is defined in the Plan as:</p> <p><i>"Essential infrastructure is the infrastructure that is necessary to support and mitigate development and ensures policy objectives of the Local Plan are met. Development could take place without this infrastructure but its sustainability would be undermined."</i></p> <p>The bypass, therefore, is recognised by the Local Plan to bring sustainability benefits.</p> <p>No party that supports the bypass can expect that it would not involve some adverse effects – for instance, in noise or landscape or ecology terms but the fact of some adverse effects is not such as to outweigh the benefits of the bypass or the need for it.</p> <p>Noise effects of the type referenced in the question also need to be considered in the context of other considerations. As the Noise Policy Statement for England explains (at</p>

ExQ1	Question to:	Question:
		<p>paragraphs 2.17 and 2.18), noise effects need to be considered in the context of the Government's policy for sustainable development, which means that:</p> <p><i>"This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors."</i></p> <p>Even if the noise effects were to be taken in isolation and even if the bypass was considered on its own merits without reference to its wider role and benefits, its noise effects are not such as to trigger the policy test at NPS EN-1 paragraph 5.11.9 because significant adverse effects on health and quality of life are avoided.</p> <p>Taken as a whole, however, and seen in its proper context, the two village bypass forms an important component of the mitigation measures necessary to ensure the delivery of nationally important infrastructure. In that context, it benefits from very strong policy support.</p>
	<b>Response by East Suffolk Council for Deadline 2</b>	ESC defers to SCC as local highway authority to respond to this question as operational noise from new road schemes is under the responsibility of the local highway authority.
	<b>Response by Suffolk County Council for Deadline 2</b>	<p>SCC considers that it could be sustainable development, provided that acceptable measures are put in place, such as those mentioned in the LIR [REP1-049] at para 16.68 and in Annex M (examination library reference pending).</p> <p>The NPPF sets out (in paragraph 8) three objectives of sustainable development: economic, social and environmental. It notes that these are interdependent and need to be pursued in mutually supportive ways, and (in paragraph 8) that they are not criteria against which every decision can or should be judged. Notwithstanding the latter, we provide here an overview of the balance of these three strands against the adverse noise.</p> <p><u>Economic objective</u></p> <p>The Two Villages Bypass will reduce delays to traffic using the A12 and in the future support local growth in the district, as indicated by the Applicant's traffic modelling at Table 8C.15 to Table 8C.21 of the Transport Assessment Addendum Appendices 8B-9B [AS-269], which shows a reduction in journey times on Routes 2 (no SLR), A2 and A3, which all include the Two Village Bypass in the operational scenario. Historic work undertaken by SCC that supported the SCC's SEGWay scheme also indicated the benefits in travel times associated with a bypass.</p>

ExQ1	Question to:	Question:
		<p><u>Social Objective</u></p> <p>Removing the majority of road traffic from the centres of Stratford St Andrew and Farnham the Two Village Bypass will have a significant positive impact on local residents and listed buildings. Set against this is the lesser but still important impact to residents close to the new alignment and the impact on users of rights of way.</p> <p><u>Environmental Objective</u></p> <p>Removal of traffic will have significant benefits with respect to reducing NOx levels in the Stratford St Andrew AQMA. However, this is balanced against the significant negative impact on the environment, particularly in the River Alde valley with loss of green space, habitat, noise, vibration and visual impact.</p> <p><u>Noise impacts</u></p> <p>SCC notes that, as a result of the Two Village Bypass, a substantial number of properties along the existing A12 in Farnham and Stratford St Andrew benefit from considerably less noise than currently. Adverse noise effects have been identified by the Applicant to impact properties in these and other villages, as demonstrated in Volume 6, Chapter 4, Table 4.18 (Predicted Operational Noise). SCC believes it is imperative that that all efforts are taken to mitigate.</p>
	<b>Response by SZC Co. for Deadline 3</b>	Other than to note that these matters remain under discussion with both ESC and SCC, SZC Co. has no further comments to add.
NV.1.53	Marlesford Parish Council	<p><b>Southern Park and Ride</b></p> <p>Please advise which noise receptors you consider should have been included in the assessment which have not been.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Richard Cooper on behalf of Marlesford Parish Council at Deadline 2</b>	<p>We believe that two additional noise receptors should have been included by the Applicant in their ES section on the Southern Park and Ride. The two receptors are:</p> <ul style="list-style-type: none"> <li>- The Ford Gatehouse IP13 0AS</li> <li>- Marlesford Hall IP13 0AU</li> </ul>

ExQ1	Question to:	Question:
		<p><b>Background.</b></p> <p>The Applicant has included what is technically the closest Marlesford property to the proposed Southern Park and Ride (SP&amp;R) site (Receptor C on Figure 4.1 in Bk 6.5 Revision: 1.0, Volume 4 Southern Park and Ride, Chapter 4 Noise and Vibration Figs. 4.1-4.7). However, we argue that the assessed impact of noise from the SP&amp;R construction, operation and removal and reinstatement at Receptor C is overly influenced by noise from traffic on the A12. Receptor C is a dwelling adjacent to the A12 and therefore the reported effects at this receptor underestimate the impact on other receptors in Marlesford, particularly those to the northwest of the A12.</p> <p><b>Reason for Requiring Assessments at Additional Receptors.</b></p> <p>The Ford Gatehouse IP13 OAS – only marginally further from the SP&amp;R site than Receptor C, but away from the direct influence of noise from the A12, the impacts of noise from the SP&amp;R site are therefore more likely to be intrusive on this property. The prevailing winds are from the south west which puts this property in the direct line of those winds.</p> <p><b>Marlesford Hall IP13 OAU</b> – Further distant from the SP&amp;R site than The Ford Gatehouse, but in an elevated position on the north east side of the River Ore valley. Its elevated position puts Marlesford Hall (Grade 2* Listed) in a direct line with the SP&amp;R site and it is believed that noise from the site will readily carry across the valley on the prevailing south westerly wind and be intrusive to the residents of Marlesford Hall. For these reasons, we request that the ExA require the Applicant to carry out further noise assessments for these receptors and if appropriate, incorporate further mitigation to the operation of the site and to the eastern boundaries.</p> <p>We ask the ExA to note that in addition to the two properties referred to above, other properties in Marlesford in close proximity to the SP&amp;R will be affected by noise from it. They are, The Hedges, Lime Tree Cottage, Lime Tree Barn and Lime Tree Farm.</p> <p><b>Additional Points</b></p> <ul style="list-style-type: none"> <li>• As a contribution towards both noise mitigation and achieving sustainable operation, we request that the ExA requires the Applicant to use electric buses for all journeys to and from both the Northern and Southern Park and Ride facilities.</li> <li>• Volume 4 Southern Park and Ride, Chapter 2 Description of the Southern Park and Ride at para 2.4.2 says “The construction arrangements described in this section provide the</li> </ul>

ExQ1	Question to:	Question:
		<p>basis for the assessment presented in this volume. The details of construction are necessarily broad and may be subject to modification during the detailed design stage, and/or once a contractor has been appointed." And at para 2.4.3 the Applicant goes on to say "Construction work would take place during Monday to Saturday 07:00 to 19:00 hours, with no working on Sundays or bank holidays. However, some activities may require working outside of these hours. Where this is the case, East Suffolk Council (ESC) would be notified in advance." We believe both paras 2.4.2 and 2.4.3 allow the Applicant too much latitude in choosing extensions to their working hours in the construction phase and we urge the ExA to put limits on how far the Applicant can seek extensions to the proposed working hours.</p> <ul style="list-style-type: none"> <li>• Reversing alarms are by their nature designed to be highly audible and we accept that there must be safe working practices on the SP&amp;R throughout its construction, operation and removal and reinstatement phases, however, we believe that the use of reversing alarms will be intrusive and ask the ExA to challenge the Applicant to find ways to maintain safety but mitigate intrusive noise from reversing alarms. An alternative might be moderated alarms coupled with flashing warning lights.</li> </ul>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>The noise assessments presented by SZC Co. considered a representative sample of receptor locations that represent the sensitive properties likely to be worst-affected by noise or vibration.</p> <p>The receptors that were considered in the assessment of construction noise in <b>Volume 4, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-384</a>] were the closest to the site, and will therefore be subject to the highest levels of noise from the works. The properties highlighted by Marlesford Parish Council are further from the site, and therefore will be subject to lower levels of noise.</p> <p>The purpose of the existing sound levels in the assessment is two-fold:</p> <ul style="list-style-type: none"> <li>• It determines the LOAEL and the lower, non-significant categories of effect in an EIA context, all of which relate to the existing ambient sound levels at a given receptor; and</li> <li>• It determines the numerical definitions of the significant effect categories at each receptor, in an EIA context.</li> </ul> <p>Should the baseline sound levels be lower at the two locations highlighted by Marlesford Parish Council, then it is possible that there will be a low impact, which is not significant in</p>

ExQ1	Question to:	Question:
		<p>an EIA context, although the LOAEL may be exceeded. The policy requirement would be to mitigate and minimise the effect, and the measures set out in the <b>Code of Construction Practice (CoCP)</b> [<a href="#">REP2-056</a>] will meet this obligation.</p> <p>The significant effect categories, which in this assessment are considered to be moderate or major adverse effects, will not be engaged at these two locations even if the existing sound levels are considerably lower than the values set out in <b>Volume 4, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-384</a>].</p> <p>The significant effect categories relate to the 'ABC method' described in British Standard 5228-1: 2009+A1: 2014, and the Category A values in that method are the lowest threshold that apply.</p> <p>The effect of construction noise is determined with reference to the appropriate category values from the 'ABC method', and not with direct reference to the ambient sound levels.</p> <p>There is no effect from the river valley for Marlesford Hall, as described by Marlesford Parish Council, since the calculation method in BS5228-1: 2009+A1: 2014 does not rely on the average height of propagation.</p>
NV.1.54	ESC	<p><b>Yoxford Roundabout</b></p> <p>Are the Council satisfied with the findings in respect of this part of the scheme and that the mitigation proposed to avoid the SOAEL being exceeded at Sunnypatch, The Old Barn, Rookery Cottages and Hopton Yard would achieve appropriate levels of mitigation to avoid harm to health and comply with the requirements of the NPS EN1 and NPSE.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC as local highway authority to respond to this question as operational noise from new road schemes is under the responsibility of the local highway authority.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
NV.1.55	ESC	<p><b>Yoxford Roundabout</b></p> <p>Delivery of screening and final working methodology is yet to be finalised. Are the Council satisfied that the method of mitigation is appropriately secured?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC as local highway authority to respond to this question as operational noise from new road schemes is under the responsibility of the local highway authority.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
NV.1.59	The Applicant, ESC	<p><b>Night Time Noise</b></p> <p>(i) On the basis that a value of 40dB L<sub>night</sub> represents a level where adverse effects begin to occur in locations with a low background noise level at night on what basis has a level of 60dB been assessed to represent only a low impact?</p> <p>(ii) How has this figure been arrived at?</p> <p>(iii) Can this be reasonably argued to avoid adverse health effects when the WHO guidance recognises that adverse health effects are identified at night when levels exceed 40dB L<sub>night</sub>-outside.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) In responding to this question, it is assumed that the 60dB referred to is the 60dB L<sub>AFmax</sub> level identified as a LOAEL in a number of the assessments.</p> <p>Noise assessed using the L<sub>night</sub> parameter is different to noise assessed using the L<sub>AFmax</sub> parameter. The L<sub>night</sub> is the equivalent continuous level of noise events in the 8 night-time hours between 23:00 and 07:00 hours over a period of one year, whereas L<sub>AFmax</sub> is the highest noise level that occurs in a given period. These terms are explained in the <b>Glossary in Volume 1, Appendix 6G</b> of the <b>ES</b> [<a href="#">APP-171</a>].</p> <p>There is no fixed correlation between the two, as they relate to different ways of quantifying sound.</p> <p>An exceedance of a 40dB L<sub>night</sub> threshold does not indicate an exceedance of a 60dB L<sub>AFmax</sub> threshold, and vice versa.</p> <p>(ii) The derivation of the 60dB L<sub>AFmax</sub> value is set out in <b>Volume 1, Appendix 6G, Annex 6G.1</b> of the <b>ES</b> [<a href="#">APP-171</a>], starting at <b>paragraph 5.78</b>.</p>

ExQ1	Question to:	Question:
		(iii) For the reasons explained above, yes, it can; the two methods of quantifying cannot be directly correlated, so conclusions based on one measure of sound, will not have meaning for the other.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>The question is unclear to ESC because it appears to be based on comparing a night-time LOAEL value with a daytime SOAEL value. We are unsure that the 60dB quoted is correctly quoted, we are assuming that it was intended to read 60dBLmax. If this assumption is correct, we can respond at a later deadline.</p> <p>However, ESC does not agree that "a value of 40dB Lnight represents a level where adverse effects begin to occur in locations with a low background noise level at night" and consider that night-time absolute noise levels from the operational power station should be assessed using an alternative criterion which considers the character of the sound. This criterion should be set in accordance with BS 4142:2014+A1:2019.</p>
	<b>Response by SZC Co. for Deadline 3</b>	This matter remains under discussion between ESC and SZC Co., although SZC Co. would note that there is no mechanism for determining absolute criteria for operational noise using BS4142: 2014+A1: 2019 and that reference to other standards and guidelines is necessary, nor is it possible to definitively identify the threshold at which such an approach is appropriate from BS4142: 2014+A1: 2019, and professional judgement must be applied.
NV.1.60	ESC	<p><b>Health Effects of Noise</b></p> <p>(i) Do the Council agree that the method of assessment and standard against which effects should be measured is appropriate and would ensure adverse health effects are minimised?</p> <p>(ii) In the RR at para 1.8 you indicate that the SOAEL and LOAEL levels are not fully supported by either national guidance or best practice. In which circumstances/ locations do you consider the levels set are not appropriate? Please explain your reasoning.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	i) ESC is unable to fully answer question i) until the discussions we are currently having with the Applicant relating to LOAEL and SOAEL have been progressed further.



ExQ1	Question to:	Question:
		<p>ii) Construction noise LOAEL and SOAEL values are currently under discussion between ESC and The Applicant, alongside construction noise thresholds in the Code of Construction Practice and Construction Noise Mitigation Scheme.</p> <p>Operational noise LOAEL and SOAEL values are also currently under discussion. However, ESC does not consider that the WHO Night Noise Guidelines are an appropriate basis for assessing potential significant adverse effects from an operational power station, and that absolute noise criteria (should they be applicable) should be derived from BS 4142:2014+A1:2019 (and the accompanying guidance note issued by the Association of Noise Consultants in March 2020) and consider potentially distinctive characteristics of the sound. While the WHO Night Noise Guidelines address noise-related effects on health, the guidelines are largely built on research of health effects from transportation noise, with fewer distinguishing characteristics. The WHO Night Noise Guidelines also do not consider the local context.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>This matter remains under discussion between ESC and SZC Co., although SZC Co. would refer to its Deadline 3 response to <b>Question NV.1.59</b>.</p> <p>It is also noted that reference to other standards or guidelines, as ESC appear to envisage, that provide advice on absolute thresholds of sound would result in a broadly similar outcome to that adopted by SZC Co. (see below for further explanation).</p> <p>In particular, the steps taken by SZC Co. to arrive at the 40dB <math>L_{night}</math> LOAEL are as follows:</p> <ul style="list-style-type: none"> <li>• An initial assessment is undertaken using BS4142: 2014+ A1: 2019;</li> <li>• While BS4142: 2014+ A1: 2019 notes that reference to absolute levels may be appropriate where both rating levels and background sound levels are low, neither of which are defined in the standard, the contextual element of the standard is not limited to the stated examples nor to the application of those examples in the terms described;</li> <li>• Reference is made to a suitable guideline value on absolute levels of noise, and in this instance SZC Co. referred to the World Health Organisation's 'Night Noise Guidelines', which states that <i>"an <math>L_{night,outside}</math> of 40 dB should be the target of the night noise guideline (NNG) to protect the public, including the most vulnerable groups such as children, the chronically ill and the elderly."</i></li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>Since the external value of 40dB <math>L_{night}</math> is considered to provide sufficient protection to the most vulnerable groups in society, it follows that there is negligible prospect of an adverse effect.</li> </ul> <p>A similar outcome is achieved if one considered the World Health Organisation's 'Guidelines for Community Noise', which does explicitly cover industrial noise. From that document an internal level of 30dB <math>L_{Aeq,8hrs}</math> is obtained, which is equivalent to an external level of 45dB <math>L_{Aeq,8hrs}</math> at the façade of the property. Allowing the difference between a free-field and façade level, and the difference between an 8 hour <math>L_{Aeq}</math> and <math>L_{night}</math>, the two values can be considered as broadly equivalent.</p> <p>Similarly, BS8233: 2014<sup>8</sup> indicates that a noise level of 35dB <math>L_{Aeq,8hrs}</math> would be reasonable within a residential property at night. BS8233: 2014 notes that a lower level might be appropriate where the sound contains distinctive acoustic characteristics, such as tones, or is irregular enough to attract attention, or has strong low frequency content; the standard does not identify that lower limit. In this instance, an acoustic character correction of +4dB was considered appropriate in the assessment of operational noise, so it would be appropriate to reduce the BS8233: 2014 guideline values by the same amount. Allowing for a 10dB correction for an open window results in an external, free-field guideline value of 41dB <math>L_{Aeq,8hrs}</math>.</p> <p>All of these guideline values broadly align with the approach adopted in the assessment, and align with the approach adopted for Hinkley Point C, where a night-time noise limit of 45dB <math>L_{Aeq,1hr}</math> was included as Requirement MS12 in the DCO.</p> <p>The WHO guideline values are levels below which effects can be assumed to be negligible, and are not limits above which impacts necessarily occur; significant effects are not likely to occur until much higher degrees of exposure.</p>
NV.1.61	ESC	<p><b>Operational Noise</b></p> <p>(i) Please clarify the ongoing concerns about the assessment of operational noise and the source data.</p>

<sup>8</sup> British Standard BS8233: 2014 – Guidance on sound insulation and noise reduction for buildings, BSI Standards Publication 2014

ExQ1	Question to:	Question:
		(ii) What further evidence do you seek?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	The Applicant has provided additional information regarding inputs and source data during recent discussions and ESC welcomes this. Following these discussions, ESC's main concerns regarding operational noise relate to the assessment criteria; the adopted LOAEL and SOAEL for absolute operational noise levels at night, particularly.
	<b>Response by SZC Co. for Deadline 3</b>	As noted in the Deadline 3 response for <b>Questions NV.1.59</b> and <b>NV.1.60</b> , these matters remain under discussion with both ESC and SCC, and SZC Co. has no further comments to add.
NV.1.63	The Applicant, ESC Part (iii) and (iv) only)	<p><b>Noise Mitigation Scheme (NMS)</b> Please explain how this scheme [APP-210] would operate to protect living standards for residents such that they were not significantly affected.</p> <p>(i) How would the mitigation offered protect gardens?</p> <p>(ii) How would the noise environment within properties be protected to an acceptable degree when windows were open?</p> <p>(iii) Do the Council consider the mitigation scheme as drafted sufficiently clear and enforceable such that receptors would be adequately protected?</p> <p>(iv) Do the Council consider this would be better secured through the DCO or S106?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The <b>Noise Mitigation Scheme</b> (the original version of which was contained in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [APP-210] with a revised version provided as Doc Ref 6.3 11H(A), is a scheme for improving the insulating performance of properties; there will be no effect from the scheme in gardens.</p> <p>The principles of this approach are well-established through the Noise Insulation Regulations that apply to road and railway schemes<sup>9, 10</sup>.</p>

<sup>9</sup> UK Government. The Noise Insulation Regulations 1975 (as amended 1988) (SI 1988 No 2000)

<sup>10</sup> UK Government. The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996 No 428)

ExQ1	Question to:	Question:
		<p>(ii) The benefits of the <b>Noise Mitigation Scheme</b> will occur when windows are closed, however, the scheme allows for the installation of an alternative means of ventilating the properties, such as the through-wall ventilation system required by the Noise Insulation Regulations that apply to road and railway schemes<sup>11, 12</sup>.</p> <p>(iii) No response from SZC Co. is required.</p> <p>(iv) No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(iii) ESC does not consider the mitigation scheme as currently drafted to provide adequate protection to receptors.</p> <p>Discussions are ongoing with the Applicant in relation to the thresholds for eligibility (particularly for Main Development Site construction, and night-time rail noise), consideration of building construction(s) (particularly in relation to listed and/or protected buildings), and a process to ensure eligibility is assessed based on a refreshed noise assessment once the proposals are more developed.</p> <p>(iv) ESC has no particular preference with how this would be better secured, although there are practical reasons why securing through S106 would be more efficient in terms of coordination/programme.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>These matters remain under discussion with both ESC and SCC, and SZC Co. has no further comments to add.</p>
NV.1.67	ESC	<p><b>Rail Noise Mitigation Strategy</b></p> <p>The Applicant proposes a Rail Noise Mitigation Strategy [AS-258] in consultation with Network Rail and the rail freight operator. Are you satisfied this gives sufficient control over noise to safeguard health and quality of life?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>No response from SZC Co. is required.</p>

<sup>11</sup> UK Government. The Noise Insulation Regulations 1975 (as amended 1988) (SI 1988 No 2000)

<sup>12</sup> UK Government. The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996 No 428)

ExQ1	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>The assessment of noise and vibration from rail assumes that all the engineering and operational mitigation measures set out in the Rail Noise Mitigation Strategy [AS-258] are adopted in full. It is therefore ESC's view that all of these measures would need to be in place for the predictions/assessment outcomes to remain representative. The Council has raised this with the Applicant who is in ongoing discussions with Network Rail to discuss how this can be secured.</p> <p>Aside from this, ESC considers that a consolidated approach to mitigation is required to mitigate and minimise adverse effects on health and quality of life. NPS EN-1 states that all forms of mitigation should be considered to "mitigate and minimise" adverse effects on health and quality of life. The Council has discussed this with the Applicant, who is currently carrying out an exercise to explore other options for mitigation, including trackside screening. This process could satisfy ESCs concerns, but this is ongoing.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.68	The Applicant, ESC, PHE	<p><b>Rail Noise</b></p> <p>In the event that having the SOAEL at a higher level than the significant adverse effect level identified from the ES Assessment was not considered to be justified, do the 100-110 properties identified as being potentially subject to such noise levels need to be subject to noise mitigation for the scheme to avoid adverse health effects and be compliant with NPSE and NPS EN1 policy?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>It is SZC Co.'s position that the SOAEL and the level at which significant adverse effects may occur in an EIA context need not align. In response to questions posed by ESC, further justification for this position was set out in a paper appended to SZC Co.'s responses to ESC's requests for information, which is itself appended to the draft Statement of Common Ground with ESC. Please also refer to the explanation in response to <b>Question NV.1.75</b> of this chapter.</p> <p>Nevertheless, the revised <b>Noise Mitigation Scheme</b> (the original version of which was contained in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [<a href="#">APP-210</a>] with a revised version provided as Doc Ref 6.3 11H(A) now adopts a lower threshold of eligibility, aligned with the significant adverse effect level, in an EIA context. This amendment was made at ESC's request. The 100 to 110 properties identified as being potentially subject to significant</p>

ExQ1	Question to:	Question:
		adverse effects, in an EIA context, would be eligible for insulation under the revised scheme.
	<b>Response by East Suffolk Council at Deadline 2</b>	Yes, ESC consider that properties exposed to rail noise levels above the EIA threshold for significant adverse effects (70 dB LAFmax) should be eligible to apply for enhanced sound insulation under the Noise Mitigation Scheme, rather than at the higher SOAEL value, which is just the level to be avoided.
	<b>Response by Public Health England for Deadline 2</b>	<p>As noted in the response to NV 1.19 and 1.28, PHE welcomes assessments that determine significance in ES terms by taking into consideration a number of additional relevant factors, rather than comparing against a single SOAEL.</p> <p>Noise mitigation can consist of different options. In general control of noise at source should be the preferred form of mitigation. This can be achieved by the appropriate procurement, management and maintenance of trains and infrastructure (including wheel and rail roughness); and operational procedures and restrictions, such as speed limits.</p> <p>Noise mitigation at the receptor (noise insulation) should be used as a last resort. PHE expects any proposed noise insulation schemes to take a holistic approach which achieves a healthy indoor environment, taking into consideration noise, ventilation, overheating risk, indoor air quality and occupants' preference to open windows.</p>
	<b>Response by SZC Co. for Deadline 3</b>	The recent revision of the <b>Noise Mitigation Scheme</b> submitted at Deadline 2 [ <a href="#">REP2-034</a> ] now adopts a threshold of 70dB LAFmax for railway noise, as requested by ESC and SCC.
NV.1.74	The Applicant, ESC (Part (iii) only)	<p><b>Mitigation Assessment</b>  [APP 545] para 4.7.5  (i) How will the assessment be made where a balance needs to be struck between acoustic benefit and visual harm?  (ii) Who would be the decision maker?  (iii) Do you agree this is an appropriate method of assessing this planning balance?</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) The screening envisaged in <b>paragraph 4.7.5</b> in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [ <a href="#">APP-545</a> ] was for the construction phase of the works only. While there will need to be a

ExQ1	Question to:	Question:
		<p>balance between acoustic benefit and adverse visual impacts, the screens would be temporary and only present for the duration of the works in that location.</p> <p>(ii) The mechanism for installing any such screening would fall under the <b>Code of Construction Practice</b> (Doc Ref 8.11(B)), which will be subject to agreement with ESC.</p> <p>(iii) No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is unable to answer this question at this time. We would need sight of the Applicant's responses to parts (i) and (ii) in order to respond to part (iii).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, other than to clarify that the agreement of ESC to the <b>Code of Construction Practice (CoCP)</b> <a href="#">[REP2-056]</a> is sought during the Examination, and that the document would be fixed at the point at which consent is granted. The detail of the monitoring, and the provision of measures to manage and mitigate the works, will be contained in the 'Noise Monitoring and Management Plans', which will be subject to agreement with ESC.
NV.1.75	The Applicant ESC (part iv)	<p><b>Precedents from previous DCO and legal cases</b></p> <p>Reference is made to two previous projects (Thames Tideway Tunnel and Heathrow) in order to justify setting a SOAEL at a different level from the level that might be regarded as having a significant adverse effect.</p> <p>(i) Please explain how the two cases referred to are similar to this DCO such that this approach could reasonably be justified in this case.</p> <p>(ii) Please provide copies of the decisions and point out from each the explanation and justification provided in those cases.</p> <p>(iii) The Cranford Case would not appear to be a NSIP Case but a S78 appeal against the specific requirements of the 'Cranford Agreement'. Please explain how you consider those circumstances comparable to the current scheme.</p> <p>(iv) Do the Council agree that setting the SOAEL at a different level from that regarded as significant in the ES is justified?</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) Since the publication of the Noise Policy Statement for England in 2010, and the introduction of the concepts of LOAEL and SOAEL into the practice of assessing schemes in the planning process, it has been necessary to reconcile different uses of the word "significant". This issue arises in the assessment of many Nationally Significant

ExQ1	Question to:	Question:
		<p>Infrastructure Projects (NSIP) and non-NSIP projects, and is not dependent on the nature of the project or its comparability to SZC.</p> <p>Under the NPSE and the NPS policies that incorporate its principles, the policy is to avoid significant adverse impacts on health and quality of life; below the SOAEL, other adverse impacts on health and quality of life should be mitigated and minimised.</p> <p>The EIA Regulations<sup>13</sup> are concerned with the identification of likely significant effects. The EIA Regulations further require a description of measures to 'avoid', 'prevent', 'reduce', or 'offset' significant adverse effects. Importantly, these references to 'avoid', 'prevent', 'reduce' and 'offset' are apt to include both policy responses under the NPS: i.e. avoidance of levels above the SOAEL, and mitigation and minimisation between the LOAEL and the SOAEL.</p> <p>The concept of significance in an EIA context is therefore broader than the SOAEL. 'Significant' effects in an EIA context include effects above and below the SOAEL. An ES is required to detail response measures in respect of both.</p> <p>Within that broader EIA context of significance, national policy has identified the SOAEL as the level at which the response should specifically become one of avoidance.</p> <p>This difference in approach to 'significant' between noise policy and in an EIA context needs to be recognised and properly reflected in the assessment.</p> <p>The different approach is also seen in the fact that the policy is specifically to avoid significant adverse impacts on health and quality of life. It is sensible to consider what that term should mean. Equating such impacts with any significant effect in an EIA context would fail to recognise that noise policy adopts a tiered approach with different responses specified for impacts below the LOAEL, between the LOAEL and SOAEL, and above the SOAEL. There may be effects below SOAEL which are nevertheless significant in an EIA context, even if they do not reach a level which would have a 'significant adverse effect on health and quality of life', as that term is understood by reference to the PPG and NPSE.</p> <p>Furthermore, the NPSE sets its aims by reference to effects on health and quality of life, and as far as noise and vibration are concerned established practice is to correlate such</p>

<sup>13</sup> UK Government. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017



ExQ1	Question to:	Question:
		<p>effects against absolute measures of noise and or vibration. This is why, in most major projects, LOAEL and SOAEL values have been adopted using absolute values of indices.</p> <p>Rather than absolute levels (from which the acceptability of an environment can be understood), an EIA is concerned principally with changes or impacts. In the environmental impact assessment context, the assessment of noise and vibration effects has traditionally followed the approach adopted in many areas of environmental impact assessment in which first of all the baseline is considered, and then the effect of the proposal in the context of the baseline is evaluated. The outcome is a finding of change. An example of this is the case of road traffic noise and the procedure set out in DMRB LA111. The process of carrying out a significance assessment as part of an environmental impact assessment is not testing compliance with planning policy on the effect on the health and quality of life of individuals.</p> <p>For all these reasons, the criteria employed in the two processes can be different.</p> <p>The Thames Tideway Tunnel and Heathrow Cranford decisions expressly endorsed this approach. Crucially, the policy formulation at issue in both cases was the same as in the present case. In all three cases, the policy derives ultimately from the NPSE which provides a common policy framework on this issue across the planning regime. The three aims of the NPSE are the same as the three aims set out at NPS EN-1 paragraph 5.11.9.</p> <p>For Thames Tideway Tunnel, the relevant policy was contained in the National Policy Statement for Waste Water, which at paragraph 4.9.9 adopts the NPSE policy of avoiding significant adverse effects on health and quality of life from noise and mitigating and minimising adverse effects on health and quality of life from noise. That is identical to the policy in paragraph 5.11.9 of NPS-EN1.</p> <p>The Examining Authority was explicit on this point, stating at paragraph 12.329:</p> <p><u>"On the first aim, the Applicant considers that the NPS relates to significant observed adverse effects as defined by NPPG and NPSE and not the definition of significant effect in the ES. We agree with this distinction."</u><sup>14</sup></p>

<sup>14</sup>The Secretaries of State agreed and adopted the same approach in their decision letter at paragraphs 58 – 76.

ExQ1	Question to:	Question:
		<p>The Heathrow Cranford decision was concerned with noise policy in the NPSE. As has been stated above, that policy is identical to that in NPS EN-1 at paragraph 5.11.9, which is relevant in the present case. For that reason, the fact that it was a s.78 appeal decision rather than a NSIP does not affect the support which it lends to SZC Co.'s approach to the policy. At paragraph 1064, the Heathrow Cranford Inspector confirmed:</p> <p><i>"I do not equate the "significant adverse effects" identified in the ES with those that the NPSE seeks to avoid."</i></p> <p>SZC's approach is also consistent with the approach in legislation to addressing noise impacts through insulation. The Noise Insulation Regulations 1975<sup>15</sup> and the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996<sup>16</sup> specify an absolute level of noise at which a duty to insulate arises, rather than operating by reference to the measure of change as seen in the EIA context.</p> <p>Further confirmation of the correct approach is also found in the updated noise assessment guidance in the Design Manual for Roads and Bridges (DMRB), which was issued in November 2019 in LA111 (updated in May 2020).</p> <p>LA111 separates SOAEL from significance in the EIA context. LA111 sets LOAELs and SOAELs for noise and vibration (e.g. Table 3.49.1). It does not align either with EIA significance. They are treated as different concepts.</p> <p>LA111 treats the SOAEL as a level of noise, whereas in LA111 EIA significance generally relates to a change in noise level. It allows for an outcome below SOAEL to be significant, in terms of the EIA Regulations. A receptor may experience a large (significant) increase in noise but if that increase comes from a low base, it may not reach a level which would justify noise insulation.</p> <p>LA111 expressly provides that the LOAELs and SOAELs which it identifies are to apply for the purposes of the policy test in the NPS for National Networks, i.e. to avoid significant adverse impacts on health and quality of life and to mitigate and minimise other adverse impacts on health and quality of life (England National Application Annex to LA111, E/1.3</p>

<sup>15</sup> UK Government. The Noise Insulation Regulations 1975 (as amended 1988) (SI 1988 No 2000)

<sup>16</sup> UK Government. The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996 No 428)

ExQ1	Question to:	Question:
		<p>and Table E/1.3). That is the same policy found in the NPSE and in NPS EN-1 at paragraph 5.11.9.</p> <p>LA111 is up to date guidance from the relevant national authorities. It should carry weight. The approach set out in LA111 accords with the planning decisions at Heathrow Cranford and Thames Tideway Tunnel. The policy regimes applicable for each (NPSE for Cranford, NPS for Waste Water for Thames Tideway Tunnel, and NPS for National Networks for road schemes and LA111) all incorporate the tests from the NPSE and are materially identical to that applicable in the present case, i.e. NPS EN-1 paragraph 5.11.9.</p> <p>(ii) Relevant extracts of Thames Tideway Tunnel are provided in <b>Appendix 21A</b> to this chapter and relevant extracts of Heathrow are provided in <b>Appendix 21B</b> to this chapter. The relevant passages are referred to in the answer to (i) above.</p> <p>(iii) The Thames Tideway Tunnel and Heathrow Cranford decisions are directly relevant because they were dealing with same policy framework from the NPSE which is applicable in the present case. Please see answer to (i) above.</p> <p>(iv) No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(iv) We recognise the basis for this approach in some cases, but ESC does not see it as our role to decide whether it is justified in this case.</p> <p>However, regardless of whether the EIA significance threshold and SOAEL are aligned, this does not detract from the overarching policy requirement to “mitigate and minimise” adverse effects and avoid significant adverse effects. In this case, considering the scale and duration of the development, if the two thresholds are not aligned then ESC consider that the threshold for eligibility for the noise mitigation scheme should be the lower of the two values, to ensure that the overarching policy requirements will be met.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
NV.1.78	ESC	<p><b>Working Hours</b></p> <p>Can the Council please explain more fully what is meant by ‘in particular the usual permitted working hours for construction’ as referenced in paragraph 2.267 of the RR</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC consider that this refers to paragraph 2.266 of the RR, which addressed potential cumulative effects with other local construction projects. Permitted construction working hours for these other schemes in the area would typically be restricted to daytime hours only by ESC (0800-1800hrs Monday to Friday, 0800-1300hrs Saturday).
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
NV.1.80	The Applicant, ESC	<p><b>Residential Amenity</b></p> <p>In the respective chapters of the ES there are various locations which recognise that noise levels would exceed the SOAEL or be above the LOAEL.</p> <p>In each location the internal environment of residential receptors has been sought to be protected by mitigation when the appropriate threshold is exceeded.</p> <p>(i) In the locations where the SOAEL is exceeded in a residential garden how can this be said to meet the aims of the Noise Policy Statement for England in avoiding significant adverse impacts on health and quality of life from environmental ...noise?</p> <p>(ii) In light of the length of the construction period for the main development site what noise level would be regarded as appropriate and what mitigation is offered to protect residential gardens to ensure this level is not breached?</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) The SOAEL values for construction noise were derived from the guidance contained in BS5228-1: 2009+A1: 2014 <sup>17</sup> , which is appropriate for noise-sensitive premises, including gardens. The important SOAEL value for trains relates to sleep disturbance, which is an internal effect, and applies at a time when gardens are unlikely to be in use (i.e. at night). The other rail SOAEL values, and the SOAEL values for road traffic noise, are derived from the relevant Noise Insulation Regulations <sup>18, 19</sup> , which relate to the internal environment.

<sup>17</sup> British Standard BS5228-1: 2009+A1: 2014 Code of Practice for noise and vibration control at open construction sites – Noise

<sup>18</sup> UK Government. The Noise Insulation Regulations 1975 (as amended 1988) (SI 1988 No 2000)

<sup>19</sup> UK Government. The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996 No 428)

ExQ1	Question to:	Question:
		<p>SZC Co. has only sought to protect the internal environment where the relevant effect occurs within the property, or where legislation or guidance suggests that is the appropriate course of action; examples would include the Noise Insulation Regulations for road and railways<sup>20, 21</sup> and Part 1 of British Standard 5228<sup>22</sup>, which relates to construction noise. SZC Co. likewise has protected external areas where legislation or guidance suggests that is the appropriate course of action.</p> <p>(ii) The medium magnitude of impact values identified in <b>Table 11.2</b> in <b>Volume 2, Chapter 11</b> of the <b>ES</b> [<a href="#">APP-202</a>] correlate with a significant effect, in an EIA context, for a medium sensitivity receptor, i.e. a dwelling. These values are included in the <b>Code of Construction Practice</b> (Doc Ref. 8.11(B)) as the thresholds that the works must be managed against. By placing controls on noise generation at source or between the source and receptor, as envisaged by the controls in the <b>Code of Construction Practice</b>, this mitigation will protect residential gardens.</p> <p>The values for the main development site are lower than the values that would flow from BS5228-1: 2009+A1: 2014<sup>23</sup>, in recognition of the duration and work hours for the site.</p> <p>These are considered to be the appropriate values, and the monitoring and management processes to be set out in the Noise Monitoring and Management Plans will be the key mechanism for achieving these values.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(I) If the SOAEL is exceeded in a residential garden, then this would not meet the aim of the NPSE in avoiding significant adverse effects on health and quality of life from noise.</p> <p>(ii) The LOAEL and SOAEL values that are adopted should ideally represent a balance of potential internal and external effects, although this is not possible in all cases. In any case, this reinforces the statement in NPS EN-1 that "it may be appropriate for the Planning Inspectorate to consider requiring noise mitigation through improved sound insulation to dwellings" but only in situations "when all other forms of noise mitigation have been exhausted". ESC considers that all possible forms of mitigation should be</p>

<sup>20</sup> UK Government. The Noise Insulation Regulations 1975 (as amended 1988) (SI 1988 No 2000)

<sup>21</sup> UK Government. The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996 No 428)

<sup>22</sup> British Standard BS5228-1: 2009+A1: 2014 Code of Practice for noise and vibration control at open construction sites – Noise

<sup>23</sup> British Standard BS5228-1: 2009+A1: 2014 Code of Practice for noise and vibration control at open construction sites – Noise

ExQ1	Question to:	Question:
		<p>exhausted to reduce noise levels before they reach a receptor, so that adverse effects on external amenity are mitigated, not just on internal health/amenity. The SOAEL values for construction noise are based on those suggested in Table E2/Annex E4 of BS 5228-1+A1:2014 as thresholds for construction noise mitigation and are therefore based on assessing and mitigating internal impacts only. There is guidance in Annex E5 of BS 5228 which specifically relates to long-term construction projects involving "large scale and long-term earth moving activities" and provides recommended noise limits for this. ESC consider that this approach is more directly suitable than an approach based on noise insulation thresholds, and that it would provide the necessary balance between external and internal noise effects. The 55 dB LAeq,1h absolute noise limit recommended in that annex is also broadly aligned with WHO thresholds for ambient noise in external amenity areas from the Guidelines for Community Noise, 1999 (50-55 dB LAeq,T).</p> <p>Alternatively, the ABC Method, per Table E1/Annex E3 of BS 5228 also provides suitable (albeit less onerous) criteria for assessing the impact of external construction noise.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. has nothing to add to its response at Deadline 2 in respect of gardens and construction noise.</p> <p>In terms of ESC's comment on the guidance in Annex E.5 of BS5228-1: 2009+A1: 2014, this matter is under discussion between ESC and SZC Co., but SZC Co. notes that while the construction of the SZC project includes earth-moving activities, it is not an earth-moving project akin to surface mineral extraction activities, as described in BS5228-1: 2009+A1: 2014. There will be a range of sources present, including earth-moving plant, other construction sources, trains and unloading equipment, vehicles and static plant. The thresholds adopted for the main development site sought to balance this range of equipment, which would ordinarily require a range of different criteria, with the expected duration of the works.</p> <p><b>Volume 1, Appendix 6G, Annex 6G.1</b> of the <b>ES</b> [<a href="#">APP-171</a>] contains further details on the approach to criteria for the main development site.</p>
NV.1.81	ESC, SCC, Natural England, MMO	<p><b>Conveyor on BLF</b></p> <p>The Applicant has introduced reference to a conveyor system for the BLF. Do you consider the assessment of this in respect of noise is adequate?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	This was the subject of recent discussions between the Applicant and ESC. The Applicant has provided additional information which clarifies how the BLF was assessed. ESC is now satisfied that noise associated with construction and use of the BLF were adequately assessed.
	<b>Response by the MMO for Deadline 2</b>	The MMO advises that the operation of the conveyor will be a source of airborne noise. Typically the source level noise for conveyors is low, and while it will be a regular and frequent source of noise during construction, there is evidence from other construction projects that receptors such as birds rapidly habituate to such sources of background noise. The MMO, within our remit, does not consider the potential impacts to be significant.
	<b>Response by Natural England for Deadline 2</b>	Natural England request a reference to where in the application the assessment is located. We are satisfied that the mitigation proposed for the Beach Landing Facilities will result in no adverse effect on the integrity of the Southern North Sea SAC.
	<b>Response by SZC Co. for Deadline 3</b>	No response from SZC Co. is required.
NV.1.86	Natural England, MMO	<b>Noise Effects on Marine Mammals</b> (i) Do you agree that the Applicant's assessment of noise effects from the additional piling on porpoise and other marine mammals can be regarded as not significant? (ii) Are you satisfied with the mitigation proposed and how this would be secured through the DCO? (iii) Do you consider the monitoring throughout the construction period would provide adequate safeguards?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by the MMO for Deadline 2</b>	The MMO considers the Applicant's assessment to be broadly robust. In commenting on the ES Addendum, we recommended that the Applicant clarify the modelling approach used, the worst-case assessment (potentially 4 piles being inserted concurrently) and confirm that the assessment covers a realistic worst-case scenario. We also recommended

ExQ1	Question to:	Question:
		that the Applicant clarifies the potential underwater noise effects of any mechanical cutting of piles during decommissioning of the temporary BLF. The MMO are satisfied with the proposed mitigation and monitoring, and that this can be secured through the DML.
	<b>Response by Natural England for Deadline 2</b>	<p>i) Natural England are satisfied with the Applicant's assessment of noise effects from piling.</p> <p>ii) Natural England are satisfied that the mitigation proposed and how it is secured.</p> <p>iii) Natural England are satisfied that the monitoring and mitigation proposed throughout the construction period would provide adequate safeguards.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No response from SZC Co. is required other than to confirm that the underwater noise assessment report will be updated to reflect MMO comments and submitted at Deadline 5.
NV.1.89	The Applicant, Network Rail	<p><b>Additional Freight by Rail</b></p> <p>A number of the responses received look to have no rail activities on a given night of the week over the weekend:</p> <p>(i) Is this likely to be achieved?</p> <p>(ii) How would it be secured?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The current import model assumes a rail capacity of 2 trains per day in 2023 and then 4 trains per day from 2024, 5 days a week (see <b>Table 3.1</b> in the <b>Freight Management Strategy</b> <a href="#">[AS-280]</a> and SZC Co.'s response to <b>Question TT.1.6</b> in <b>Chapter 24</b> of this report). This capacity, along with the Bulk Material Import Facility, allows for a reduction of road haulage as bulk materials are primarily imported via rail and marine.</p> <p>Any further increase of rail movements' (i.e. 6th day of operation), would allow greater rail import, and provide contingency train paths when the rail is at high utilisation and in case of rail disruption as well as improving the resilience for the project rail imports. The current import forecast indicates that between 2023 and 2028 the rail will be operating at or near full capacity, (see Table 3.1 in the <b>Freight Management Strategy</b> (Doc Ref 8.1) <a href="#">[AS-280]</a>). Therefore, the probability of use on the 6<sup>th</sup> day will be higher during these years, circa 75%. Outside of these years when the rail import demand is lower the use of the 6<sup>th</sup> day would be much lower (circa 30%).</p> <p>Engagement is ongoing with Network Rail regarding this additional day of operation. At this stage a 24hr period has been safeguarded to provide Network Rail maintenance paths</p>



ExQ1	Question to:	Question:
		<p>when the project would not operate freight. The project assumption is that Monday to Friday nights are the core rail import periods with either Saturday or Sunday night being suitable for the 6<sup>th</sup> day. It is understood that the preference from SCC would be to operate the 6<sup>th</sup> day of operation on Sunday night, leaving Saturday nights / Sunday mornings generally clear of any rail traffic.</p> <p>(ii) In light of the need for flexibility and ongoing discussions with Network Rail set out above, it is not proposed to identify the potential 6<sup>th</sup> day of operation at this stage.</p>
	<b>Response by Network Rail for Deadline 2</b>	Network Rail has carried out an initial capacity analysis, this supports the application and we are supportive of ongoing liaisons on opportunities from the applicant. Network Rail could only restrict train movements based on safety or capacity issues. However, if the Examiner felt it was necessary, we understand a restriction could be included in the DCO as a requirement. However, to optimise freight train movements overnight paths are necessary
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is content to rely on its response at Deadline 2, noting only that it considers the assessments it has put forward to be representative of the full complement of rail movements sought to deliver the <b>Freight Management Strategy</b> <a href="#">[AS-280]</a> , and there is no case to limit the number of movements.
NV.1.90	The Applicant, Network Rail	<p><b>Additional Freight by Rail</b></p> <p>Please explain what effect if any this might have on passenger services on the Ipswich to Lowestoft line.</p>
	<b>Response by SZC Co. for Deadline 2</b>	There is anticipated to be no effect on the passenger services on the Ipswich to Lowestoft line.
	<b>Response by Network Rail for Deadline 2</b>	<p>No analysis has yet been undertaken on the East Suffolk Line between Ipswich and Lowestoft however Network rail can comment on the section Between Ipswich and Saxmundham.</p> <p>The night time paths support the approach to not impact on passenger services, however, the interaction of these trains with all the other traffic in the Ipswich area needs to be further managed as the concept matures as any late running could have a knock on affect to the morning passenger train services. It has been suggested that EDF looks at introducing an intermediate block signal on the single line between Saxmundham and</p>

ExQ1	Question to:	Question:
		Woodbridge. This would mitigate any late running. The proposed day time 'flask path' requires close monitoring as the scheme matures as the new freight movement would be slower resulting in a risk to operations. Network Rail will be continuing to work with SZC on how best to mitigate impacts. Network Rail have previously advised that there is additional benefits (More robust overnight operation) if additional block signals on the Single line were added.
	<b>Response by SZC Co. for Deadline 3</b>	Discussions with Network Rail are ongoing regarding the delivery of the rail services required for the project. SZC Co. note that while Network Rail has not undertaken analysis of the East Suffolk line between Ipswich and Lowestoft, they have considered the East Suffolk line from Ipswich to Saxmundham. The rail freight paths sought by SZC Co. will not use the line north of Saxmundham.
NV.1.91	The Applicant, Network Rail	<b>Level Crossing Sirens</b> (i) Will all level crossings on the route require sirens to meet the appropriate safety standards? (ii) If this is not the case, please explain the differing standards and what would be expected to be provided at each level crossing.
	<b>Response by SZC Co. for Deadline 2</b>	(i) At the public highway level crossings on the Saxmundham to Leiston branch line (Knodishall, West House, Saxmundham Road, Leiston) it will be necessary to add audible alarms/sirens to comply with Network Rail safety standards, as a result of the new addition of mechanical barriers with road traffic lights. See also response to <b>Question NV.1.32</b> in this chapter. (ii) Not applicable.
	<b>Response by Network Rail for Deadline 2</b>	SZC have provided details in response to the examiners questions on locations required. In addition Network Rail would add that there are some crossings on the East Suffolk Line (Ipswich to Saxmundham) that will need MSL's installing which will have Yodel's fitted as standard. Network Rail will set the volume to suit the local environment and work with local neighbours however it should be noted that these also need to be of an effective volume.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
NV.1.92	The Applicant, ESC (part (ii) and (iii))	<b>Rail Noise Assessment</b> In light of the comments from Saxmundham Town Council, (i) please advise on whether additional properties at Beech Road, Holly Way and Oak Close have been assessed in terms of any noise affects. (ii) Are there any other recently built or planned developments along the rail route which the ExA should be aware of? (iii) Has a list of such agreed developments been provided to the Applicant?
	<b>Response by SZC Co. for Deadline 2</b>	(i) The noise assessment presented in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [ <a href="#">APP-545</a> ] used noise contour plots to group properties into impact magnitude bands, which were translated into categories of effect. Individual properties did not require identification to implement this approach.  The property counts were based on Land Registry and other publicly-available information. The house counts included properties on Beech Road and other roads in the vicinity.  (ii) No response from SZC Co. is required (iii) No response from SZC Co. is required
	<b>Response by East Suffolk Council at Deadline 2</b>	(ii) The Applicant has been advised by ESC of planned developments in the leading time to their cumulative assessment. This has included developments in the vicinity of the main development site and along major freight routes. That was last given to the Applicant in 2019 as they finalised their ES for submission in 2020. New developments since then, where practicable, the ESC case officer has advised the planning applicant that they should be aware of the Applicant's proposals.  (iii) There has been no list provided since late 2019.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has reviewed planning applications adjacent to the East Suffolk line, which were submitted between May 2020 and June 2021 and identified two additional developments of note, in addition to those assessed within <b>Volume 10, Chapter 4</b> of the <b>ES</b> [ <a href="#">APP-578</a> ]. These are as follows: <ul style="list-style-type: none"> <li>• DC/21/2503/OUT - Outline Application with Some Matters Reserved - Erection of up to 41 dwellings (with details of access to be considered).</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>DC/20/1831/OUT - Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place. This application has been made following the withdrawal of DC/19/2558/OUT which was included on the shortlist and considered as a future baseline receptor and a cumulative scheme within <b>Volume 10, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-578</a>].</li> </ul> <p>A review of these two developments shows that neither would locate residential properties close enough to the railway such that a significant adverse effect is likely to occur, in an EIA context. In particular, the properties within the Saxmundham Road, Benhall development (DC/21/2503/OUT) closest to the railway line are likely to be close to, but outside the 70dB L<sub>AFmax</sub> contour that indicates a moderate adverse effect (which is significant in an EIA context). All properties will be outside the 77dB L<sub>AFmax</sub> contour that is the SOAEL.</p> <p>These developments will both be included in the refreshed assessments under the <b>Noise Mitigation Scheme</b> [<a href="#">REP2-034</a>], as will any other developments that are legally permitted at the time the DCO is granted, such that even if the noise thresholds for mitigation in the <b>Noise Mitigation Scheme</b> were exceeded, any relevant properties would be eligible for mitigation under the scheme.</p>
NV.1.93	The Applicant, (ESC part (ii) only)	<p><b>Night-time Rail Noise</b></p> <p>Campsea Ashe Parish Council, Woodbridge Town Council and ESC all express concern that the assessment of effects from the night-time rail operation as proposed has not been adequately assessed or those effects on residents properly mitigated.</p> <p>(i) Please respond to the concerns and set out how the assessment has been undertaken and how the mitigation offered would work in practice.</p> <p>(ii) Do the Council agree with these concerns?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The Relevant Representations were made on the basis of the assessment set out in <b>Volume 9, Chapter 4</b> of the <b>ES</b> [<a href="#">APP-545</a>], which has been superseded by the updated</p>

ExQ1	Question to:	Question:
		<p>assessment set out in <b>Volume 3, Chapter 9</b> of the <b>ES Addendum</b> [<a href="#">AS-188</a>] and the associated <b>Appendices 9.3.A to 98.3.E</b> [<a href="#">AS-257</a>] and [<a href="#">AS-258</a>].</p> <p>The updated assessment explains that overly-conservative assumptions were made in the main ES, provides much more detailed assessment and sets out the mitigation measures that will be taken to avoid significant observed adverse effects.</p> <p>The mitigation that applies to operation of trains, and train infrastructure, is set out in the draft <b>Rail Noise Mitigation Strategy</b> [<a href="#">AS-258</a>], which is to be secured by Requirement 25 in the draft DCO (Doc Ref. 3.1(C)).</p> <p>The <b>Noise Mitigation Scheme</b> (the original version of which was set out in <b>Volume 2, Appendix 11H</b> of the <b>ES</b> [<a href="#">APP-210</a>] with a revised version provided as Doc Ref. 6.3 11H(A)), is to be secured via Schedule 12 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(ii) No response from SZC Co. is required.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(ii) ESC does not agree with their concerns on the assessment methodology, ESC considers the effects have been adequately assessed (in terms of methodology/criteria). ESC does agree that those identified effects would not be properly mitigated, based on current proposals. The Applicant has provided a draft Rail Noise Mitigation Strategy and a Noise Mitigation Scheme, we are not currently satisfied with these and are discussing further with the Applicant.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Discussions are ongoing with ESC and SCC on the <b>Noise Mitigation Scheme</b> [<a href="#">REP2-034</a>] and the draft <b>Rail Noise Mitigation Strategy</b> [<a href="#">AS-258</a>].</p>
NV.1.94	The Applicant, Network Rail	<p><b>Night-time Rail Noise</b></p> <p>(i) Please explain the limiting factors for daytime deliveries.</p> <p>(ii) In understanding what these are, what alternatives have been considered that could overcome these limitations?</p> <p>(iii) How has the assessment of effects from night-time noise been assessed against these alternatives?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) and (ii) There is insufficient rail capacity available on the East Suffolk line during the day to provide more than one rail path. This is due to the extended length of single track</p>

ExQ1	Question to:	Question:
		<p>south of Saxmundham and the hourly passenger timetable, which leaves insufficient running time for additional services.</p> <p>The length of single track could be split with a passing loop which would increase the capacity on the line. Such a proposal was consulted on through to the Stage 4 consultation.</p> <p>In addition to a passing loop, it would also be required to operate freight trains at 40mph along the line rather than the current maximum speed of 20mph to avoid disrupting the passenger service. The combination of adding the additional freight services to the line, and required speed increases, would result in increasing the risk to level crossings on the East Suffolk line.</p> <p>In order to mitigate the increased risk, 45 level crossings on the East Suffolk line would require interventions. At the Stage 3 consultation it was identified that 12 footpath crossings would require closure and a further 33 level crossings upgraded to mitigate the increase in risk. As a result of further work undertaken by Network Rail it was decided that this option was not deliverable within the timescales required for the SZC Project.</p> <p>Following this decision, the focus was to maximise the utilisation of the East Suffolk line overnight, outside of the passenger service where trains could operate within the current speed restrictions along the line.</p> <p>(iii) As there is no viable alternative to operating trains overnight, it has not been possible to assess night-time noise against an alternative rail scenario.</p>
	<b>Response by Network Rail for Deadline 2</b>	<p>Network Rail have been engaged in previous reviews with SZC on freight operations on the East Suffolk Line. Day time operations will not be possible without significant impacts on daytime passenger operations. The proposed Freight trains will operate at significantly lower speeds than the passenger services and the Flask Path Train. Network Rail have undertaken quality assurance on the Capacity Analysis Technical Note (Feb 2021) and commenced reviews (i.e. Level crossing review) on the basis of the proposed 4 trains (7 night time and 1 day paths).</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further comments to add to SZC Co. response for Deadline 2.</p>

ExQ1	Question to:	Question:
NV.1.95	The Applicant, Natural England (part (ii) only)	<p><b>Night-time noise</b></p> <p>The RSPB indicate that the assessment of effects from night-time noise on bats and other sensitive creatures has not been adequately assessed and consider additional noise modelling would need to be carried out.</p> <p>(i) Please respond to this concern.</p> <p>(ii) Do you agree with the concerns expressed by the RSPB</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant disputes the RSPB's conclusion. The information which presents the baseline data and impact assessment of noise upon ecological receptors is presented in <b>Volume 2, Chapter 14</b> of the <b>ES</b> [APP-224]. This was informed by data presented in the noise and vibration chapter (<b>Volume 2, Chapter 11</b> of the <b>ES</b> [APP-202]) and additional noise modelling, particularly of high frequency noise (in relation to the impact to bats).</p> <p>With regards to bats, the impact of night-time noise upon bats is considered in detail within the <b>Volume 2, Chapter 14</b> of the <b>ES</b> [APP-224] and the updated bat impact assessment in <b>Volume 3, Chapter 2, Appendix 2.9B</b> of the <b>ES Addendum</b> [AS-208]). Paragraphs 8.2.22 – 8.2.61 in <b>Volume 3, Chapter 2, Appendix 2.9B</b> of the <b>ES Addendum</b> [AS-208]) present the assessment of potential impacts to bats resulting from the noise modelling results, including setting thresholds for impacts.</p> <p>The assessment utilises high frequency modelling at 22khz+ and 8khz+ to determine the potential impact of noise throughout the phases of the construction upon roosting, foraging and commuting bats.</p> <p>Within the updated bat impact assessment in <b>Volume 3, Chapter 2, Appendix 2.9B</b> of the <b>ES Addendum</b> [AS-208]), figures are presented which display the potential levels of high frequency noise upon bats at different Phases of the construction. This information is utilised to inform the impact assessment. The impact assessment utilises available information and current practice to assess the impact on bats.</p> <p>Within the mitigation measures defined, current good practice has been followed and the assessment is informed by a comprehensive suite of surveys. However, as stated in paragraph 8.2.37 in <b>Volume 3, Chapter 2, Appendix 2.9B</b> of the <b>ES Addendum</b> [AS-208]), <i>'there are gaps in the assessment (for example in some cases the volume of noise was measured at frequencies that bats cannot hear) or the studies are not</i></p>

ExQ1	Question to:	Question:
		<p><i>applicable to the assessment of potential impacts to bats resulting from construction’.</i></p> <p>The assessment relies on the best available data, and the overall impacts and mitigation strategy were developed with the extensive level of survey information gained to date, which provides confidence in the effectiveness of the mitigation proposed, based on current best practice and research. However, there is limited research available for some impacts on some bat species, and bats, as living things, do not always behave as expected. Given this, the <b>Terrestrial Ecology Monitoring and Mitigation Plan</b> (TEMMP), submitted at Deadline 1 [<a href="#">REP1-016</a>] and secured under Requirement 4 has been prepared. The measures within this document will identify any unforeseen effects of the construction through noise upon bats. This will allow any required remedial actions to address this to be implemented.</p> <p>Overall, the approach to mitigation and impact assessment relating to bats and noise is considered well supported and the assessment of no significant effect from noise is considered robust.</p>
	<b>Response by Natural England for Deadline 2</b>	<p>As these measures are proposed to mitigate impacts on licensable protected species these will be assessed by Natural England through our licensing process. For the progression of this issue the applicant must submit draft protected species licence applications to Natural England for review. If agreed Natural England may provide LoNIs to ensure the ExA has the required certainty in this regard. Further engagement on this issue will therefore be undertaken as part of the licensing process.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. can confirm that protected species licence applications are currently being prepared following the bat surveys undertaken in 2021. These will be submitted to Natural England through the generic licensing mailbox as instructed and will be submitted to the examining authority at appropriate deadline.</p>
NV.1.96	The Applicant, Network Rail	<p><b>Ipswich to Lowestoft Main Line</b></p> <p>(i) Please explain the current method of line construction for the main line between Ipswich and Saxmundham.</p> <p>(ii) Please confirm whether the joints between the sections of the track are located in a way as to minimise noise effects on receptors.</p> <p>(iii) It is understood from the assessment that the welds of joints for the Saxmundham to Leiston branch line are proposed to be undertaken in a certain way to minimise noise</p>



ExQ1	Question to:	Question:
		effects – please confirm whether this approach has been undertaken on the main line and if this is not the case please advise what the differences would be for receptors on the main line as opposed to those on the branch line.
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) and (ii) The East Suffolk line has, for the most part, continuous welded rail (CWR), with some lengths of jointed track as well as switches and crossings (S&amp;C). Details such as the exact location of the kinds of welds and joints in CWR and S&amp;C that give rise to additional noise and vibration are not routinely held by Network Rail, and work is currently in progress to establish their exact locations and where necessary to plan appropriate mitigatory action. Please also see answer to <b>Question NV.1.12</b> in this chapter.</p> <p>(iii) As stated in response to parts (i) and (ii), information on the exact locations and kinds of weld present on the East Suffolk line is not routinely held by Network Rail. Work and discussions are in progress to determine the presence and location of aluminothermic welds along the East Suffolk line, and to develop a plan for delivery of rail upgrades so that the welds can be removed.</p> <p>The updated assessment of groundborne vibration contained in <b>Volume 1, Appendix 9.3.A</b> of the <b>ES Addendum</b> [<a href="#">AS-257</a>] describes the implications of aluminothermic weld or joint proximity for the outcomes.</p>
	<b>Response by Network Rail for Deadline 2</b>	<p>The East Suffolk Line has, for the most part, continuous welded rail (CWR), with some lengths of jointed track as well as switches and crossings (S&amp;C).</p> <p>Network Rail are currently working with SZC on proposals for Track enhancements to SZC between Westerfield and Saxmundham Junction. In addition discussions includes status and potential alterations to sleepers, fasteners and welds to assist with noise mitigations. This work is ongoing and as such no further comments can be provided at this stage.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Discussions between SZC Co. and Network Rail are ongoing regarding legacy benefits for the East Suffolk line, including track upgrade work. As SZC Co. noted in response to <b>Question NV.1.12</b> at Deadline 2, no reliance is placed on works on the East Suffolk line, although the track type will influence the potential effects.</p>
NV.1.97	ESC	<b>Code of Construction Practice (CoCP)</b>

ExQ1	Question to:	Question:
		<p>Table 3.2 of the CoCP sets a series of noise thresholds for the works at the main development site.</p> <p>(i) Do you consider these thresholds appropriate?</p> <p>(ii) Are you content with the monitoring as proposed to oversee that these levels are achieved?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(I) ESC does not consider these thresholds appropriate, simply because more appropriate thresholds are available in BS 5228. Considering the specific nature and duration of the works, the guidance in Annex E5 of BS 5228, which specifically relates to long-term construction projects involving "large scale and long-term earth moving activities" and provides recommended noise limits for this, seems a more appropriate basis for setting construction noise thresholds than the thresholds currently set out in Table 3.2 of the Code of Construction Practice (CoCP), which are aligned with the EIA significance thresholds. ESC is also unclear from Section 3.2 of the CoCP what actions would be taken to ensure these thresholds are not breached.</p> <p>(ii) The basic principles of what is proposed in terms of monitoring (Section 3.3.7 of the CoCP) seem appropriate. However, it is not currently clear what the aims of this would be and what actions would be taken in the event of construction noise thresholds being exceeded.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>As noted in the Deadline 3 response for <b>Question NV.1.80</b>, the criteria in Annex E.5 of BS5228-1: 2009+A1: 2014 were formulated for works akin to surface minerals extraction. While the construction of SZC will include earth-moving works, it is not akin to surface mineral extraction activities, as described in BS5228-1: 2009+A1: 2014. There will be a range of sources present, including earth-moving plant, other construction sources, trains and unloading equipment, vehicles and static plant. The thresholds adopted for the main development site sought to balance this range of equipment, which would ordinarily require a range of different criteria, with the expected duration of the works. However, this matter remains under discussion with ESC.</p>

ExQ1	Question to:	Question:
		The Noise Monitoring and Management Plans, as described in <b>paragraph 3.1.3</b> in Parts B and C of the <b>Code of Construction Practice (CoCP)</b> [ <a href="#">REP2-056</a> ] will contain the details of the actions to be taken in the event that construction noise thresholds are exceeded.
NV.1.98	The Applicant, ESC, SCC	<p><b>CoCP</b></p> <p>Advance Notice of works is specified as a method of mitigation for receptors.</p> <p>(i) What period of advance notice is expected to be provided?</p> <p>(ii) Has this been agreed and or secured as a commitment?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><b>Part A, Section 3.1.f)</b> of the <b>CoCP</b> (Doc Ref. 8.11(B)) provides details on Advanced Notice of Works and states:</p> <p><i>"3.1.20 For noisy or disruptive works, advance notice of such works will be given. This will also include the movement of Abnormal Indivisible Loads on local roads due to Sizewell C activity. This will involve targeted communications to local residents, business occupiers and relevant authorities. This will normally take place at least one week before the planned works were due to take place.</i></p> <p><i>3.1.21 Communications will be focused on the residents directly neighbouring the sites. Each communication will contain contact details for enquiries or further information."</i></p> <p>Compliance with the requirements of the <b>CoCP</b> is secured through Requirement 2 of the <b>draft DCO</b> (Doc Ref 3.1(C)).</p> <p>See also SZC Co.'s response to <b>Question NV.1.9</b> in this chapter in respect of the use of the word '<i>noisy</i>' in this context.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(I) Section 3.1.20 of the CoCP states that there would be a 1-week notice period for "noisy and disruptive" works. ESC consider that 1 week should be the minimum notice period and that the required notice period should depend on the location, extent, and duration of the works. It is also unclear how "noisy and disruptive" works are defined. However, the Council recognises that the CoCP will be expanded and refined going forward and that this will provide an opportunity to discuss proposals for advanced notice in relation to specific receptors.</p> <p>(ii) ESC would welcome a commitment from the Applicant to do this.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council for Deadline 2</b>	(i) Section 3.1.20 of the CoCP states that there would be a 1-week notice period for "noisy and disruptive" works. SCC considers that 1 week should be the minimum notice period and that the required notice period should depend on the location, extent, and duration of the works. It is also unclear how "noisy and disruptive" works are defined. However, SCC recognises that the CoCP will be expanded and refined going forward and that this will provide an opportunity to discuss proposals for advanced notice in relation to specific receptors. (ii) SCC would welcome a commitment from the Applicant to do this.
	<b>Response by SZC Co. for Deadline 3</b>	The Noise Monitoring and Management Plans, as described in <b>paragraph 3.1.3</b> in Parts B and C of the <b>Code of Construction Practice (CoCP)</b> [REP2-056] will contain the details of the actions to be taken in the event that noisy and disruptive works are expected, and will include a definition of 'noisy'.
NV.1.99	The Applicant, Pro Corda School Trust	<b>Pro Corda School</b> What progress has been made with securing a S106 in respect of the Pro Corda School?
	<b>Response by SZC Co. for Deadline 2</b>	Discussions are ongoing with Pro Corda School and the current position will be set out in a Statement of Common Ground (Doc Ref. 9.10.21).
	<b>Response by Pro Corda Trust for Deadline 2</b>	There is much work still needed here to secure the mitigation necessary to ensure Pro Corda is not forced to move away from Leiston Abbey for the duration of the construction. Such a move would have a catastrophic impact on UK performing arts education and also national SEND education, such is Pro Corda's remit within both. It would also have a catastrophic impact on the heritage asset as Pro Corda are the sole and full time managers of the site and the asset. Alongside investment in security and business resilience (to mitigate the severe impact within risk and confidence for our many users – from individual families to schools,) physical investment is needed to mitigate impacts of security, safeguarding and noise. From securing the driveway and boundaries to windows to securing the heritage asset. As mentioned at the start of this document, the educational offer at Leiston Abbey is intrinsically linked to the heritage offer. The two really do need to be seen in the same context by the Examination Authority, together with the complex task of managing Leiston Abbey, when assessing the answers – from across the various bodies – to related Questions within the Planning Inspectorate documents.

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Good progress has been made since Deadline 2 and SZC Co. welcomes the very constructive discussions that have been held with Pro Corda Trust. The current position is set out in the updated <b>Statement of Common Ground</b> submitted at Deadline 3 (Doc Ref. 9.10.21(A)). Discussions will continue to agree the detailed scope and quantum of mitigation. See also SZC Co's Deadline 3 response to <b>Cu.1.37</b> .
<b>Chapter 22 - R.1 Radiological considerations</b>		
R.1.1	The Applicant, ONR	<p><b>Low Level Waste (LLW)</b></p> <p>(i) It is recognised that the current LLW Repository has a lifespan less than that of the proposed development. What provision is in place on site or elsewhere to safely deal with this waste over the lifetime of the plant?</p> <p>(ii) It is advised that "It is assumed that ultimately new disposal facilities will be provided by the NDA" (para 7.7.20) <a href="#">[APP-192]</a> Have letters of assurance or similar been received from the NDA?</p> <p>(iii) Has one been sought? Please provide copies for the Examination as appropriate.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Authorised disposal routes for Low Level Waste (LLW) will be available throughout the design life of Sizewell C. Given the Government's commitment to new nuclear, including the aim of <i>'bringing at least one large scale nuclear project to the point of Final Investment Decision (FID) by the end of this Parliament'</i><sup>24</sup> and the powers in Schedule 23 of the Environmental Permitting Regulations, it is reasonable to assume that Government will ensure adequate facilities are provided for disposal of LLW.</p> <p>(ii) and (iii) As stated in the response to (i), the UK Government has made a clear commitment to large-scale new nuclear and has powers under the Environmental Permitting Regulations to ensure adequate disposal facilities are in place. Therefore, letters of assurance have not been sought. It is also worth noting the NDA Strategy emphasises that <i>'In line with UK government expectations, the NDA group will continue to</i></p>

ExQ1	Question to:	Question:
		<i>supply advice and information to third parties involved in the UK's nuclear new build programme and developers of advanced nuclear technologies<sup>25</sup>.</i>
	<b>Response by ONR at Deadline 2</b>	(i) In the event that LLW repository is not available, ONR would use routine regulatory tools (such as inspection and permissioning) to ensure waste is safely managed in accordance with our regulatory expectations. This includes aspects relevant to accumulation of radioactive waste (Licence Condition (LC) 32) and storage of nuclear matter (where radioactive waste is nuclear matter) (LC4(2)). The lifespan of LLW Repository is, in part, dependent upon the environmental safety case for disposals at LLW Repository, which is regulated by the Environment Agency not ONR. However, ONR notes the recent success in diverting wastes from LLW Repository through effective application of the waste hierarchy, which has driven the extension in the expected lifespan in LLW repository. (ii)&(iii) ONR has currently not sought any assurances from NDA relevant to disposal of LLW.
	<b>Response by NDA and Magnox for Deadline 2</b>	The NDA will confirm the position in relation to the new disposal facilities and letters of assurance or similar to the ExA as soon as practicable.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.2	The Applicant, ONR	<b>Waste Acceptance Criteria</b> Para 7.7.27 <a href="#">[APP-192]</a> refers to WAC – this does not appear in the Glossary of Terms. (i) Please confirm that this means 'Waste Acceptance Criteria' - or if not what it does relate to. (ii) It is understood that the UK has not formally adopted these criteria for dealing with High Level Waste or for spent fuel – does this have any implications in respect of the information provided?

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Confirmed, WAC means 'Waste Acceptance Criteria'.</p> <p>(ii) The term Waste Acceptance Criteria (WAC) is used by waste service providers to ensure that waste they receive is capable of being legally disposed in accordance with their own regulatory requirements. Radioactive Waste Management Ltd (RWM) is responsible for establishing the WAC for a facility, as they are responsible for the implementation of the Geological Disposal Facility (GDF) as the ultimate receiver of wastes for disposal. As the plans for the construction of the GDF are at an early stage, the information necessary to define a final WAC is not available. In the meantime, and as a precursor to WAC, RWM produces packaging specifications, the primary purpose of which is to enable the holders of radioactive wastes to condition that waste into a form that will be compatible with the anticipated needs of transport to and disposal in a GDF (see paragraph 7.7.43 of <b>Volume 2, Chapter 7</b> of the ES <a href="#">[APP-192]</a>).</p>
	<b>Response by ONR at Deadline 2</b>	<p>(i) The Applicant is best placed to respond to this question.</p> <p>(ii) Radioactive Waste Management (RWM) is a wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA) who are tasked with implementing government policy on geological disposal of higher activity waste (HAW i.e. ILW, HLW and spent fuel). To ensure they can deliver on this, RWM regularly update the inventory of HAW within the UK (and publish it online). The last update to the generic design system safety case for the geological disposal facility (GDF) included inventory from at least four EPR units. To ensure the safety case (and future waste acceptance criteria for HAW in the GDF) can be established as the design of the GDF advances, RWM and the waste owner (in this case NNB GenCo) engage early through the letter of compliance (LoC) process to ensure the inventory is up-to-date and waste forms are consistent with the assumptions in the current GDF generic design.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.3	The Applicant ONR	<p><b>Intermediate Level Waste (ILW)</b></p> <p>Please give the latest update in respect of the letter of compliance process referred to in para 7.7.43 <a href="#">[APP-192]</a></p>
	<b>Response by SZC Co. for Deadline 2</b>	NNB Generation Company (HPC) Limited (HPC Co.) made a conceptual Letter of Compliance (LoC) submission which sought the opinion of Radioactive Waste Management

ExQ1	Question to:	Question:
		<p>Ltd (RWM) on the likely acceptability for disposal in a Geological Disposal Facility (GDF) of all UK EPR™ waste streams, which includes Hinkley Point C and Sizewell C. In January 2013, RWM granted a conceptual LoC and identified a number of action points which HPC Co. will have to address to progress to the interim LoC stage and ultimately the final LoC stage.</p> <p>HPC Co. and SZC Co. will continue to work with RWM through the LoC process to ensure that packaged Intermediate Level Waste (ILW), that is not anticipated to decay to LLW (Ion Exchange and Filters), will be acceptable for disposal in a GDF.</p> <p>HPC Co. has developed a program for making further LoC submissions so that a Final LoC can be achieved before the first ILW is packaged during the operation of the Hinkley Point C power station.</p> <p>SZC Co. has committed to taking advantage of lessons learnt from Hinkley Point C and ensuring that a final LoC is in place for ILW waste prior to the first ILW campaign as part of its Radioactive Substances Regulations Environmental Permit Application.</p>
	<b>Response by ONR at Deadline 2</b>	ONR considers the applicant, NNB GenCo (SZC) Ltd is best placed to answer on the latest position, as this is a process between the potential waste owner and Radioactive Waste Management Ltd (RWM).
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.4	The Applicant (EA, ONR iv only)	<p><b>Intermediate Level Waste (ILW)</b></p> <p>(i) What capacity for the onsite storage of ILW has been assessed within the ES? The documents appear to make reference to two periods for the prospective operation of the plant 60 years [Table 7.8 Vol 2 Ch 7 APP-192] and up to 76 years [para 22.6.244 of <a href="#">APP 317</a>]</p> <p>(ii) Do the parameters include capacity for the extended lifespan of the power stations and any contingency?</p> <p>(iii) Currently it is not clear as 2.5 Main Development Site Main Platform Proposed General Arrangement (Operational) Plans for Approval [APP-017] indicates this is for approval later. Please clarify the situation</p>



ExQ1	Question to:	Question:
		(iv) The plans do not provide detailed drawings of the Interim Spent Fuel Store or Intermediate Level Waste Store, how is it intended that the details of these would be progressed and approved in the event the DCO were to be granted?
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Assessments have been performed on the anticipated arisings of ILW through the lifetime of the EPR™, which have included the impacts of decay storage. The capacity for onsite storage has been deemed adequate for approximately 30 years of operation, as this allows for lessons learnt to be applied when accounting for the remaining ILW storage from the final 30 years of operation.</p> <p>The 76 year period referenced in paragraph 22.6.244 of <b>Volume 2, Chapter 22</b> (Marine Ecology and Fisheries) of the ES [<a href="#">APP-317</a>] is a hypothetical maximum, which is not being considered within the design of the plant. Therefore, it has not been included in the capacity for the ILW Store. However, any plant life extension would be subject to rigorous regulatory scrutiny. This is a tried and tested process, as demonstrated by the plant life extension on the Magnox and Advanced Gas-cooled Reactor (AGR) fleet.</p> <p>(ii) The assessments performed to determine the current ILW store capacity have included contingency, but have not included any life extension.</p> <p>(iii) The design of the ILW store has not yet been submitted for approval as the detailed design is not yet complete.</p> <p>(iv) The layout, scale and external appearance of the Interim Spent Fuel Store and Intermediate Level Waste Store will be designed in accordance with the Parameter Plans set out in Schedule 6 of the draft DCO (Doc Ref. 3.1(C)) and maximum height and siting in specified in Volume 2, Chapter 2 of the ES (Doc Ref. 6.14(A)). They will be designed in general accordance with the Detailed Design Principles set out in Chapter 5 of the Main Development Site Design and Access Statement (Doc Ref. 8.1Ad2 (A)). Requirement 12 of the draft DCO (Doc Ref. 3.1(C)) requires that these details are submitted for approval by East Suffolk Council prior to commencement of their construction.</p>
	<b>Response by ONR at Deadline 2</b>	(iv) ONR maintains engagement with Hinkley Point C (HPC) on the development of the designs for the Interim Spent Fuel Store (ISFS) and Intermediate Level Waste (ILW) Store. Due to the replication strategy being implemented at Sizewell C (SZC), ONR expects the HPC designs to be used to inform the SZC site specific designs. Once the HPC

ExQ1	Question to:	Question:
		<p>designs are suitably developed, ONR will engage with SZC to ensure the SZC site specific designs fulfil the legal requirement to ensure the risks associated with the management of spent fuel and ILW on SZC are reduced so far as is reasonably practicable. ONR expects SZC to apply any lessons learnt from the design and construction of the facilities at HPC. Relevant information from HPC:</p> <ul style="list-style-type: none"> <li>• The ILW store is expected to be available prior to operations, the adequacy of the design will be assessed by ONR as part of the planned permissioning schedule. This is expected to be ahead of any construction requirements for ILW stores on SZC.</li> <li>• The spent fuel management strategy, and therefore ISFS safety case, for HPC (and SZC) assumes ~10 years of cooling of spent fuel within the spent fuel pool prior to transfer to dry storage in ISFS. Therefore, the ISFS in the HPC safety case is only required/the facility is made available about 10 years after operations start. The spent fuel pool capacity has been assessed by ONR as adequate to meet both the requirements for ISFS and the nuclear safety requirements for core management. ONR regularly engages with HPC on technical matters which are both driven by, and define, the ISFS design requirements. ONR would apply a consistent approach for SZC to ensure the ISFS is available when required.</li> </ul>
	<p><b>Response by Environment Agency at Deadline 2</b></p>	<p>It is for the applicant to progress and provide detailed drawings of the Interim Spent Fuel Store and Intermediate Level Waste Store and gain necessary approvals.</p> <p>A Radioactive Substances Activity permit, if granted, will contain conditions requiring the applicant to use best available techniques (BAT) in the operation of the facility to:</p> <ul style="list-style-type: none"> <li>• prevent or where not possible minimise (in terms of radioactivity) the creation of radioactive waste</li> <li>• minimise (in terms of radioactivity) discharges of gaseous and aqueous radioactive wastes</li> <li>• minimise the impact of those discharges on people, and adequately protect other species</li> <li>• minimise (in terms of mass and volume) solid and non-aqueous liquid radioactive wastes</li> </ul> <p>By 'operation' we mean how the facility has been designed, built, maintained, operated and dismantled. Therefore the design of the Interim Spent Fuel store and Intermediate</p>

ExQ1	Question to:	Question:
		Level waste store would therefore be subject to the above conditions should a Radioactive Substances Activity permit be granted.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.10	The Applicant, ONR	<b>Spent Fuel</b> (i) Please confirm that the current proposal does not include the encapsulation facility referred to at para 7.7.95. (ii) Assuming this to be correct, are you able at this stage to confirm there would be sufficient space within the DCO site to accommodate such a facility? (iii) Do the ONR agree that there would be sufficient space?
	<b>Response by SZC Co. for Deadline 2</b>	(i) The Application does not include a location for the encapsulation facility referred to in paragraph 7.7.95 of <b>Volume 2, Chapter 7</b> of the ES <a href="#">[APP-192]</a> . Five years prior to the end of generation Sizewell C will produce the required documentation and assessment to obtain consent to proceed with decommissioning. (ii) Currently no location has been identified for an encapsulation facility as there is no requirement at this stage in the project. Under the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations (EIADR) any new facilities required to manage decommissioning, including the Spent Fuel Encapsulation Facility (SFEF) and Spent Fuel Inspection and Repackaging Facility (SFIRF), will be scrutinised by the Environment Agency and the ONR prior to decommissioning commencing. Therefore, at an appropriate time (at this time believed to be 5 years prior to end of generation), SZC Co. will be required by law to identify a location for the SFIRF and SFEF. All funding for these facilities will be covered through the Sizewell C Funded Decommissioning Plan (FDP). (iii) No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	(i)&(ii) The Applicant is best placed to respond to this question. (iii) The spent fuel encapsulation facility is not required until the spent fuel is retrieved from the Interim Spent Fuel Store (ISFS) and repackaged for disposal to the GDF (>100 years after operations). At the time when the encapsulation facility will be constructed the reactors will have ceased generation, decommissioning will be well-progressed, with many

ExQ1	Question to:	Question:
		<p>structures removed from the site. Therefore, in ONR's opinion there will be sufficient space for the construction of new facilities to enable the safe retrieval, repacking, and encapsulation of spent fuel. The inclusion of the encapsulation facility and the principle to encapsulate spent fuel immediately prior to transfer to the GDF is consistent with the guidance provided by Department of Energy and Climate Change (DECC) in 2011 on Funded Decommissioning Programmes (<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/42628/3797-guidance-funded-decommissioning-programmeconsult.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/42628/3797-guidance-funded-decommissioning-programmeconsult.pdf</a>).</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.11	The Applicant, ONR, EA	<p><b>Length of Plant Life</b></p> <p>Much of the documentation refers to the power stations operating for between 60-76years. The DCO would however if granted not be time limited, consent would in effect be in place for two nuclear power stations in perpetuity.</p> <p>Does this have any implications for the advice you provide to the ExA or of the assessments that have been undertaken?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Under Licence Condition 15 of the Nuclear Site Licence, Sizewell C (as the licensee) shall make and implement adequate arrangements for the periodic and systematic review and reassessment of safety cases. Therefore, although the documents and assessments for the life of the plant are based on 60 year life, they will be regularly reviewed and reassessed for their applicability. Any plant life extension would be subject to rigorous regulatory scrutiny. This is a tried and tested process as demonstrated by the plant life extension on the Magnox and AGR fleet.
	<b>Response by ONR at Deadline 2</b>	With regard to the length of plant life, nuclear site licensees are required, by standard Licence Condition 15, to undertake periodic and systematic reviews of their plant safety case. ONR assesses major periodic safety reviews and, in order to permit continued operation, needs to be satisfied that the facility continues to meet its original design standards; that the licensee has implemented all reasonably practicable modifications to close any gaps between those standards and modern standards; that findings arising from operational experience have been addressed and that there are robust measures in place

ExQ1	Question to:	Question:
		to manage any safety-related, ageing mechanisms. If ONR is satisfied on all these aspects, the facility may continue to operate, providing that continuing monitoring activities do not reveal any new information that undermines the safety case. In practice at some stage in the life of a nuclear plant it is likely that the cost of maintaining the plant to acceptable safety standards will outweigh the financial gains from continued operation, and the operating organisation may therefore decide to close the plant down at that stage.
	<b>Response by Environment Agency at Deadline 2</b>	A Radioactive Substances Activity permit, if granted, would not be time limited and the site would remain under regulatory control until such a time that the applicant (operator) can demonstrate that they meet the requirements of our guidance on release from radioactive substances regulation ( <a href="https://www.gov.uk/government/publications/decommissioning-of-nuclear-sites-and-release-from-regulation/decommissioning-of-nuclear-sites-and-release-from-regulation">https://www.gov.uk/government/publications/decommissioning-of-nuclear-sites-and-release-from-regulation/decommissioning-of-nuclear-sites-and-release-from-regulation</a> ). The fact that the DCO would not be time limited does not have any implications for our assessment of radiological impact or our permit determination process.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.12	ONR	<b>Design Acceptance Confirmation (DAC)</b> The Applicant's DAC would appear to expire on 13 December 2022. (i) Please explain how this regulatory system works and whether a further DAC would be required as the station would not be operational at this date. (ii) Are there any further implications if work has not commenced on site by this date? (iii) Would you anticipate any reason why a further DAC would not be issued should a further application need to be made? (iv) Are there any other implications the ExA should be aware of in respect of the limited time of the current DAC?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<p><b>Response by ONR at Deadline 2</b></p>	<p>(i) The GDA process is non-mandatory and there is no legal requirement for a valid Design Acceptance Confirmation (DAC). Within ONR's remit, to construct a new nuclear power plant in Great Britain requires a nuclear site licence to be granted. Even then, granting of a nuclear site licence does not provide regulatory permission for the start of construction. Under the conditions attached by ONR to a nuclear site licence, the licensee will require ONR's specific regulatory permission before any nuclear safety related construction can commence. It is ONR's policy that the output from GDA remains valid for a period of ten years from the date of issue. This period is consistent with the requirement for nuclear licensees to undertake periodic safety reviews of their existing nuclear facilities every ten years. For Hinkley Point C (HPC), the UK EPR design which was assessed as part of GDA was based on the 2008 EPR design under construction at Flamanville 3 (FA3) in Northern France. The GDA-assessed design formed the starting Reference Configuration (RC0) for HPC. That design was developed to a further reference configuration (RC1) that includes changes as a result of GDA, Fukushima response, FA3 feedback, UK context or site-specific requirements. The HPC design has been further developed to the current Reference Configuration 2 (RC2). The changes to the HPC design since GDA have been controlled under the licensee's licence condition compliance arrangements, subject to regulatory oversight by ONR. Unlike HPC, for Sizewell C the initial design configuration of the plant is not based on the GDA design, but is instead closely based on the current HPC configuration (RC2). Consequently, given ONR's close engagement with the HPC design development, we do not consider the ongoing validity of the DAC, issued by ONR at the end of GDA in 2012, is relevant to our assessment of the design proposed for Sizewell C. To summarise, no further DAC is required for Sizewell C as firstly a DAC is nonmandatory, and secondly the starting design is based on the design developed for HPC and not the final GDA design.</p> <p>(ii) There are no implications if the construction work at Sizewell C has not started by December 2022.</p> <p>(iii) Based on responses to questions (i), (ii) and (iv), as a DAC is non-mandatory, the design has evolved at HPC since GDA, from which Sizewell C is based, and due to ONR's ongoing regulatory oversight of HPC, an application for a new DAC is not needed and would have limited benefit.</p> <p>(iv) We do not consider there are any other implications relating to the timelimited nature of the DAC issued in 2012.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.13	J Chanay [RR-509]	Please explain what you mean by the terms 'gross asymmetry' and 'no defensible justification on avoidable preference for SZC' in your representation so that your concerns can be fully understood.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by J Chanay for Deadline 2</b>	Please refer to <a href="#">REP2-320</a> for further information.
	<b>Response by SZC Co. for Deadline 3</b>	<p>In relation to point D2.1</p> <p>SZC Co. has made every effort to ensure that the proposals are presented in an accurate, clear and neutral manner. SZC Co. has been committed to an honest and fair approach to consultation throughout the evolution of the Sizewell C Project, the production of the Application submitted in May 2020, as well as the request for Changes to the Application in January 2021, which arose through continued engagement with local authorities, environmental organisations, local stakeholder groups and the public with regard to the Application. Additional documentation has also been submitted at the request of local authorities, statutory bodies, environmental organisations and the Examining Authority in order to help them understand certain aspects of the application or additional information that has become available, e.g. through further baseline surveys.</p> <p>SZC Co. continues to engage with Interested Parties to develop Statements of Common Ground (SoCGs), in line with the <b>Examining Authority's Rule 6 letter</b> <a href="#">[PD-011]</a>. The purpose of the SoCGs is to set out the position of the parties on all relevant matters relating to the Application, including the construction and operation of the Sizewell C nuclear power station and its associated development, and appraisal of technical documents submitted.</p> <p>The Application for development consent is subject to the same process and timescale as other DCO applications. In addition, SZC Co. has understood concerns regarding the</p>

ExQ1	Question to:	Question:
		<p>timing of the Application in recognition of the ongoing COVID-19 pandemic and in this context:</p> <ul style="list-style-type: none"> <li>• Whilst the Sizewell C Application was ready for submission in February 2020, SZC Co. took the decision to defer its submission until May 2020 in recognition that the pandemic would impact upon the resources available to all stakeholders.</li> <li>• Nevertheless, SZC Co. shared the Application material in draft in October 2019 with the Defra family and in its full form on its submission in May, prior to its acceptance by the Planning Inspectorate.</li> </ul> <p>In relation to point D2.2</p> <p>As set out in SZC Co.'s Deadline 2 response to <b>Question R.1.1</b>, the UK Government has made a clear commitment to large-scale new nuclear and has powers under the Environmental Permitting Regulations to ensure adequate disposal facilities are in place. The need for a new power station at Sizewell C is firmly established within the Government's policy on national significant energy infrastructure. The National Policy Statement for Nuclear Power Generation (EN-6) identified eight sites, including Sizewell C, as potentially suitable locations for the deployment of new nuclear power stations in England and Wales by 2025. The strength and relevance of the need case has been endorsed in the Government's Energy White Paper: Powering our Net Zero Future (2020), which also identifies an <i>'aim to bring at least one further large scale nuclear Project to the point of FID by the end of this Parliament, subject to clear value for money for both consumers and taxpayers and all relevant approvals'</i>.</p> <p>UK Government Policy is for the UK's Higher Activity Radioactive Waste (Intermediate Level Waste and High Level Waste) and Spent Fuel to be disposed of via a UK Geological Disposal Facility. The delivery of this facility is managed by Radioactive Waste Management Limited, a subsidiary of the Nuclear Decommissioning Authority.</p> <p>Geological Disposal Facilities are a tried and tested technology and similar types of facilities are currently in operation in countries around the world. As an example, Finland and Sweden who have been operating repositories since the 1990's for the disposal of Low and Intermediate Level Waste. Spent Fuel Repositories are currently undergoing design and construction in Finland and Sweden, along with several other countries.</p>



ExQ1	Question to:	Question:
		<p>Low Level Radioactive Waste in the UK is managed via existing permitted disposal facilities. UK Government Policy requires that for New Nuclear Builds Intermediate Level Waste and Spent Fuel is stored on-site until the availability of the Geological Disposal Facility.</p> <p>Under its Nuclear Site License, Sizewell C is required to demonstrate that the on-site facilities for the interim storage of Intermediate Level Waste and Spent Fuel can be designed, constructed, commissioned, operated and decommissioned in a safe manner that ensures any risks to the workers, public and environment is suitably and sufficiently controlled. This includes due consideration of any potential internal and external hazards, including flooding. Further details are provided in response to <b>Question R.1.4</b> above.</p> <p>In addition, prior to construction commencing Sizewell C is required to obtain the approval of the Secretary of State for a Funded Decommissioning Programme (FDP). The FDP ensures that Sizewell C has taken appropriate steps within the design and construction of a new nuclear build to ensure the plant can be decommissioned and will have secure financing arrangements in place to meet the full costs of decommissioning once the power plant ceases generation.</p>
R.1.14	The Applicant, ONR, EA, MMO	<p><b>Sea Defences</b></p> <p>There is concern identified by a number of RRs e.g. (<a href="#">RR 0038</a>) regarding the ongoing maintenance of the sea defences beyond the lifetime of the operation of the plant when it is reasonable to assume ILW, Spent Fuel and LLW may well continue to be stored on site.</p> <p>(i) What is proposed to be in place to ensure the integrity of the sea defences in the longer term?</p> <p>(ii) How should the integrity of the defences be monitored through the lifetime of the plant?</p> <p>(iii) How is this to be secured through the DCO process?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The design life of the sea defence is defined based on protection of the site until all nuclear wastes and spent fuel have been removed from the site (i.e. 110 years post Commercial Operation Date). This means that the sea defence design will be such that performance up to 2140 will be intrinsically ensured. Performance requirements relating to</p>

ExQ1	Question to:	Question:
		<p>design life, such as sea levels and wave overtopping (which are influenced by climate change and sea level rise), are captured in the design of the crest height. In addition, degradation of the sea defence is considered and accounted for within the design to ensure that appropriate measures are taken (such as concrete cover for the crest wall and erosion protection for the backslope) that ensure the design life can be met.</p> <p>(ii) Working together with the designed-in robustness, an examination, maintenance, inspection and testing (EMIT) plan will be developed as part of the detailed design studies that will stipulate the measures that are needed to ensure integrity of the sea defence through life in line with the design. The EMIT plan will include regular planned EMIT activities that are needed to ensure that assumptions in the design are met. The EMIT plan will also include measures to take post event (such as a storm event or a seismic event) to, if necessary, reinstate the defence to its "as designed" state.</p> <p>An example of a measure that will exist within the EMIT plan is a requirement to inspect the sea defence following a storm event to ensure the rock armour has not shifted significantly. Stockpiles of constituent materials (such as the rock armour) will be stored locally to ensure that any maintenance can be performed within a reasonable time frame, as necessary.</p> <p>(iii) These measures do not require securing through the draft DCO as they are enforced through regulatory control via Licence Condition 15 of Sizewell C's future Nuclear Site Licence, which requires periodic and systematic review and reassessment of safety cases, which will include consideration of all external hazards (including flooding and adequacy of sea defences); and Licence Condition 28 which requires the licensee to make and implement adequate arrangements for the regular and systematic examination, inspection, maintenance and testing of all plant which may affect safety.</p>
	<b>Response by ONR at Deadline 2</b>	<p>(i) The Applicant is best placed to respond to this question.</p> <p>(ii) ONR expects the Applicant to adequately demonstrate that the sea defences will protect against the design basis coastal flood, which includes climate change, throughout the lifetime of the plant. As part of ensuring the integrity of the sea defences and consistent with Licence Condition 28, ONR expects the Applicant to commit to adequate arrangements for the examination, inspection, maintenance and testing (EIMT) of the sea defences as a nuclear safety classified structure.</p>

ExQ1	Question to:	Question:
		(iii) This is secured through the nuclear site licensing regime and not the DCO process. Given ONR's nuclear safety remit, ONR will expect the sea defence design and related monitoring to be 'secured' ahead of nuclear plant commissioning. For nuclear site licensing, most closely tied to DCO in terms of timescales, ONR expects the Applicant to demonstrate that the SZC site can be adequately protected against the design basis sea level; this includes the future effects of climate change on wave and tide height as well as the static sea level. The final sea defence design and related monitoring will be assessed by ONR post nuclear site licensing, but prior to commissioning of the SZC nuclear plant.
	<b>Response by Environment Agency at Deadline 2</b>	(i) The EA is not aware of any proposals to ensure the integrity of the sea defences into the longer term, throughout the operational life of the site. We support SCC's position on the need to remove the defences at the point of decommission when the site is deemed safe. We believe this is essential work that needs to be undertaken. (ii) The detailed designs of the defences have not yet been agreed, so the specific method of monitoring is not clear. However, this should be specified and secured through a monitoring and mitigation plan. (iii) A DCO Requirement should be in place that secures the creation of a monitoring and mitigation plan, in consultation with the Marine Technical Forum.
	<b>Response by the MMO for Deadline 2</b>	The MMO believes that this question is for the Applicant. We note that we have not yet received a copy of the Applicant's response to this question and so have no comments to add at this stage.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. confirms that the sea defences will remain in place throughout the decommissioning phase. The Coastal Processes Monitoring and Mitigations plan includes the intention of a Cessation Report which would outline the programme for cessation of maintenance of the Soft Coastal Defence Feature. SZC Co continues to engage with ESC regarding the default position of removing the HCDF at the end of decommissioning.
R.1.15	ONR, EA, MMO	<b>Sea Defences</b> In the event the power station operated beyond 60 years as referenced in a number of the ES documents what implications if any would this have?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.

ExQ1	Question to:	Question:
	<b>Response by ONR at Deadline 2</b>	ONR expects the Applicant to adequately demonstrate that the sea defences will protect against the design basis coastal flood, which includes climate change, throughout the lifetime of the plant. Should the lifetime of the plant be extended beyond planned timescales, ONR will require the site licensee to demonstrate that the site, including the sea defences, will remain safe for the extended timescales
	<b>Response by Environment Agency at Deadline 2</b>	To provide advice the Environment Agency needs to see the detailed design of the sea defences. To accommodate operation beyond 60 years, the designs will need to be adaptable and resilient in the long-term and include adaptation option pathways for design change with sea level rise.
	<b>Response by the MMO for Deadline 2</b>	Regarding implications from an MMO perspective, as the seaward limit encroaches landward, the High Mean Water Spring mark moves, and as such, more activities may become marine licensable.
	<b>Response by SZC Co. for Deadline 3</b>	The detailed design of the sea defences was submitted at Deadline 2 and updated plans are provided at this Deadline 3 (Doc Ref. 2.5) to allow further consideration by stakeholders.  The potential for project activities that are currently above mean high water spring (MHWS) (and therefore not licensable) to lay below MHWS in the future due to sea level rise and become licensable is noted and will be provisioned in the Deemed Marine Licence to capture this.
R.1.16	ONR, Emergency Services, ESC, SCC	<b>Emergency Plans</b> Are you satisfied with the Emergency Plans that are set out and how they correlate with the existing nuclear sites at Sizewell A and B?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	Before making a licensing decision for SZC, ONR will seek assurance that the location is suitable for the establishment of an adequate emergency plan in accordance with the licence conditions and The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPiR). As part of ONR's Land Use Planning (LUP) assessment ( <a href="https://www.onr.org.uk/land-useplanning.htm">https://www.onr.org.uk/land-useplanning.htm</a> ), consultation was undertaken with Suffolk County Council Emergency Planner responsible for the Sizewell B REPPiR19 off-site

ExQ1	Question to:	Question:
		emergency plan as well as the planning departments of Magnox Ltd for the Sizewell A site, EDF Energy (for Sizewell B) and NNB GenCo (SZC) Ltd for Sizewell C. This provided assurance that adequate emergency planning arrangements can be maintained or developed during the construction, active commissioning and operational phases of Sizewell C. ONR will take account of the assurance we have received in making a decision on whether to grant a licence for Sizewell C.
	<b>Response by East Suffolk Council at Deadline 2</b>	The original Vision agreed with the Applicant and referenced in the LIR [REP1-045] refers to 'a secure and safe project with robust emergency planning provisions', ESC is a member of the Joint Emergency Planning Unit hosted by SCC which provides local authority input to the Suffolk Resilience Forum. Suffolk Resilience Forum are the responsible authority with regards to Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPP19). See 22.22 of the LIR for further detail on what needs to take place to update on-site and off-site emergency response plans and 22.23 which request a new requirement to cover provisions for emergency planning which are not currently included in the draft DCO.
	<b>Response by Suffolk County Council for Deadline 2</b>	Ongoing work with the Applicant to agree this from SCC's perspective.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. has noted ESC and SCC's request for a new DCO requirement on emergency planning. A new Requirement 5A was included within the <b>Draft DCO</b> [REP2-015] submitted at Deadline 2. SZC Co. will continue discussion with the Councils' to agree the wording of the new requirement and will seek to agree this through the Statement of Common Ground.
R.1.17	ONR, EA	<p><b>Transboundary Effects</b></p> <p>A number of European governments and third parties have expressed concern about trans boundary effects particularly in the event of an accident beyond the design parameters of the power station e.g. see RR 802, RR 265, RR 155.</p> <p>(i) Are you satisfied this is adequately dealt with through the licensing regime?</p> <p>(ii) Does this assessment include the ancillary buildings such as the ISFS, and ILW storage?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	<p>(i) Yes. The UK-EPR design offers a number of lines of defence to protect against and mitigate the consequences of postulated design basis fault sequences. A risk reduction line of defence will also be implemented to mitigate the consequences of severe accidents.</p> <p>(ii) ONR maintains engagement with Hinkley Point C (HPC) on the development of the designs for the Interim Spent Fuel Store (ISFS) and Intermediate Level Waste (ILW) Store. Due to the replication strategy being implemented at Sizewell C (SZC) ONR expects the HPC designs to be used to inform the SZC site specific designs. Once the designs are suitably developed ONR will engage with SZC to ensure the site-specific designs fulfil the legal requirement to ensure the risks associated with the management of spent fuel and ILW on SZC are reduced so far as is reasonably practicable</p>
	<b>Response by Environment Agency at Deadline 2</b>	<p>(i) The environmental permitting regime does not presently consider transboundary effects, however, the Applicant has undertaken an assessment of the transboundary effects of proposed radioactive discharges from Sizewell C, including accident scenarios, to meet the requirements of Article 37 of the Euratom treaty. An Article 37 submission was made to the European Commission on 14 August 2020 and a hearing held on 10 February 2021. We participated in the hearing and are awaiting an opinion from the European Commission.</p> <p>Subject to ministerial direction, we will not grant a Radioactive Substances Activity permit for Sizewell C until we have received an opinion from the European Commission.</p> <p>(ii) The assessment of transboundary impacts has been undertaken at the discharge limits proposed in the Radioactive Substances Activity permit application. The discharge limits applied for are for the site as a whole and therefore must include all minor discharge routes such as the ISFS and ILW store. The assessment of transboundary effects from the proposed routine radioactive discharges therefore does include all ancillary buildings. We cannot comment on the assessment of transboundary effects in the event of an accident as this does not fall within our regulatory remit and would be for the Office for Nuclear Regulation to comment on</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	On the 3rd June 2021, the European Commission gave a positive opinion in relation to the Sizewell C Article 37 Submission. In the opinion they confirmed that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the two EPR reactors on the Sizewell C nuclear power station site located in the Suffolk Coast, United Kingdom, both in normal operation and in the event of accidents is not liable to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of a Member State.
R.1.18	ONR, EA	<b>Spent Fuel Store/ILW Store</b> No details are provided to indicate at what depth the spent fuel or ILW would be stored. Are you satisfied the licensing arrangements would ensure appropriate and safe storage of these elements in the event of a flood event?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	We are satisfied that ONR's regulatory framework provides appropriate oversight of the high standards of safety required to protect the spent fuel and ILW in the event of a flood event. The expectations for design/construction of facilities used to store spent fuel or ILW with respect to flooding do not differ from the nuclear facilities on the wider site, in that the stores should be able to withstand flooding conditions up to and including the design basis event (see ONR Safety Assessment Principle (SAP) EHA.12 Flooding). For completeness, it is noted that spent fuel and ILW would be stored above ground in the concept design for the EPR reactor station. It is noted that after the major earthquake near Japan in 2011 the spent fuel dry casks on the Fukushima site withstood the impact from both the earthquake and tsunami.
	<b>Response by Environment Agency at Deadline 2</b>	Ensuring safe storage of spent fuel and radioactive waste in accident conditions (i.e. a flooding event) does not lie within the Environment Agency's regulatory control and is the responsibility of the Office for Nuclear Regulation. We therefore have no comments to make on this.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.

ExQ1	Question to:	Question:
R.1.20	The Applicant, ONR, EA, PHE	<p><b>Spent Fuel Store/ ILW Store</b></p> <p>(i) Does Appendix 25B when assessing radiological effects from the site include an assessment of effects from the ISFS and ongoing storage of spent fuel and ILW or is it just the operation of the power station?</p> <p>(ii) It would not appear to be explicit in the assessment. This would appear to be particularly important as paragraph 25.6.20 of [APP 340] indicates 'direct radiation from Sizewell C is therefore largely attributable to the Interim Spent Fuel and Intermediate Level Waste storage facilities on site.' Please clarify the position and advise what has been assessed under the ES.</p> <p>(iii) In light of the lack of detailed design for these facilities at this stage please explain how this assessment has been undertaken</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) <b>Volume 2, Appendix 25B</b> of the ES [<a href="#">APP-341</a>] includes an assessment of the effects from the ISFS and ongoing storage of spent fuel and ILW. This is included in Section 3 of the appendix 'Annual Dose to the Candidates for the Representative Person from Direct Radiation'.</p> <p>(ii) and (iii) The design of the Sizewell C spent fuel and radioactive waste stores is yet to be finalised and specific details regarding shielding and spent fuel and radioactive waste inventories are not yet available. Thus, the assessment is undertaken following a conservative approach assuming that the dose rate outside the Spent Fuel and ILW stores is 0.5 µSv/h on the external surface of the building. The buildings fall within the Nuclear Licensed Site Security Fence and external radiation would rapidly drop with distance. The dose value is derived from the assumption that the outside of the building will be an undesignated area, as defined in the Ionising Radiations Regulations 2017. Therefore, the maximum exposure is set pessimistically at the annual limit of 1,000 µSv/y occurring during a normal working year of 2,000 hours. In practice, the dose rates are likely to be much below these value.</p>
	<b>Response by ONR at Deadline 2</b>	<p>(i)-(iii) ONR considers the details of the assessment are best answered by the Applicant. ONR notes that a similar regulatory approach will be applied to Sizewell C as with Hinkley Point C (HPC), where ONR will assess the adequacy of the detailed design of the ISFS Facility and the ILW store as they develop, including direct radiation. Based on the EPR Generic Design Assessment (GDA), and the approach taken for HPC so far, we would</p>



ExQ1	Question to:	Question:
		expect these aspects of the SZC site will be compliant with relevant regulatory requirements.
	<b>Response by Environment Agency at Deadline 2</b>	<p>(i) The radiological impact assessment provided has been undertaken at the proposed discharge limits applied for in the Applicant's Radioactive Substances Activity permit application. The discharge limits which have been applied for are for the site as a whole and therefore include all minor discharge routes such as the ILW and spent fuel store. Therefore the radiological impact assessment includes any impact from ongoing storage of ILW and spent fuel on site as well as operation of the power station.</p> <p>(ii) It is for the applicant to provide details on how they have assessed the impacts of direct radiation. Regulation of direct radiation is undertaken by the ONR but we do account for direct radiation impacts in our assessments of radiological impact on people and the environment as part of the Radioactive Substances Activity permit determination process. We are reviewing the assessment of radiological impact provided by the applicant but have not yet reached any conclusions.</p> <p>(iii) It is for the applicant to provide details on how they have assessed the impacts of direct radiation. Regulation of direct radiation is undertaken by the ONR but we do account for direct radiation impacts in our assessments of radiological impact on people and the environment as part of the Radioactive Substances Activity permit determination process. We are reviewing the assessment of radiological impact provided by the applicant but have not yet reached any conclusions.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.21	ONR	<p><b>Semi Urban Criterion</b></p> <p>(i) Has your advice been sort in respect of the relationship of the site to the local population?</p> <p>(ii) Are you satisfied that the proposals do not result in a radiological hazard being sited in an area which exceed the semi-urban criterion?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	<p>(i) No, although it was when the extant National Policy Statement for Nuclear Power Generation (EN-6) was developed.</p> <p>(ii) ONR's assessment of the proposed development concluded that siting two reactor buildings at the centre points provided by NNB Generation Company (SZC) Ltd as part of their application for a DCO meets the Government's demographic siting criteria as specified in BEIS 'Government Response: Consultation on the Siting Criteria and Process for a New National Policy Statement for Nuclear Power with Single Reactor Capacity over 1Gigawatt beyond 2025' July 2018. The disposition of the radioactive hazard across various other non-reactor buildings on the site does not affect that conclusion.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.22	ESC, ONR	<p><b>Semi Urban Criterion</b></p> <p>(i) Has additional residential development been undertaken within the area which influences the assessment of the semi urban criterion since the sustainability assessment was undertaken?</p> <p>(ii) Are there any future planned developments that might influence this assessment?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	<p>(i) Although ONR has had no involvement with the sustainability assessment, ONR's demographic assessment, carried out as part of the ongoing consideration of the nuclear site license application, concludes that the semi-urban demographic criterion is met. This conclusion is tolerant of new residential development for the following reasons:</p> <ul style="list-style-type: none"> <li>• 100 years' worth of average predicted population growth was pessimistically added to the population data used in the assessment (supplied by the Health and Safety Executive on 24 August 2018); and</li> <li>• The "Site Population Factors" * calculated are significantly less than 1.</li> </ul>

ExQ1	Question to:	Question:
		<p>*ONR considers a site where all "Site Population Factors" are less than 1 to have met the semi-urban demographic criteria (see <a href="https://www.onr.org.uk/documents/2018/ns-lup-gd001-land-use-planning-and-the-siting-of-nuclear-installations.pdf">https://www.onr.org.uk/documents/2018/ns-lup-gd001-land-use-planning-and-the-siting-of-nuclear-installations.pdf</a>).</p> <p>(ii) ONR is not aware of any such developments. We are informed by the local authority of such developments if they meet the consultation criteria in our Land Use Planning Policy which is published on the ONR website (<a href="http://www.onr.org.uk/landuse-planning.htm">www.onr.org.uk/landuse-planning.htm</a>).</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) There has not been any significant residential development in the vicinity of the proposed power station site that would influence or change the assessment of the semi-urban criterion of the locality.</p> <p>(ii) No.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.23	EA, ONR	<p><b>Sustainability Assessment</b></p> <p>(i) The NPS relies on an understanding of the science around climate change and the effect on sea levels from 2009, has the understanding of the effects of climate change and effect on sea levels changed since the sustainability assessment was carried out?</p> <p>(ii) If the knowledge has developed what implications does this have?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	<p>(iii) The understanding of the science around climate change and the effect on sea levels has changed since 2009.</p> <p>(iv) There are limited implications resulting from the evolution of understanding around climate change and the effect on sea levels. The advancements mean that the Applicant can better understand the site-specific impact of climate change, including the uncertainties, and factor this into their design. ONR expects the Applicant to use the latest climate change projections, such as UK Climate Projections 2018 (UKCP18), in their hazard analysis for nuclear site licensing; further information is provided in a UKCP18 position statement (<a href="https://www.onr.org.uk/documents/2020/ukcp18-position-statement-rev-1.pdf">https://www.onr.org.uk/documents/2020/ukcp18-position-statement-rev-1.pdf</a>). ONR will expect the Applicant to periodically consider advances in climate</p>

ExQ1	Question to:	Question:
	<p><b>Response by Environment Agency at Deadline 2</b></p>	<p>change predictions and identify any impact on claims made in their safety cases and any subsequent measures that need to be implemented.</p> <p><b>Fluvial Climate Change Allowances</b>  For fluvial river climate change allowances, the FRA is correctly working to the UKCP09 allowances, and following the Environment Agency guidance in terms of the appropriate allowances to use. This equates to an increase of 25 % for the construction lifetime until 2030, and 35 % increase for the higher central allowance over the lifetime of the development, appropriate for determining offsite impacts, and a 65 % allowance for the lifetime of the development, used for determining the safety of the essential infrastructure development itself. The new recommended fluvial allowances from the UKCP18 data are due to be published by the Environment Agency in the next few months. They will be based on management catchments, which for Sizewell will be East Suffolk. The allowances for East Suffolk Management Catchment have reduced slightly compared to the UKCP09 allowances for East Anglia, with 29 % for Higher Central and 54 % for Upper End for the lifetime of the development. However the recommended allowances to use will also be changing, with Essential Infrastructure now recommended to use Higher Central (29 %) and all other uses to use Central allowances, which in this instance are 19 %. Therefore the recommended allowances have been reduced compared to the current UKCP09 allowances used in the FRA. Consequently the allowances used in the Sizewell flood modelling and FRA are higher and therefore precautionary so can still be considered to be acceptable.</p> <p><b>Tidal Climate Change Allowances</b>  The Environment Agency published revised tidal sea level climate change allowances in 2019, based on the updated climate change projections from UKCP18. The MDS Flood Risk Assessment includes a comparison between the new sea levels and the previous UKCP09 sea levels in Appendix 5, which shows that the new allowances are higher than the old climate change allowances. The document concludes that for the reasonably foreseeable climate change scenarios the new UKCP18 RCP8.5 95 percentile climate change allowances will be used, as recommended by the Environment Agency, which is the correct precautionary approach to take. These UKCP18 flood levels were used in the tidal breach and coastal inundation flood modelling. For the reasonable worst case H++ climate change scenarios, used for the breach of the main defences and the beyond design</p>

ExQ1	Question to:	Question:
		scenarios, the report recommends that BECC Upper climate change allowances are used, which have been derived from the 2014 BECC Scoping Paper: How to Define Credible Maximum Sea Level Change Scenarios for the UK Coast, as they are 2.105m higher than the reasonably foreseeable allowances, and so will provide a worst-case situation. These have also been included in the modelling, as required.
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. carried out a review of the guidance on climate change set out by both the ONR and the Environment Agency during the assessment of flood risk. The <b>Main Development Site Flood Risk Assessment</b> [APP-093] utilises the guidance set out in the UKCP18 position statement, as required by ONR, and this is discussed in <b>Section 2.3d</b> of the <b>Main Development Site Flood Risk Assessment</b> [APP-093].</p> <p>Furthermore, the Environment Agency noted the assessment should be carried out in accordance with current best practice, including the use of UKCP118 where appropriate. SZC Co. assessed the impact of various climate change scenarios in <b>Section 4</b> of the <b>Main Development Site Flood Risk Assessment</b> [APP-093] and adopted a precautionary approach.</p> <p>SZC Co. notes the response from both the ONR and Environment Agency at Deadline 2 confirming that the assessment of flood risk has been carried out in accordance with the guidance provided. Therefore, SZC Co. considers that based on the adoption of a precautionary approach there are no outstanding works required in relation to this topic.</p>
R.1.24	ONR, The Applicant	<p><b>Plant Life</b></p> <p>The ES suggests the reactors may have their life extended to operate for up to 76 years. (i) As ILW and spent fuel would need to be stored on site beyond this time, what is the current best estimate of the date for the site to continue to store such radioactive materials?</p>
	<b>Response by SZC Co. for Deadline 2</b>	(i) The operational design life of the Interim Spent Fuel Store (ISFS) and the Interim Level Waste Interim Storage Facility (ILW ISF) are for a 100-year life, although they would be capable of extension beyond that, if necessary. This is to allow interim storage to be maintained until a GDF, or an alternate disposal/management route has been established, and the heat levels within the fuel are at levels that permit its disposal. It is worth noting that the strategy for prompt decommissioning means that the ILW store would be removed within 20 years of end of generation, although the ISFS would remain after this time.

ExQ1	Question to:	Question:
	<b>Response by ONR at Deadline 2</b>	The duration for storage of radioactive waste and spent fuel on the licenced site is dependent upon access to the geological disposal facility to enable transfer of material from the site. The 2016 update to Radioactive Waste Management's (RWM's) generic disposal system safety case (gDSSC) includes inventory from at least 4 EDF Energy EPR reactors (i.e. units 1 and 2 at HPC and units 3 and 4 and SZC). Figure 11 in NDA Report No DSSC/421/01 (available online) identifies nuclear new build (NNB) Solid ILW emplacement timings in the GDF to occur from 2100-2140 and nuclear new build (NNB) Spent Fuel emplacement activities in the GDF to occur from 2145- 2190. There are several assumptions in the emplacement dates, and therefore the best estimate of the date the site will continue to store radioactive materials is not defined beyond these windows. It is noted that the emplacement dates/timescales quoted above are for nuclear new build inventory from 12 reactor units (of any design) in the UK, with SZC representing units 3 and 4. Cooler (older) inventory will be emplaced first in the GDF, so it is assumed that SZC would follow HPC, which is assumed to commence in 2100 and 2145 for ILW and spent fuel, respectively. Relative to end of generation for SZC these dates represent, in ONR's opinion, reasonable timescales.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.25	EA, ONR	<b>Plant Life</b> The power stations and ongoing storage of ILW and spent fuel is likely to be on site beyond 2100 which was the date the NPS refers to as the date which had modelled climate change effects. What date can now be confidently forecast for such an assessment?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required but please see the response to <b>Question R.1.26</b> in this chapter.
	<b>Response by ONR at Deadline 2</b>	Many climate projections extend to the year 2100, although projections can and do extend far beyond this. Uncertainties are much greater the further into the future a prediction goes. Therefore, ONR expects Applicants to consider the uncertainties in any climate change projections used and to account for reasonably foreseeable climate change in their design over the lifetime of the facility. ONR's expectation is for nuclear site licensees to periodically consider advances in climate change predictions and identify any impact on claims made in their safety cases and any subsequent measures that need to be

ExQ1	Question to:	Question:
		implemented. ONR's current understanding on the timescales for the removal of spent fuel and ILW inventories from the SZC site are captured within the response to R.1.24.
	<b>Response by Environment Agency at Deadline 2</b>	In terms of tidal flood risk, the FRA modelled the impacts of climate change until 2190.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.27	EA	<b>EA Permits/Licences</b> Please advise on the latest position in respect of the assessment of the application for the permit under the Radiological Substances Permit Regulations and any other permits being sought from the Environment Agency in respect of this scheme. Do you consider there to be any impediment to the granting of any licenses for the site?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Environment Agency at Deadline 2</b>	We are currently in the process of determining three environmental permit applications made on 27th May 2020 (a radioactive substances activity permit, a combustion activity permit and a water discharge activity permit). We consulted our statutory consultees and the public on the applications between 6 July 2020 and 2 October 2020 and will undertake a further consultation once we have reached a draft decision.  We cannot state whether we believe there is likely to be any impediment to the granting of these permits until we have reached a draft decision for each. To avoid this situation Advice Note 11 Annex D - Environment Agency recommends that, where the proposed development has the potential to affect a Habitats Regulations designated site, permits applications are submitted 6 months prior to DCO submission.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.28	ONR	<b>ONR Permits/Licences</b>

ExQ1	Question to:	Question:
		<p>Please advise on the latest position in respect of the Applicant's position in respect of the Funded Decommissioning Programme (FDP) and the position in respect of any Licenses needed to be obtained from you.</p> <p>Do you consider there to be any impediment to the granting of any licenses for the site?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by ONR at Deadline 2</b>	<p>For Hinkley Point C (HPC) ONR has been consulted by the relevant government department (currently BEIS) on the technical aspects of the licensee's Decommissioning and Waste Management Plan (DWMP), which informs the HPC Funded Decommissioning Programme (FDP). We have not yet been consulted with regard to the Sizewell C DWMP. There is no link between the grant of a nuclear site licence by ONR and the approval by the Secretary of State (under the Energy Act 2008) of an FDP. However, as an approved FDP must be in place before the start of nuclear safety related construction, ONR would consult with the relevant department to ensure the FDP had been approved before giving consent for the start of construction of nuclear safety significant buildings at Sizewell C. This is likely to be several years after licence grant.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.29	ONR, ESC, EA, The Applicant	<p><b>Public Health</b></p> <p>PHE have indicated a series of shortcomings in their RR with regard to both radiological and air quality issues – please respond to each of the points that they have raised in so far as it relates to your responsibilities and explain whether you consider these issues could be overcome.</p> <p>In the event you consider the issues can be resolved please explain how the matters would be resolved and under which regime appropriate mitigation would be secured and operation monitored.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Responses to the comments raised by Public Health England in their relevant representation are included within the <b>Statement of Common Ground</b> with Public Health England (Doc Ref. 9.10.22). A summary of the responses to radiological and air quality comments is provided below for ease of reference.</p>



ExQ1	Question to:	Question:
		<p><b>Air Quality Impacts</b></p> <p>The judgement placed on defining health significance was one of professional opinion, underpinned by the evidence provided in the ES, and reinforced through a precautionary approach where all residential receptors are considered sensitive, despite the baseline indicating the contrary.</p> <p>With reference to air quality, following a review of the air quality assessment outputs, the relative change in concentration and exposure for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at all receptors are orders of magnitude lower than is required for any quantitative exposure response assessment, from any construction and operational activity (including at the main development site, from transport beyond the site, at all associated developments and from the combined heat and power facility). As detailed in paragraph 28.6.146 of <b>Volume 2, Chapter 28</b> (Human Health and Wellbeing) of the <b>ES</b> [<a href="#">APP-346</a>] from a health context, the only significant operational emission was from the periodic testing of the emergency backup generators. However, even here, the change in concentration and exposure is orders of magnitude lower than is required to quantify any manifest health outcome. This risk was set into context through a hypothetical assessment which demonstrated that even if a quarter of the population within East Suffolk would reside at the location with the maximum change in emission concentration for an entire year, there would still be no health impact.</p> <p>These findings set the basis to the professional judgement on significance, where all air quality objectives protective of the environment and health are met, and the relative change in concentration and exposure are insufficient to quantify any manifest health outcome (be it adverse or beneficial) forming a very low impact.</p> <p>When applied alongside the inherently precautionary approach where it is assumed that that the entire population within the study area are of uniformly high sensitivity to changes in air quality, the effect is still negligible (<b>not significant</b>).</p> <p>The change in construction exposure of non threshold emissions, such as NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at any receptor modelled is orders of magnitude lower than is required to quantify any manifest health outcome (be it adverse or beneficial). Sensitivity analysis is not required, and best demonstrated through the hypothetical assessment of risk for the LOOP backup generator emissions. Even when grossly overestimating population exposure (where it is assumed a quarter of East Suffolk live outside for an entire year in the highest process contribution), the relative change is still insufficient to result in a measurable</p>

ExQ1	Question to:	Question:
		<p>health outcome. The proposed development does not materially impact upon air quality standards protective of health, and the relative change in concentration exposure remain orders of magnitude lower than is required to quantify any manifest health outcome. Sensitivity analysis is not required.</p> <p>Sensitivity testing was undertaken of the methods used to estimate future year emissions from road transport at the Stratford St Andrew Air Quality Management Area to confirm the assumptions on future vehicle emission rates used in the assessment. The methodology and sensitivity test is reported in <b>Volume 3, Appendix 2.7.A</b> of the <b>ES Addendum</b><a href="#">[AS-127]</a>.</p> <p>Emissions permitted under other regulatory regimes have been considered as part of the baseline modelling to which emissions from the proposed development have been added. Cumulative assessment with other projects that do not form part of the baseline assessment is presented within <b>Volume 10, Chapter 4</b> of the <b>ES</b> <a href="#">[APP-578]</a>.</p> <p><b>Fetal doses related to the fishing family are also considered in the Human RIA but are not discussed in Para 25.6.21 - It needs to be clear from which site and discharge route (aqueous, gaseous or both) the doses relate to.</b></p> <p>The Radiological Considerations Chapter (<b>Volume 2, Chapter 25</b> of the <b>ES</b> <a href="#">[APP-340]</a>) provides a summary of the results from the Human Radiological Impact Assessment, and as such not all results are included. A copy of the full radiological impact assessment is included within <b>Volume 2, Appendix 25B</b> of the <b>ES</b> <a href="#">[APP-371]</a>. This ensures that the reader can have access to both a summary and the full assessment.</p> <p>Fetal doses were only assessed in terms of a Screening Assessment and as such was not included as part of the main summary. The results of the Screening Assessment showed that the dose to a foetus from discharges of Aqueous and Gaseous Effluent from Sizewell C would be 17 µSv/year. This constitutes less than 6% of the statutory (source and site) dose constraints of 300 and 500 µSv/year and is considered to be low.</p> <p><b>Para 25.6.47 states exposure from natural sources as 2700 microSv, but this includes medical radiation therefore is not correct. Vol 2 Chpt 25 App 25A-25C Para 1.1.12 states 2.7mSv as well.</b></p> <p>This is a typographical error and should have read <i>"...(0.4% of) the amount of radiation exposure from background sources in the UK (2700 µSv yr<sup>-1</sup>)...."</i></p>

ExQ1	Question to:	Question:
		<p>In terms of paragraph 1.1.12 of <b>Volume 2, Appendix 25A</b><sup>o</sup> of the <b>ES</b> [APP-341], Background Dose is defined by the International Atomic Energy Agency as '<i>Dose or dose rate (or an observed measure related to the dose or dose rate) attributable to all sources other than the one(s) specified</i>'<sup>26</sup>.</p> <p>As defined by Public Health England, in the UK the average exposure to member of the public in UK is 2700 µSv/year<sup>27</sup>. As such the statement is correct.</p> <p><b>Para 1.1.12 states RSR is delivered by EA on behalf of DECC...needs updating</b></p> <p>Noted this is now Department for Business, Energy and Industrial Strategy.</p> <p><b>App 25B Human RIA Para 30 should say "The different modules within PC-CREAM 08 model the contribution of radioactive decay chain products ('progeny') in slightly different ways. For the FARMLAND and RESUS modules only the first progeny that is not in secular equilibrium over a period of one year is modelled explicitly. In PLUME the first progeny, even if it is short-lived, is modelled explicitly so its contribution to dose at short distances downwind can be determined. DORIS considers all radionuclides in the decay chain and progeny that are not in equilibrium with the immediate parent are modelled explicitly [Ref 29]"</b></p> <p>We note the comment raised by Public Health England. Both the original and revised statement are equivalent.</p> <p><b>Table 2-4 Footnote 7 reference needs to be checked</b></p> <p>This is a typographical error and should have read Reference 29.</p> <p><b>Para 124 – this paragraph discusses skyshine but does not reach a conclusion about whether the conclusions of the sensitivity analysis should be applied.</b></p> <p>This is discussed further in Paragraphs 145-147 and <b>Table 3-2 of Volume 2, Appendix 25B</b> of the <b>ES</b> [APP-371]. It should be noted that the low level of radiation dose to the</p>

<sup>26</sup> International Atomic Energy Agency, "Terminology Used in Nuclear Safety and Radiation Protection," IAEA, Vienna, 2018.

<sup>27</sup> Public Health England, "Ionising Radiation: Dose Comparisons," Public Health England, 18 March 2011. [Online]. Available: <https://www.gov.uk/government/publications/ionising-radiation-dose-comparisons/ionising-radiation-dose-comparisons#:~:text=In%20the%20UK%2C%20Public%20Health,the%20body%20to%20differing%20degrees..> [Accessed 24 May 2021].

ExQ1	Question to:	Question:
		<p>public from Sizewell C is dominated by Gaseous and Aqueous Discharges, and Skyshine and Direct Dose.</p> <p><b>Would it not be more appropriate to refer to the skin dose limit given in EPR 2016 Schedule 23 Part 4 (1) Para 2 (a)?</b></p> <p>Schedule 23 Part 4(1) Paragraph 2 (a) refers out to the Basic Safety Standards Directive. In the UK the Dose Limits specified in the Basic Safety Standards Directive are enshrined in domestic legislation via the Ionising Radiations Regulations 2017. As such the statement is correct.</p> <p><b>Given importance of marine food pathway, has volumetric exchange rates been considered within the RIA?</b></p> <p>The sensitivity analyses were undertaken in line with joint guidance from the Environment Agency, Scottish Environment Protection Agency, Northern Ireland Environment Agency, Health Protection Agency and Food Standards Agency on "Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment"<sup>28</sup>. This identified the three specific areas noted in the comments.</p> <p>Although this does not explicitly consider the marine dispersion, the following text is provided in paragraph 34 of <b>Volume 2, Appendix 25B</b> of the <b>ES</b> [<a href="#">APP-371</a>] in relation to the conservatism used in the volumetric exchange rates. This is summarised below.</p> <p><i>All marine dispersion parameters 'are the PC-CREAM default values, except for the volume of the local compartment, which has been increased from 3.00E+08 m3 to 4.00E+08 m3 to ensure that the discharge point (roughly 3.5 km from the coast) is within the local compartment. Sediment distribution coefficients and all properties of the other ocean compartments modelled within PC-CREAM were also default values. The default volumetric exchange rate corresponds to a local compartment volume of 3.00E+08 m3. This has been retained as a new volumetric exchange rate cannot be derived without hydrographical data relevant to the area [Ref 29]. A local compartment of 4.00E+08 m3 would have a higher exchange rate, which would result in lower doses, so it is conservative to retain the default value [Ref 17]. The change in volume is small compared</i></p>

ExQ1	Question to:	Question:
		<i>to the volume of the regional compartment, so the impact on the regional compartment is expected to be small'.</i>
	<b>Response by ONR at Deadline 2</b>	PHE's representation raised a number of points relating to the development's effects on local air quality and the consequences for public health. This is not a matter within ONR's regulatory remit, and we therefore offer no comments. With regard to radiological matters, the specific points raised by PHE relate to routine radiological discharges from the power station, for which the Environment Agency is the regulator and is best placed to provide comments on these.
	<b>Response by Environment Agency at Deadline 2</b>	The majority of the points raised by PHE relate to the clarity and/or accuracy of statements made in the Applicant's radiological assessment and at this stage of our assessment many do not appear to impact the validity of the assessment outcomes presented by the applicant. PHE made similar comments in response to our consultation on the Radioactive Substances Permit application made by the applicant ( <a href="https://consult.environment-agency.gov.uk/psc/ip16-4ur-nnb-generation-company-szc-ltd-hb3091dj/consultation/view_respondent?uuId=54971961">https://consult.environment-agency.gov.uk/psc/ip16-4ur-nnb-generation-company-szc-ltd-hb3091dj/consultation/view_respondent?uuId=54971961</a> ). We are considering PHE's comments through our permit determination process when verifying the Applicant's assessment. We are also factoring these comments in to our own independent assessment of radiological impact. We cannot comment on whether PHE have identified any issues that cannot be overcome until we have reached a draft decision. We are considering PHE's comments through our permit determination process when verifying the Applicant's assessment. We are also factoring these comments in to our own independent assessment of radiological impact. We cannot comment on whether PHE have identified any issues that cannot be overcome until we have reached a draft decision.
	<b>Response by East Suffolk Council at Deadline 2</b>	Air quality – refer to detailed response re: particulate matters and dust deposition, along with general air quality comments at AQ.1.2, AQ.1.3, AQ.1.7, AQ.1.11, and AQ.1.22.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
R.1.30	ONR, The Applicant	<b>Relationship to Current Operations at Sizewell</b>

ExQ1	Question to:	Question:
		Please respond to the points raised by Magnox Ltd ( <a href="#">RR-991</a> ) and Pinsent Masons ( <a href="#">RR-992</a> ) and in particular the concern regarding the assertion that "the Sizewell C Nuclear Generating Station can be constructed and operated in accordance with the Applicant's application proposals in a manner which adequately ensures the safe, secure and environmentally sound decommissioning of the Sizewell A Nuclear Site."
	<b>Response by SZC Co. for Deadline 2</b>	These matters are considered further within the Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority (NDA) and Magnox Limited (Doc Ref. 9.10.19). SZC Co. intends to enter into a series of technical agreements with the NDA and Magnox which will ensure the safe, secure and environmentally sound decommissioning of the Sizewell A Nuclear Site alongside the construction and operation of the Sizewell C nuclear power station.
	<b>Response by ONR at Deadline 2</b>	ONR's assessment of the Sizewell C nuclear site licence application will include consideration of the applicant's case that operations of the site do not pose a safety hazard to the adjoining nuclear licensed site (i.e. Sizewell B). As Sizewell A is further from the C site than is the B site, then we would expect any such hazard to the A station to be considerably smaller. This will become apparent as our assessment progresses. Nevertheless, if the A station licensee has specific concerns regarding the hazards presented by the C station, either during construction or operation then they should bring this to the attention of the prospective C station licensee; if necessary, ONR will then engage in discussions with the two companies.
	<b>Response by NDA and Magnox for Deadline 2</b>	At this stage, and on the basis of the Applicant's current proposals, the NDA and Magnox are not yet satisfied that the Sizewell C Nuclear Generating Station can be constructed and operated in accordance with the Applicant's application proposals in a manner which adequately ensures the safe, secure and environmentally sound decommissioning of the Sizewell A Nuclear Site. However, the NDA and Magnox have now entered into discussions with the Applicant.
	<b>Response by SZC Co. for Deadline 3</b>	These matters are part of continued ongoing discussions and are considered within the <b>Statement of Common Ground between SZC Co. and the Nuclear Decommissioning Authority and Magnox Limited</b> [ <a href="#">REP2-083</a> ]. An updated statement will be submitted at Deadline 5.



**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)**

**ExQ1 Part 6 of 6**

Chapter 23 SE.1	<a href="#">Socio-economic</a>
Chapter 24 TT.1	<a href="#">Traffic and Transport</a>
Chapter 25 W.1	<a href="#">Waste (conventional) and material resource</a>

ExQ1	Question to:	Question:
<b>Chapter 23 - SE.1 Socio-economic</b>		
SE.1.0	All relevant local authorities	<b>Assessment of Socio-Economic Effects</b> The NPS at paragraph 5.12.3 sets out what an assessment of socio-economic affects should cover. Are there any shortcomings within the assessment that require further assessment or clarification?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>NPS 5.12 8 states that 'The IPC should consider any relevant positive provisions the developer has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.'</p> <p>5.12.3 states this assessment should consider all relevant socioeconomic impacts, which may include:</p> <ul style="list-style-type: none"> <li>• the creation of jobs and training opportunities;</li> <li>• the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities;</li> <li>• effects on tourism;</li> <li>• the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and</li> <li>• cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.</li> </ul> <p>LIR [REP1-045] 23.7 and 23.8 states <i>'The Applicant and its contracted supply chain partners must work transparently and collaboratively with the Councils, and its partners</i></p>



ExQ1	Question to:	Question:
		<p><i>across Suffolk and Norfolk, to ensure that the region capitalises on the opportunity presented by Sizewell C and that the value in and to local communities is maximised.... Adequate financial mitigation is required to deliver the economic benefit to the local area....'</i></p> <p>These information gaps have persisted through to the final consultation stages, in the material provided for at Stages 3 and 4. The outstanding information requested by the ESC and SCCs at Stage 3 or Stage 4 but still outstanding at the time of submission include:</p> <ul style="list-style-type: none"> <li>• Evidence of the impact of and resulting mitigation proposals for the increase of workforce number to 8,500.</li> </ul> <p>It therefore is imperative that the Applicant provides the missing information identified above and has an additional focus on positive provisions and legacy benefits.</p> <p>A Statement of Economic Intent has been developed by ESC, SCC, and New Anglia LEP which represents the agreed vision of partners working together with the Applicant. The highlighted areas of focus are Business Support, Supply Chain, Inward Investment, Visitor Economy, Education, Skills and Employment, Community, Infrastructure and Environment.</p> <p>Some of the issues addressed by the Statement of Economic Intent are being addressed via current Section 106 proposals. Partners are working together to seek the best possible outcomes from S.106 and other commitments made by the Applicant. Some key issues have already been agreed.</p> <p>However, there are gaps and to manage Economic Development matters with single focus and careful coordination across all the partners a comprehensive Economic Development programme must be created. This programme is required to avoid duplication, inefficiency, and gaps and to coordinate work to maximise opportunities and create legacy benefits.</p> <p>The gaps exist between current provision and issues under negotiation. These gaps include development of specialist functions to create focus on key issues and provision of specialist support services to ensure that businesses receive the help they need.</p> <p>Expert functions should be created across each of New Anglia LEP, SCC, and East Suffolk Council. These functions should be focussed on inward investment (1), business support (2) and economic development programme management (1).</p>

ExQ1	Question to:	Question:
	<p><b>Response by Leiston Town Council at Deadline 2</b></p>	<p>Specialist services should be focussed on investor attraction and development (New Anglia LEP), and business support (New Anglia LEP and ESC).</p> <p>SE.1.0 Assessment of Socio-Economic Effects</p> <p>Although the assessment of socio-economic impacts appears comprehensive in the number of issues and locations it covers, the report acknowledges a high degree of uncertainty involved in the projections. Having identified many potential adverse effects on housing, social services and community cohesion – for example – the summary then assesses these as negligible or insignificant.</p> <p>Socio Economic impacts on the town of Leiston itself are complex and numerous and much emphasis has been put on the Section 106 agreement to help mitigate the adverse effects of social integration and anti-social behaviour. The S106 does not adequately spell out how this will be addressed.</p> <p><b>Employment</b></p> <p>Our town has seen the effect of nuclear build twice before - and in the not too distant past as host to the most recent generation of reactor, which many local people still remember. The economy thrived during the build, then fell quickly afterwards and has only seen recovery since the closure of Sizewell A. Much emphasis is being made about employment for local people, but most of these roles are likely to be in the lower skills sector to support the contractors (e.g. catering, cleaning, administration) and not the highly skilled roles that will undoubtedly move over from HPC. And they will be transitional. How will the gradual loss of this employment towards the end of the build be addressed by the applicant?</p> <p>The hospitality, farming and social care sectors have huge concerns about the drain of local people from their businesses, especially as workers from the EU are not as available since our departure. How will the applicant assist these sectors in back-filling the roles lost to the construction site?</p> <p><b>Anti-social behaviour</b></p> <p>Sports facilities were originally intended to be positioned within the campus but are now being proposed within the town, at the school. The caravan site is also positioned close to the town and residents' homes. Siting the sports facilities on the campus and the caravan park within the construction site red line would have keep contractor footfall within Leiston to a minimum and away from the school. Leiston Town Council would like more evidence</p>

ExQ1	Question to:	Question:
		<p>that the code of conduct would ensure anti-social behaviour while contractors are moving within the town, will be addressed. We recognise that the facilities are a legacy benefit, but not for many years. SZC will effect an entire generation of school students and their families and this must be taken into account. Unlike the much larger town of Bridgwater, where there are already leisure facilities, the contractor numbers cannot easily be absorbed into the current population. We are yet to see a draft code of conduct tailored to the particular needs of Leiston.</p> <p><b>Health and Welfare</b></p> <p>The draft S106 agreement references mitigation for any shortcomings in the health and welfare of our community during construction but there is no definite proposal. We would like to see evidence of how the applicant is engaging with the local NHS Trust to address this.</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>SCC considers that the requirements of the NPS is appropriate. However, there are shortcomings in the assessment the applicant has produced.</p> <p>In the cumulative assessment against other significant construction projects in the region. Within this project the very basic methodology used for cumulative labour market impacts does not take into account the different skill sets needed to deliver at particular phases of the project and only concentrates on construction labour. See LIR [REP1-045] para 32.44-32.45, as well as para 25.15.</p> <p>Information gaps have persisted throughout consultation stages and in the final submission. These include,</p> <ul style="list-style-type: none"> <li>• Evidence of the impact of and resulting mitigation proposals for the increase of workforce number to 8,500.</li> <li>• Clear definition of "home based worker".</li> <li>• Clear definition of a "worker".</li> <li>• Clear definition of a "local business".</li> </ul> <p>We note that the lack of clarity on the definitions was highlighted as a shortcoming in the Hinkley Point C monitoring in the Oxford Brookes Study commissioned by the New Nuclear Authorities Group (See table 32 in the LIR [REP1-045] and LIR Appendix 2:1 [REP1-089]). It therefore is imperative to seek the missing information above and have an additional focus on positive provisions and legacy benefits</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p><b><i>Evidence of the impact of and resulting mitigation proposals for the increase of workforce number to 8,500</i></b></p> <p>Please see <b>SZC Co.'s Response to the ExA's First Written Questions</b> [<a href="#">REP2-100</a>] – particularly <b>G.1.24</b>, <b>SE.1.33</b> and <b>SE.1.17</b> which set out that:</p> <ul style="list-style-type: none"> <li>- the increase in the workforce between Stage 2 of the pre-application consultation and the DCO application submission has been assessed as an increase in non-home based workforce in order to provide robust mitigation for the effects that a non-home based workforce would generate;</li> <li>- this does not preclude the residual home based workforce number being exceeded and indeed information from Sizewell B and Hinkley Point C suggest it may be exceeded, particularly given the suite of employment, skills, education and supply chain measures to be secured by <b>Schedule 7</b> of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)); and</li> </ul> <p>SZC Co first introduced the change from a 5,600 (+600 workers at associated development sites) peak workforce to a 7,900 (+600 workers at associated development sites) peak workforce at <b>Stage 3 Consultation</b> in the <b>Development Proposals</b> document (Volume 1, Chapter 4) in January 2019 [<a href="#">APP-074</a>] and since then has used the conservative assumptions regarding the uplift as all NHB (referred to above) in discussions about impact assessment and mitigation across all socio-economic aspects. A key area of effect in this regard is accommodation and housing – and as set out in Table 2.2 of the <b>Accommodation Strategy</b> [<a href="#">APP-613</a>], the effect of the higher workforce on accommodation was first discussed in March 2019.</p> <p><b><i>SZC Co Consideration of ESC 'Statement of Economic Intent'</i></b></p> <p>Please refer to <b>SZC Co.'s response to the Local Impact Report (Chapters 23, 24 and 25)</b> (Doc Ref. 9.29) in particular <b>Section 23.3</b> of <b>Chapter 23</b>. This sets out that, in terms of the Councils' proposals for economic development (<b>Annex D</b> to the <b>Local Impact Report</b> [<a href="#">REP1-049</a>]), SZC Co. considers that this reflects a largely sensible and pro-active position for the Councils' economic development function and identifies the substantial opportunities for the region to benefit from the Sizewell C Project. In some cases, it provides good examples of the outcomes that can be achieved through effective</p>

ExQ1	Question to:	Question:
		<p>use of measures to be secured under <b>Schedule 7</b> of the <b>Draft Deed of Obligation</b> (Doc Ref.8.17(D)).</p> <p>SZC Co. notes that <b>Annex D</b> [<a href="#">REP1-049</a>] refers to the Norfolk and Suffolk Economic Strategy which outlines the aim “<i>to maximise the opportunities associated with the proposed Sizewell C nuclear power station in terms of supply chains, employment and skills opportunities and inward investment</i>”. This suggests that the Councils have a policy direction to undertake activities themselves to maximise the Project’s opportunities.</p> <p>SZC Co. wishes to note that it plans to work collaboratively with the Councils and other economic development partners to help the Councils achieve their economic objectives.</p> <p>SZC Co. will engage further with the Councils to understand whether there is an evidenced need for additional funding for economic development resource and business support.</p> <p>SZC Co. considers that the economic effects of the Sizewell C Project are demonstrated (in line with NPS EN-1) to be overwhelmingly positive. Where there is an identified risk of adverse effects – such as vacancies being harder to fill – these have been addressed and appropriate mitigation has been identified as part of a detailed and extensive suite of measures, supported by information-led Workforce Development Strategies and regular review, Implementation Plans and monitoring to ensure that the Project enhances its benefits in terms of supply chain, skills, education and employment activities.</p> <p>Together, these initiatives have the benefit of avoiding risks of adverse effects, ensuring that the Project is delivered effectively, ensuring that effects related to NHB workers are minimised, and supporting the region’s skills infrastructure for the benefit of the Project and other regional demands on labour by delivering a pipeline of legacy skills.</p> <p><b>Cumulative Effects (skills/labour market)</b></p> <p>SZC Co. has provided a response to the <b>ExA's First Written Questions (ExQ1s)</b> [<a href="#">REP2-100</a>] including <b>SE.1.39</b>, and has included an appendix to that response (<b>Appendix 23B</b>, <a href="#">REP2-112</a>) which provides clarity with regard to the scope of the EIA cumulative assessment for socio-economics. This includes a breakdown of Civils and Mechanical, Electrical and Heating (MEH) /other skillsets for the projects within the scope of the EIA cumulative assessment, and an explanation as to the list of cumulative projects included.</p>

ExQ1	Question to:	Question:
		<p>This sets out that the cumulative projects would not result in a significant additional demand for labour, and this conclusion remains when assessing for specific skill sets, where appropriate estimates are available.</p> <p>Nonetheless, SZC Co. recognises that there is a need for the region to address and plan for the demand for civil and MEH construction skills, and has developed a set of initiatives set out at <b>Schedule 7</b> of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) to support the region's ability to deliver skills. Critically this includes:</p> <ul style="list-style-type: none"> <li>• funding for a Regional Skills Co-ordination Function (RSCF) that will support both the Project and the wider regional infrastructure construction sector over the Sizewell C construction period;</li> <li>• funding for skills and training providers via an Asset Skills Enhancement Capability Fund (ASEC) Fund which will be directed by the RSCF using Annual Workforce Delivery Implementation Plans to deliver the pipeline of skills needed for the Project, and through match funding, for similar skillsets needed for wider infrastructure projects; and</li> <li>• a commitment to detailed Workforce Delivery Strategies for each phase of construction, enabling the region to fully understand the scale of opportunity at each phase and direct funding towards initiatives that avoid adverse effects and promote positive ones.</li> </ul> <p><b>Definitions / Clarity</b></p> <p>SZC Co. has included a set of definitions within <b>Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-195</a>]. SZC Co. will discuss this further with the Councils to ensure that the definitions are clear and understood and are appropriate for monitoring purposes. In terms of specific clarifications:</p> <p><b>Definition of Home-based (HB) and Non-Home-Based (NHB) Workers</b></p> <p><b>Paragraph 9.4.56</b> of <b>Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-195</a>] defines NHB workers as: <i>Workers who retain a home address outside of the 60-minute area, but move to the area temporarily (likely returning home between working periods) in a range of short-medium term accommodation.</i></p>

ExQ1	Question to:	Question:
		<p>Though not explicitly stated, this definition (which totals c. 5,900 at peak) also contains those workers that move their single address explicitly to work on the Project (i.e. do not retain another property in the area).</p> <p>These workers can be considered home-based in that they would not be in receipt of subsistence allowance, and do not have a permanent home elsewhere. However, these workers are included in the NHB category within the assessment in order to capture the 'worst case' in terms of their potential influence on accommodation and public service effects.</p> <p><b>Paragraph 9.4.56 of Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-195</a>] identifies HB workers as <i>Workers who already live within 90 minutes of the site</i>.</p> <p>This is effectively the residual workforce once discounting the NHB workforce as defined and clarified above (where that definition actually includes the HB workers moving explicitly for work on the Project category).</p> <p>As such, this is a conservative estimate for HB workers (in terms of the benefit of employment) as it doesn't include people who move from e.g. Ipswich to Leiston permanently and explicitly for work on the Project.</p> <p>Further discussion is required between SCC, ESC and SZC Co. on the appropriate definition of worker types for the purpose of the Deed of Obligation and for determination of appropriate monitoring requirements for socio-economic effects in order to set a robust and longitudinally consistent approach to monitoring, reporting on and reviewing effects to direct mitigation.</p> <p><b>Definition of Local Business</b></p> <p>The set of definitions within <b>Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-195</a>] does not include the definition of a 'local business'. SZC Co. is engaging with the UK Government to determine the definition of 'UK content', and will consider an appropriate definition of 'local content' in light of that engagement.</p> <p><b>Definition of Worker</b></p> <p>In line with standard practice, a 'worker' is defined using the 'five day rule' – meaning people who spend at least five days working on the site in a given month. This enables the distinction of workers who may generate the potential for socio-economic effects, e.g. on housing or public services, from visitors. This therefore does not include 'visitors' to the site. There may be up to 7,900 workers at peak.</p>

ExQ1	Question to:	Question:
		<p>The intention is to be able to use a nationally recognised approach from major infrastructure projects to report the number of genuine workers whilst removing ambiguities resulting from:</p> <ul style="list-style-type: none"> <li>• daily fluctuations;</li> <li>• alternating shift patterns;</li> <li>• temporary work scopes;</li> <li>• peaks and troughs of activity; and</li> <li>• other related statistical issues.</li> </ul> <p><b>Comments raised by Leiston Town Council</b></p> <p><b>Volume 2, Chapter 28</b> of the <b>ES</b> [<a href="#">APP-346</a>] sets out the assessment on health and wellbeing and mitigation measures proposed. Mitigation includes measures proposed within the air quality, noise and vibration, radiological, transport and socio-economic assessments, as well as an occupational health service (to avoid workers using local healthcare capacity) and a residual healthcare contribution. A Community Fund is also proposed for the purpose of mitigating the intangible and residual impacts of the Project on the communities in the Area of Benefit, which will include Leiston (see <b>Draft Deed of Obligation, Schedule 14</b> (Doc Ref 8.17(D))).</p> <p>A Health Working Group which includes the Councils, Public Health Suffolk and the Ipswich and East Suffolk Clinical Commissioning Group has been established for several years. Attendees include a GP from The Leiston Surgery (also covering the Yoxford Branch Surgery) and another from Saxmundham Health.</p> <p>SZC Co. has set out how the Project effects and embedded mitigation and additional mitigation secured by the DCO and Deed of Obligation would lead to changes in Leiston in response to <b>Question CI.1.11</b> [<a href="#">REP2-100</a>]. SZC Co. considers that effects on social integration and anti-social behaviour would be mitigated by a range of measures including but not limited to the Worker Code of Conduct and security vetting process, the provision of sports facilities in Leiston, improvements to Leiston's town centre, and wider measures such as the Public Services Resilience Fund, contributions to Suffolk Constabulary, and the Community Fund.</p> <p>The Project would provide a range of employment opportunities for local people across different sectors and skills. Lower skilled jobs are more local by nature, as average travel distances are lower, and labour market more abundant. However, SZC Co. has set out a</p>



ExQ1	Question to:	Question:
		<p>range of measures including outreach activities, a bursary, a Jobs Service, Young Sizewell C and funding for local education and skills/training providers via an Asset Skills Enhancement Capability Fund that would be directed towards improving social mobility to provide a regional skilled workforce for this Project and the legacy skill demands of the region. These are accompanied by a governance function that would direct the measures towards areas including Leiston. These measures will be aimed at supporting upskilling to enable residents to gain employment and sustainable careers beyond the Project's construction phase. This focuses on 'legacy skillsets' that are needed both by the Project and the wider regional suite of infrastructure projects.</p> <p>SZC Co. does not agree that the Project would result in displacement, but may result in increased labour market churn and some vacancies being harder to fill. The employment, skills and training measures – along with supply chain measures also set out in the Draft Deed of Obligation – are intended to reduce that risk. Fundamentally, the Project would provide thousands of jobs, and if local residents wish to move jobs that is their decision and they will have done so to benefit themselves. This is a positive effect and a normal part of the employment economy. SZC Co recognises that the social care sector is concerned about workforce retention – while it is not the role of the planning system to address or regulate this, SZC Co has identified support for the sector to undertake workforce planning and resilience through the Public services Resilience Fund.</p> <p>SZC Co. consulted on options for the location of the sports facilities, and decided based on feedback that providing a permanent facility that the community could access and would be retained beyond the construction phase of Sizewell C is on balance a more positive approach than having the facilities at the campus. SZC Co. has worked closely with ESC and Alde Valley Academy on the sports facilities proposal and would not have sited the pitches in that location were the school not supportive. SZC Co.'s intention is to open these facilities with shared use at the same time as the accommodation campus, at the end of the third year of construction, when shared use would commence. During the school day, the facilities will be for the exclusive use of the school.</p> <p>The Worker Code of Conduct helps manage worker behaviour by setting expected standards both on and off the site. Signature of the code would be a condition of employment on the Sizewell C Project and it would be reinforced by ongoing communication, such as toolbox talks. Breach could lead to dismissal from the Project. The Worker Code of Conduct has been effective at Hinkley Point C – as evidenced by the</p>

ExQ1	Question to:	Question:
		Councils' Local Impact Report (paragraph 28.13 of the LIR) in reference to the Oxford Brookes Study of Hinkley Point C (Appendix 2.1 to the LIR), which states (page 59): <i>"for community safety, there appears to be good management of potential project impacts through a combination of mitigation measures, including the implementation of the Worker's Code of Conduct, and some resourcing has been provided towards community liaison and policing."</i>
SE.1.5	The Applicant, relevant local authorities	<p><b>Economic Benefits</b></p> <p>The Economic Statement suggests [APP-610] there would be substantial economic benefits arising from the development. Please explain whether the experiences that arose from the development of the current and former nuclear power stations resulted in positive benefits. A number of RRs indicate that there has not been a long term benefit to the local area (RR-002, RR-008) how do you anticipate that this scheme could ensure a positive legacy in economic terms for the local area?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Sizewell B began construction in 1988 and started generating electricity in 1995. It provides 770 permanent jobs in the region, many of which are in high-skilled, high-output energy generation sectors, but others include administrative and entry-level jobs<sup>1</sup>. Without the current and former nuclear power stations at Sizewell, these jobs would not exist. Analysis of the 2011 Census shows that of the jobs supported in Sizewell's Workplace Zone (a statistical spatial definition including Sizewell campus and surrounding areas, but not including Leiston or other urban areas), 77% are taken by residents of Suffolk and nearly 300 by residents of Leiston, suggesting strong local retention of economic benefits during the operational phase of Sizewell B.</p> <p>While parts of Leiston remain within the most deprived areas of England and Wales, there is no evidence to suggest that a counterfactual position without the intervention of Sizewell B or Sizewell C would result in better or worse economic conditions locally or across the region. In the case of wider areas, any effect would be impossible to disentangle from the wider economy. A review of public datasets suggests that:</p>

<sup>1</sup> EDF Energy (2021) Sizewell B power station and visitor centre. Available at: <https://www.edfenergy.com/energy/power-stations/sizewell-b#:~:text=Sizewell%20B%20is%20a%20nuclear%20power%20station%20on,It%20is%20the%20UK%E2%80%99s%20only%20Pressurised%20Water%20Reactor>.

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Claimant rates in East Suffolk have been consistently lower than the national average, with even lower rates in Leiston since the construction of Sizewell B.</li> <li>• East Suffolk has an occupational skill profile weighted more towards higher skilled occupations than the national average and has done in the past two Censuses (2001 and 2011), and a higher proportion of residents with higher level qualifications.</li> </ul> <p>A review of the socio-economic effects of construction of Sizewell B by Glasson and Chadwick<sup>2</sup> summarises that:</p> <ul style="list-style-type: none"> <li>• Some policy measures were undertaken by Nuclear Electric and contractors at Sizewell B including recruitment of school-leavers to apprenticeships, setting up an on-site Jobs Centre and sponsorship of unemployed adults to undertake short training courses.</li> <li>• Unemployment rates in the local economy during the early 90's recession were far lower than wider averages as a result of Sizewell B, and have not increased above average for the majority of the period since. Only a small minority of people leaving the Sizewell B project at the end of construction were surveyed to have experienced lengthy periods of unemployment.</li> <li>• The Central Electricity Generating Board made grants available to local community projects, having spent £575,000 on 38 individual projects during the construction phase, over half of which were in Leiston.</li> <li>• Nuclear Electric provided £1.86m funding for the construction of Leiston Leisure Centre / swimming pool which opened in 1992.</li> </ul> <p>The Sizewell B public inquiry was held in the 1980s and - as set out above - the construction period ran from 1988-1995. It was almost 35 years ago that the design of the scheme and associated employment and economic benefits were appraised and tested. The permission did not include a comprehensive set of long-term commitments for sustainable economic, social and environmental change such as are proposed for the Sizewell C Project. There was limited focus on designing training and employment schemes, not least as the construction industry was structured very differently with respect to qualifications, competencies and the promotion of sustainable development.</p>

<sup>2</sup> Glasson, J and Chadwick, A. The local socio-economic impacts of the Sizewell B PWR power station construction project 1987–1995: Summary report. Impacts Assessment Unit: Oxford Brookes University. 1995

ExQ1	Question to:	Question:
		<p>As the only pressurised water reactor to be built in the UK and the first (and only) new nuclear build of that era, the design of Sizewell B did not benefit from any learnings accrued from comparable projects; the Sizewell C Project has been designed with the benefit of learnings from a range of national precedents, notably Hinkley Point C. Sizewell B did not come forward as part of a co-ordinated and complementary plan for new nuclear development, nor did it benefit from NALEP support for the Energy Coast and a raft of energy infrastructure construction projects leading to agglomeration benefits and policy support for sustainable investment in skills and training.</p> <p>The <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) includes measures to provide resilience and long-term legacy to the areas likely to experience the most change as a result of the Sizewell C Project, such as Leiston. This includes a ring-fenced Community Fund, Housing Fund, Tourism Fund, physical investment in transport infrastructure and public rights of ways and cycleways and sports facilities in Leiston, as well as employment, skills and training investment set out above that will focus on areas, where it will provide the greatest social value.</p> <p>The Sizewell C Project will result in 900 more permanent jobs for the region, many in high-skilled, high-output sectors. The <b>Economic Statement</b> [<a href="#">APP-610</a>] sets out further detail on economic benefits for Sizewell C - see <b>Section 3.2</b> for headline benefits during the operational phase.</p>
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>As the development of Sizewell C is located in East Suffolk, ESC is ultimately responsible for, and interested in, every aspect of economic development. This creates considerable responsibility and workload, and will require very careful oversight, management, and control. Establishment of the economic development programme is therefore critical for this project in this location.</p> <p>The scheme can help to create a positive legacy in economic terms for the local area by ensuring that:</p> <ul style="list-style-type: none"> <li>• The Applicant open and maintain a local office presence in Leiston to support planning, construction and operation of Sizewell C.</li> <li>• Supply chain development is maximised to both enable local firms to become involved and to attract new entrants.</li> <li>• Local firms and new entrants receive the support they need to get established as supply chain participants, to find and develop land/premises needed, to successfully recruit the</li> </ul>

ExQ1	Question to:	Question:
		<p>workforce they seek and that they receive support to help them engage locally, encourage/enable them to recruit locally, and to ensure they stay local.</p> <ul style="list-style-type: none"> <li>• Education and skills provision is available, accessible, and relevant to young people and to the local workforce to enable them to train for Sizewell C relevant roles and so creates a multi-generational shift in employment prospects.</li> <li>• Businesses associated with and involved in with Sizewell C are encouraged/enabled/required to recruit locally where possible, so a multi-generational shift in employment prospects results.</li> <li>• Leiston is cited as a base for activities and initiatives which create lasting benefit for its people, businesses and community.</li> <li>• Support is provided for 'bounce back' activity which backfills, supports gaps/risks/impacts created by Sizewell C development, such support to include local business support.</li> <li>• Plans are made to avoid both a 'false dawn' of economic hope and a 'boom and bust' scenario, both requiring careful management of expectations amongst local communities.</li> <li>• Support is given to New Anglia LEP, SCC, and ESC who are keen to see an economic development programme that delivers opportunity now and throughout the lifetime of the Sizewell C project and beyond via lasting legacy. This programme recognises that the Economic Capacity and the Economic Health of the Region are intrinsically linked and need to be effectively coordinated. The interaction between the Economic Capacity and the Economic Health of the Region involves both Business Attraction and Business Support.</li> <li>• Support is provided to encourage and assist ESC, SCC, and New Anglia LEP to deliver their agreed Statement of Economic Intent which represents the agreed vision of partners working together with the Applicant. The highlighted areas of focus are: Business Support, Supply Chain, Inward Investment, Visitor Economy, Education, Skills and Employment, Community, Infrastructure and Environment.</li> <li>• Financial support is made available to ESC, SCC, and New Anglia LEP so they can manage Economic Development matters with single focus and careful coordination across all of the partners via a comprehensive Economic Development programme. This programme is required to avoid duplication, inefficiency and gaps and also to coordinate work to maximise opportunities and create legacy benefits.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• The programme should include development of specialist functions to create focus on key issues and provision of specialist support services to ensure that businesses receive the help they need.</li> <li>• Expert functions should be created across each of New Anglia LEP, SCC, and ESC. These functions should be focussed on inward investment (1), business support (2) and economic development programme management (1).</li> <li>• Specialist services should be focussed on investor attraction and development (New Anglia LEP), and business support (New Anglia LEP and ESC).</li> </ul>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Experience from the build of Sizewell B, as considered in the longitudinal research study led by John Glasson of Oxford Brookes University (summarised in an article in "Impact Assessment and Project Appraisal", vol 23, September 2005, pages 215–226 [See SCC Appendix to ExQ SE.1.5]), identified a number of economic benefits arising from the build. These included (page 219/2020),</p> <ul style="list-style-type: none"> <li>• Training initiatives On-site and at the Leiston Training Centre were significant in encouraging a high take-up of local labour; almost 1000 trainees passed through the Centre, and approximately one third were from the local unemployed</li> <li>• Additional workforce expenditure in Norfolk and Suffolk topped over £75 million during the project (at early 1990's prices), generating important additional business for a range of services, including pubs, restaurants, shops, garages and providers of accommodation.</li> <li>• A substantial boost to local employment (especially in the civil engineering phase of construction)</li> <li>• A wide ranging boost to the local economy, reflected in very low unemployment rates and indirect impacts on retail activity and provision</li> </ul> <p>However, approximately 60% of local recruitment was into semi-skilled/unskilled and clerical jobs; 30% had skilled jobs and 10% had taken up professional, technical and managerial positions. The lack of a long-term impact on the local economy is demonstrated by the continuing income deprivation in the local area caused by worklessness and a lack of employment opportunity (see also LIR [REP1-045] at 23.22)</p> <p>The SZC project can help to create a positive legacy in economic terms for the local area. Specifically, within Chapter 24 of the LIR we have acknowledged that benefits will include,</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• a boost to the local economy as a result of the construction phase, equating to £2.5bn of output and supporting over 40,000 person years of construction employment;</li> <li>• Local employment creation – a third of jobs at peak of construction expected to be filled by existing local residents, including people previously unemployed or inactive;</li> <li>• Spending in the area from non-homebased workers, and as a result of extra wages for home-based workers;</li> <li>• Supply chain opportunities.</li> </ul> <p>These expected benefits are welcome, but they can only be seen as opportunities rather than confirmed benefits, and SCC expects that economic opportunities for the local area are maximised, and the Applicant's ambitions in this area further increased. Alongside mitigating negative impacts we expect the applicant to maximise positive economic benefit by,</p> <ul style="list-style-type: none"> <li>• Supporting recognition for Suffolk's Energy Cluster with its existing offshore and onshore renewables opportunity, with the Applicant being a lynchpin actor in the activity of the region, accelerating inward investment of Tier 1 and Tier 2 suppliers who may be working in multiple energy construction projects locally.</li> <li>• Creating opportunities for growth in existing and newly accredited nuclear related businesses associated with delivering the Civils and ME &amp; H for the build</li> <li>• Generating opportunities for growth in non-nuclear related businesses associated with supporting the delivery of the project, for example, local catering, leisure and retail companies. This provides benefits to the wider economy and population as well as the nuclear supply chain.</li> <li>• Supporting the creation of new consortia (Food, Transport, Engineering, etc.) with businesses being created from grass roots partnerships and pitching for entry to the supply chain and with the right support.</li> <li>• Stimulating wider financial investment - there is expected to be an increasing demand for land and premises ranging from small yards for lower-level contractors to more formal office spaces.</li> <li>• Developing R&amp;D/Innovation opportunities such as that already being manifested in the work on hydrogen and the linkages to Freeport East.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Creating legacy across all identified growth. A significant opportunity is companies new to the nuclear and energy supply chain providing them with opportunities for future growth in the UK new nuclear market as well as the wider global nuclear supply chain.</li> <li>• Supporting the outcomes set out in the Nuclear Sector Deal the government's Energy White Paper, the Ten Point Plan for a Green Industrial Revolution and Build Back Better in delivering clean growth and achieving a net zero economy.</li> </ul> <p>There will be direct and indirect business and supply chain opportunities as a result of the operational Sizewell C power station, which in itself would create 900 high value local jobs.</p> <p>In addition, the rolling programme of outages for Sizewell B and Sizewell C reactors, drawing in a workforce of 1,000+ to service each reactor, would create further direct and indirect business and supply chain opportunities.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. agrees with SCC that there was a positive benefit in the construction phase of Sizewell B in terms of employment and supply chain activity.</p> <p>Deprivation in Leiston is not evidentially related to Sizewell B, and the counterfactual by definition cannot be estimated. Sizewell B contributes over 700 jobs to the local area, and provided legacy benefits through investment in community programmes and social infrastructure investment.</p> <p>SZC Co has reviewed the proposals identified by ESC set out in response to this question, and in <b>Annex D</b> [<a href="#">REP1-049</a>] to the Local Impact Report "Sizewell Economic Principles". It reflects a largely sensible and pro-active position for the Councils' economic development function and identifies the substantial opportunities for the region to benefit from the Sizewell C Project. In some cases, it provides good examples of the outcomes that can be achieved through effective use of measures to be secured under <b>Schedule 7</b> of the <b>draft Deed of Obligation</b> (Doc Ref.8.17(D)).</p> <p>SZC Co notes that the <b>Norfolk and Suffolk Economic Strategy</b> outlines an aim "to maximise the opportunities associated with the proposed Sizewell C nuclear power station in terms of supply chains, employment and skills opportunities and inward investment". This suggests that the Councils have a policy direction to undertake activities themselves to maximise the Project's opportunities.</p> <p>SZC Co wishes to note that it plans to work collaboratively with the Councils and other economic development partners to help the Councils achieve their economic objectives,</p>



ExQ1	Question to:	Question:
		<p>and where interventions are likely to be the decision of contractors (such as the use of office facilities in Leiston or elsewhere) SZC Co will facilitate these engagements.</p> <p>SZC Co. agrees with SCC in terms of the opportunities that would be delivered by Sizewell C, and has set out in response to <b>SE.1.5</b> <a href="#">[REP2-100]</a> how the opportunities would be enhanced for local residents through measures set out in the <b>draft DCO</b> <a href="#">[REP2-015]</a> (in terms of embedded mitigation) and the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)).</p> <p>Please also refer to SZC Co.'s response within <b>Comments on Councils' Local Impact Report</b> (Chapters 23, 24 and 25) (Doc Ref. 9.29).</p>
SE.1.6	The Applicant, relevant local authorities	<p><b>Sizewell Link Road</b></p> <p>The link road as proposed would sever Petty Road which [RR-0014] considers an important link between Saxmundham and Theberton providing access for the village community to the services in Saxmundham. Please explain how these concerns have been addressed.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Please see response to question <b>AR.1.24</b> .
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>There are six businesses in the vicinity of Pretty Road, Theberton which will be severed, which rely on the movement of large farm equipment to conduct their business activities. An advisable solution would be a transport contingency fund to be available in case of thresholds of congestion and disruption being met, which businesses owners could draw down on with support from the NALP, to adjust their business practices in line with the changing local environment.</p> <p>ESC defers to the Applicant as to how they are going to address this issue - we have seen some suggestions, and anticipate SCC responding in detail as Highway Authority.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC has been asked to comment on provision of a modification to the Pretty Road Bridge to make it accessible to motor vehicles, but for the connection to the Sizewell Link Road to be removed. In principle SCC would accept this change provided that high quality facilities are provided over and adjacent to the bridge to minimise the severance to pedestrians, cyclists and equestrians that results from the Sizewell Link Road.</p> <p>There is a risk that making the bridge accessible to motor vehicles could encourage rat running between Theberton and Saxmundham via Pretty Road. This will need to be addressed and discouraged, potentially by highway interventions in Theberton, as Pretty</p>

ExQ1	Question to:	Question:
		<p>Road can provide an attractive low traffic route for pedestrians, cyclists and equestrians. Pretty Road has been included Phase 2 Wave 2 of the designation of roads as quiet lanes (as indicated at the following websites: <a href="https://drive.google.com/drive/folders/1_nPCYDejh54O6csgINqSURdA-5TDEAcB">https://drive.google.com/drive/folders/1_nPCYDejh54O6csgINqSURdA-5TDEAcB</a> and <a href="https://sites.google.com/view/quietlanessuffolk/status/notice-of-designation?authuser=0">https://sites.google.com/view/quietlanessuffolk/status/notice-of-designation?authuser=0</a>).</p> <p>This process is largely driven by the community.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2. SZC Co. is progressing this matter as a proposed change to the application. Also see response to <b>TT.1.119</b> within this document in relation to potential highway improvements in Theberton.
SE.1.9	<p>Mill Hill Farm Caravan and Campsite [RR-799], Sue Townsend [RR-1167], Sea Poppies Furnished Holiday Lets [RR- 1103], Sasha French [RR-1096], Anthony Philip Baskett [RR-105], Cipher Crystal [RR-0228], Steel Sculptures [RR-1141], Tom Lagdon [RR-1233],</p>	<p><b>Effect on business operations</b></p> <p>Please provide more detail in respect of your concern on the impact that the Proposed Development would have on your business.</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Simon Ilett on behalf of Cipher Crystal at Deadline 2</b>	<p>The impact to our business is in our oral representation. Our key Employee lives near Ipsih travelling to and from work along the B1078 to Wickham Market and the A12 to Saxmundham taking 50 minutes now and will take much longer in the construction traffic should this commence. She may no longer feel she can work for us. We will then have to recruit a replacement from an already small pool of semi skilled labour that will be further reduced by demand from EDF to recruit similar semi skilled Staff.</p> <p>We are concerned that the job creation numbers quoted by EDF will simply take from existing businesses like ours both directly and indirectly.</p>

ExQ1	Question to:	Question:
	<p><b>Response by Sea Poppies Holiday Let at Deadline 2</b></p>	<p>Sea Poppies Furnish Holiday Let</p> <p>A full response is detailed in our submission for Deadline 2. However, the key points are as follows: Thorpeness was the UK's first purpose-built holiday village and retains its proud heritage, relaxed atmosphere and precious local environment. We know our visitors come here for the tranquillity, easy access (especially from London), and fantastic unspoilt coastline and wildlife. They love the great local food, the family friendly atmosphere and the big Suffolk skies and sea air. They say it's relaxing and restorative, like stepping back in time. A recent visitor described the calm quiet atmosphere as a world away from 'daily life' and as a haven for his family. Another says: [It's] lovely and quiet, connecting with nature and an escape from the hurly burly of the modern world: just proper unspoilt English countryside and beaches. As an 8 bed holiday let property, our target market is for multi-generational family groups or joint family parties. We have surveyed some of our visitors and they all commented specifically upon the special qualities of the area such as; the peace and tranquillity, enjoyment of coastal walks, swimming and the beaches, quiet lanes and no traffic jams.</p> <p>Should Sizewell C be developed we do not believe that they will want to stay in Thorpeness for the following key reasons:</p> <ol style="list-style-type: none"> <li>1) Traffic congestion to and from Thorpeness and also whilst they are staying in the area.</li> <li>2) The nature of Thorpeness will change as properties become multi-occupied in providing accommodation for workers at Sizewell C. During the construction of Sizewell B we understand there was a brothel in the village. This will change the family friendly atmosphere of the village.</li> <li>3) The disruption, noise, pollution and loss of dark skies will remove the key attributes of the area, the reason people visit.</li> <li>4) The destruction of the Area of Outstanding Natural Beauty, its habitats and wildlife value will be resented by visitors and drive them away from the area.</li> <li>5) The collateral damage caused by the demand for staff by EDF will impact existing businesses as the availability of and the ability to retain and/ or recruit new staff becomes even more difficult. The unprecedented demand for low-cost housing will reduce the ability of existing local businesses to attract new staff. The consequences will be increased costs and lack of availability of much needed services in the area.</li> </ol>

ExQ1	Question to:	Question:
		<p>6) The restriction on access to beaches at Sizewell and the length of time to get to treasured destinations by car such as: Minsmere, Dunwich Heath, Walberswick and Southwold will detract from visitor's enjoyment of the area.</p> <p>A really popular pleasure of Thorpeness is swimming in the sea. We are really concerned this too will be threatened with increased turbidity and water pollution resulting from the marine works and shipping. We also fear that the increased water temperatures will exacerbate jellyfish blooms which are increasingly occurring due to the unusually warm water in this location. We fear the operation of additional cooling plants, together with climate change impacts, will lead to significantly increased risk in these waters - for visitors and residents.</p> <p>We believe Sizewell C will blight this area permanently, but especially during construction, making our business unviable. The loss of what our visitors' value, cannot be mitigated for: we are appalled at the proposed wilful destruction of such a tranquil, unique and fragile place. The character of this special landscape and settlements will be irrevocably transformed by road construction, traffic congestion, loss of coastal access, and destruction of tourism businesses (already under huge pressure due to covid). Our iconic views north from Aldeburgh of Thorpeness and House-in-the-Clouds will be blighted by soviet-style monstrosities. These proposals will deliver wholesale industrialisation of our precious coast. We believe that the unique attraction of Thorpeness and the Suffolk coastal area as a tourism destination will be destroyed.</p> <p>We anticipate that we will have to close our business as we will not be able to offer our customers what they expect and what we wish to deliver. There will be a consequential impact onto local businesses not only for those we support directly with in excess of 50% of our revenue being re-invested directly locally but also the loss of our visitor spend in the pubs, café's shops and visitor attractions not just in Thorpeness but in towns and villages all along the Suffolk coast.</p> <p>It is our view that the development of Sizewell C will be catastrophic for the local tourism economy and also those businesses in the supply chain that support this vital part of East Suffolk. Employment in this region is already fortunately high. We anticipate that our supply chain will therefore be severely disrupted due to the additional burden of the short-term demand by EDF for workers. Local businesses and residents will be badly affected by shortages of people to provide the services we support and rely on. We do not accept East</p>

ExQ1	Question to:	Question:
		<p>Suffolk Councils assertion in the Open Floor Hearings that there will be a “different sort of Tourism”. This we feel is clutching at straws.</p> <p>Our customers also highlight their worries about the long-term legacy of such a development including the industrialisation of the area and issues for future generations. The consequences of this development will not just be for the 12+ years of construction but also for decades to come. Our visitors are aware of this. It is our opinion that the impact on the tourist economy (predicted by the applicant to be 29%) will be significantly worse in Thorpeness. It will be a particular victim of the cumulative impacts of this and the SPR windfarm proposals and will suffer an onslaught of 24 hour noise, light and air pollution.</p> <p>Several of our loyal visitors have said they will be much less likely to return if this development goes ahead. This loss will directly impact the local economy, stripping the Suffolk coast of the unique character that our tourism businesses help to create, and reducing the quality of life for all who live here, who benefit from tourism revenue and enjoy all that this helps to support. We do not want a different type of tourism that revolves around an industrialised coast and two megalithic nuclear power stations.</p> <p>We are aware that there has been discussion about a tourism fund (but not the detail), however our business model relies on a certain number of let nights per year. We do not believe that this fund will be of benefit to us.</p> <p>We say that the Examining Authority should consider Sea Poppies as a bellwether in the tourism ecosystem. There will be many others in the same position, small businesses who you won't hear from but which also have to reconsider their future. We predict a collapse in the holiday let market, as people realise that visiting here will mean witnessing the heart-breaking destruction of the special qualities that drew them here in the first place.</p> <p>We market our house as ‘a great place for chilling out in this delightful, quirky but quiet seaside village, ...- and a perfect base for exploring the beach and coast’. We work really hard to do everything we can to offer a holiday experience to our visitors that lives up to these expectations. But we cannot hand on heart continue to offer our house in this way if this development goes ahead and what we promise becomes just a shattered dream as all that we love about this area is destroyed.</p> <p>Sizewell C is the wrong solution in the wrong place and the consequences of its construction will be significant and long lasting. This application should be rejected.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co notes that the following concerns have been raised by the respondents to this question:</p> <ul style="list-style-type: none"> <li>- That increases to travel time on the B1078 and A12 could lead to staff seeking different employment.</li> <li>- That there is a limited pool of semi-skilled labour and Sizewell C will reduce this further / cause more people to move jobs making it harder to recruit and retain staff.</li> <li>- That tourists will be less likely to visit due to traffic congestion, the number of workers in the area, environmental effects (noise, pollution, light and views), beach closure, turbidity and water pollution (in the sea), jellyfish and changes to the AONB.</li> </ul> <p>SZC Co recognises that there are concerns from local businesses related to changes in the environment and economy during the construction phase of Sizewell C. However, it is SZC Co's view that the Sizewell C Project represents an overwhelming benefit to the local and regional economy, and that where risks have been identified, there is mitigation in place (for example in the form of a Tourism Fund, Housing Fund (including a tourist accommodation element) and employment, skills and education measures such as a Jobs Service) to reduce risks.</p> <p>SZC Co has primarily addressed the above concerns through response to Relevant Representations, set out within the <b>Relevant Representations Report</b> (Section 4 – Themed Responses) [<a href="#">REP1-013</a>]</p>
SE.1.16	The Applicant, relevant local authorities	<p><b>Potential Effects on Tourism</b></p> <p>Essex CC [AoC-003] indicated a desire to see a broader assessment of the impacts on tourism and the relationship to Bradwell B, please respond to this particular concern and whether the assessment of effects on the tourism sector are considered robust and conservative.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Essex CC states [<a href="#">AoC-003</a>]:</p> <p><i>"Previously at Stage 3 the Council has raised issues about the true impact the development would have on the tourist industry in this sensitive rural location asking that any future DCO application includes a tourism strategy and proposed specific mitigation</i></p>

ExQ1	Question to:	Question:
		<p><i>measures to reduce any potential impact. This does not feature in the submitted Stage 4 documentation and therefore cannot be considered pre the DCO process”.</i></p> <p>SZC Co. notes that:</p> <ul style="list-style-type: none"> <li>• This is a representation specifically referring to the adequacy of consultation (Stage 4 Consultation materials) rather than the content of the DCO application. It requests that ‘<i>any future DCO application includes a tourism strategy and proposed specific mitigation measures to reduce any potential impact</i>’ and does not consider the assessment and mitigation for effects on tourism set out in the DCO.</li> <li>• No reference is made in that representation specifically to tourism effects related to Bradwell B – SZC Co.’s view is that there is no evidence to support an in-combination or cumulative effect on the Suffolk coast’s tourist economy related to Bradwell B (and in any case, Bradwell B falls without the scope of the assessment of cumulative effects as described in <b>Volume 10, Chapter 4</b> (Assessment of Cumulative Effects with Other Plans, Projects and Programmes), <b>Section 4.3</b> (Socio-economics) [<a href="#">APP-578</a>]).</li> </ul> <p>For clarity, the following references set out the approach to assessment and mitigation for potential effects on tourism (as required by EN-1, paragraph 5.12.3):</p> <ul style="list-style-type: none"> <li>• <b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> [<a href="#">APP-195</a>].</li> <li>• <b>Economic Statement</b> [<a href="#">APP-610</a>].</li> <li>• <b>Draft Deed of Obligation, Schedule 15</b> (Doc Ref. 8.17(C)).</li> </ul> <p>SZC Co. considers the effects assessed on tourism, and the approach to mitigation, to represent a robust and sound consideration of potential significant effects – noting that there is inherent uncertainty, and as such as a precautionary principle the scope, implementation and governance of a Tourism Fund has been developed in collaboration with local stakeholders.</p>
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>Independent Research commissioned by The Suffolk Coast DMO (Destination Management Organisation) in partnership with the National Coastal Tourism Academy and Suffolk Coast and Heaths AONB has shown that the potential harm to the visitor economy because of the impact of energy projects could range between £26 million to £43 million a year. This is considered to be the most accurate estimate available along with associated economic impact estimation work rather than taking a conservative approach. The Applicant’s own Visitor Survey [<a href="#">APP-268</a>] did not reach financial conclusions on the economic impact of the</p>

ExQ1	Question to:	Question:
		<p>project, the net loss of visitors reported, mirrored The Suffolk Coast DMO's report to within 1%.</p> <p>ESC considers it is for the Applicant to respond regarding the relationship to Bradwell B as this is not a relationship ESC has sought to analyse.</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>Independent research commissioned by The Suffolk Coast DMO (Destination Management Organisation) in partnership with the National Coastal Tourism Academy and Suffolk Coast and Heaths AONB [REP1-095] has shown that the potential harm to the visitor economy because of the impact of energy projects could range between £26 million to £43 million a year. While the Applicant's own Visitor Survey (Appendix 9f in [APP-196]) did not reach financial conclusions on the economic impact of the project, the net loss of visitors reported in the Applicant's survey mirrored The Suffolk Coast DMO's report to within 1%.</p> <p>SCC cannot see a strong inter-relationship of impacts on tourism of Sizewell C in relation to Bradwell B.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>See SZC Co response to <b>SE.1.16, SE.1.36. SE.1.35, SE.1.14</b> [REP2-100] and accompanying <b>Appendix 23A</b> [REP2-112] to those questions.</p> <p>As a point of clarification, SZC Co's commissioned survey does not estimate a net loss of visitors – it summarises, based on information provided, that some potential visitors state that they are less likely to visit, or likely to visit less frequently. SZC Co has consistently set out that ex-ante stated preference surveys are poor indicators of actual change in behaviour, as has been evidenced by experience at Hinkley Point C.</p> <p>SZC Co does not agree with ESC's statement in the LIR that independent research commissioned by The Suffolk Coast DMO (Destination Management Organisation) in partnership with the National Coastal Tourism Academy and Suffolk Coast and Heaths AONB [REP1-095] represents '<i>the most accurate estimate available along with associated economic impact estimation work</i>'. In SZC Co's view, no ex-ante stated preference survey can accurately predict changes in future behaviour, let alone be used to predict consequent economic impacts, and the survey commissioned by The Suffolk Coast DMO in particular has methodological shortcomings as set out in <b>SZC Co's Response to the Local Impact Report (Chapter 26, Section 26.3(b))</b> (Doc Ref. 9.29).</p> <p>SZC Co agrees with SCC that there is no evidence of likely significant effects on tourism related to the potential inter-relationship between Sizewell C and Bradwell B.</p>



ExQ1	Question to:	Question:
SE.1.24	The Applicant, ESC, SCC, NALEP	<p><b>Employment Skills and Education Strategy</b></p> <p>(i) The Asset Skills Enhancement and Capability Fund is proposed to be governed by a several stakeholders. Is there agreement as to who they should be?</p> <p>(ii) Who would make the final decision?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Proposed details of governance and application of the Asset Skills Enhancement Capability Fund (ASEC) are set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)). It is intended that:</p> <ul style="list-style-type: none"> <li>• SZC Co. would (in consultation with the Employment, Skills and Education Working Group, comprising SZC Co., ESC, SCC and NALEP) develop Workforce Delivery Strategies (WDS) for each phase of the Sizewell C Project;</li> <li>• These WDS would then inform the direction of funding from the ASEC Fund, which would be released proportionately with each phase of construction, and managed through the Annual Workforce Delivery Implementation Plans.</li> <li>• The Annual Workforce Delivery Implementation Plans would be developed by the Regional Skills Co-ordination Function within SCC and agreed annually through the Employment, Skills and Education Working Group.</li> </ul> <p>The ASEC Fund would be applied by the Regional Skills Coordination Function to the provision of the Asset Skills Enhancement and Capability Initiatives, subject to Schedule 7, Section 2.5 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)), and for the purposes set out under the definition at Schedule 7, Section 1.1 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>i) The Applicant has proposed governance arrangements, these are not agreed and are subject to further consideration and engagement.</p> <p>ii) ESC is satisfied that the final decision for allocating funding from the Asset Skills Enhancement and Capability Fund would sit with the Applicant. However, any funding decision must be made following consideration of what is the project need, is it covered by local/national offer already or a requirement for intervention/investment the Regional Skills Coordination Function would work through an agreed framework to identify and deliver potential solutions with partners that:</p> <ul style="list-style-type: none"> <li>• will react to any impact monitoring feedback;</li> <li>• achieve the objectives of the Annual Workforce Delivery Implementation Plan;</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• enhance the local skills system;</li> <li>• deliver regional inclusive growth; and</li> <li>• achieve the objectives of the relevant Workforce Delivery Strategy.</li> </ul> <p>If a skills intervention is identified as a project only need this will need to be delivered through a standard commercial agreement and would sit outside of the Asset Skills Enhancement Fund and its governance.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>i) The Applicant has proposed governance arrangements, these are not yet agreed and are subject to further consideration and engagement.</p> <p>ii) We are satisfied that the final decision for allocating funding from the Asset Skills Enhancement and Capability Fund would sit with the Applicant. However, any funding decision must be made following consideration of what the project need is and whether there is a requirement for an intervention/investment, or whether it is already covered by local/national offers or initiatives. The Regional Skills Coordination Function would work through an agreed framework to identify and deliver potential solutions with partners that:</p> <ul style="list-style-type: none"> <li>• will respond to any impact monitoring feedback</li> <li>• achieve the objectives of the Annual Workforce Delivery Implementation Plan</li> <li>• enhance the local skills system</li> <li>• deliver regional inclusive growth; and</li> <li>• achieve the objectives of the relevant Workforce Delivery Strategy.</li> </ul> <p>If a skills intervention is identified as a project-only need, i.e. it does not meet any of the objectives set out in the list above, this will need to be delivered through a standard commercial agreement which would sit outside of the Asset Skills Enhancement Fund and its governance.</p>
	<b>Response by New Anglia LEP at Deadline 2</b>	<p>i) The Applicant has proposed governance arrangements which are subject to further consideration and engagement.</p> <p>ii) The final decision sits with the Applicant. It is vital that decisions enhance the local skills system, deliver inclusive growth in the LEP area, and carefully manage the fact that there are already skills shortages to ensure positive benefits. The LEP would welcome regular updates at the Skills Advisory Panel from the Applicant's representative.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>It is vital the Applicant works with local education providers across Suffolk and Norfolk to support the skills acquisitions of new entrants plus those needing to reskill/upskill either for Sizewell C itself or to counter any displacement of workers across Norfolk and Suffolk.</p> <p>SZC Co welcomes further engagement on the governance arrangements for the ASEC Fund, and that SCC, ESC and NALP are satisfied that the final decision on allocation of funding from the ASEC Fund sits with SZC Co.</p> <p>SZC Co agrees with the proposed allocation criteria proposed by SCC and ESC in the response (<i>"any funding decision must be made following consideration of what the project need is and whether there is a requirement for an intervention/investment, or whether it is already covered by local/national offers or initiatives"</i>).</p> <p>SZC Co agrees that the RSCF <i>"would work through an agreed framework to identify and deliver potential solutions with partners that:</i></p> <ul style="list-style-type: none"> <li><i>• will respond to any impact monitoring feedback</i></li> <li><i>• achieve the objectives of the Annual Workforce Delivery Implementation Plan</i></li> <li><i>• enhance the local skills system</i></li> <li><i>• deliver regional inclusive growth; and</i></li> <li><i>• achieve the objectives of the relevant Workforce Delivery Strategy."</i></li> </ul> <p>SZC Co is represented on the New Anglia Skills Advisory Panel and will – aligned with the governance arrangements set out in the <b>Draft Deed of Obligation Schedule 7</b> (which also include a role for New Anglia LEP) (Doc Ref. 8.17(D)) – be glad to provide updates to the Panel.</p> <p>SZC Co agrees that if a skills intervention is identified as a project-only need, i.e. it does not meet any of the objectives set out in the list above, this will need to be delivered by the Project.</p> <p>SZC Co understands the importance of working with local education providers across Suffolk and Norfolk to support new entrants skills acquisition plus those needing to reskill/upskill, and consider this the basis for much of the substantial suite of measures that will be committed to via Schedule 7 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D))– particularly through the ASEC and Outreach Funds, Young Sizewell C, Sizewell C Bursary and Jobs Service.</p>

ExQ1	Question to:	Question:
SE.1.27	The Applicant, (Suffolk Chamber of Commerce ESC SCC NALEP (iii) only)	<p><b>Supply Chain Strategy</b></p> <p>[APP-610] in paragraph 7.3.6 refers the reader to Appendix B [APP-611]. The section on Supply Chain (1.7) does not however explain how this strategy will be delivered.</p> <p>(i) Please provide precise details on this strategy and the delivery and monitoring mechanism.</p> <p>(ii) Please set out the details of governance arrangements and progress of the S106 so this strategy can be more fully understood.</p> <p>(iii) Do the respective parties agree that the S106 would deliver an appropriate supply chain strategy?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Response to (i) and (ii)</u></p> <p>The <b>Supply Chain Strategy</b> [APP-611], sets out the principles that SZC Co. and its contractors will implement to support local and regional supply chain engagement to enable businesses in the east of England to compete for opportunities on the Sizewell C Project, but does not specify how this will be delivered.</p> <p>The <b>Supply Chain Strategy</b> [APP-611], states (at <b>paragraph 1.1.3</b>) that '<i>measures – including engagement and activities, governance processes and, an approach to reporting of local and regional supply chain spend - will be secured by the Section 106 agreement</i>'.</p> <p>The <b>Draft Deed of Obligation</b>, Schedule 7 (Doc Ref. 8.17(C)) provides details on delivery and monitoring mechanisms, setting out that:</p> <ul style="list-style-type: none"> <li>• SZC Co. shall implement or procure the implementation of the measures described in the <b>Supply Chain Strategy</b> [APP-611] with effect from Commencement until the end of the Construction Period.</li> <li>• A Supply Chain Working Group (including SZC Co., SCC, ESC, NALEP and the Suffolk Chamber of Commerce) will meet at least once per year (but with the ability to meet more frequently) to share information and allow stakeholders the opportunity to plan wider activities that align with and maximise benefits beyond the Sizewell C Project.</li> <li>• SZC Co. will monitor and share supply chain data with the Supply Chain Working Group as listed in <b>Schedule 7, paragraph 3.2</b> of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)). At a minimum, this will correspond to the level of data that it is currently shared with the Socio-Economic Advisory Group and provided to the</li> </ul>

ExQ1	Question to:	Question:
		<p>Department for Business, Energy &amp; Industrial Strategy (BEIS) at HPC. Examples of this data can be found in SEAG dashboards on supply chain indicators (example can be found <a href="#">here</a>); Hinkley Point C's report to BEIS in 2021 is <a href="#">here</a>; and an interactive map showing the location of contracts let can be found <a href="#">here</a>. SZC Co. is also seeking to develop the ability to monitor and share data (where practical) beyond the top tier of contracts, to enable thorough analysis of Tier 2 and 3 contracts in the local and regional area.</p> <ul style="list-style-type: none"> <li>• SZC Co. will request evidence from its Tier 1 contractors that credible local business engagement has taken place by means of tender short lists and tender assessments prior to formally approving / rejecting sub-contractor nominations, in order to measure and monitor the extent and effectiveness of local supply chain engagement by Tier 1 – 3 contractors during the development of supply chains and after contracts have been awarded.</li> </ul> <p>Following the good progress of Hinkley Point C in the south west, the policy for the construction of Sizewell C is to promote '<i>intelligent replication</i>'. Working in partnership with Suffolk Chamber of Commerce, SZC Co. will utilise support from, as far as practicable, local sources of labour, service providers and materials/components with due cognisance being given to the capacity, capability and competitiveness of these local suppliers. This strategy will be reflected in contract tender documentation, the Civil Works Alliance (CWA) scope, and instructions given to bidders.</p> <p>While Tier 1 contractors will not be formally appointed until FID, SZC Co. is undertaking early contractor engagement and has also engaged the Suffolk Chamber of Commerce to undertake certain supply chain engagement activities, which will develop into measures that will promote the potential for local and regional businesses to join the supply chain. This includes:</p> <ul style="list-style-type: none"> <li>• Developing and improving local business capability maps and lists to aid Tier 1 and 2 contractors seeking local suppliers.</li> <li>• Providing pre-qualification questionnaire (PQQ) and technical advice regarding contractor capabilities.</li> <li>• Defining the engagement process to be adopted by Tier 1-3 contractors when engaging with the Suffolk Chamber of Commerce and the local business community for the purpose of developing their supply chains for work at Sizewell C.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Providing sufficient work package detail through the Suffolk Chamber of Commerce to relevant supplier groups early enough in order to communicate requirements in advance and to pro-actively identify opportunities of relevance to local capability.</li> <li>• Enabling contractors to contact and assess appropriate local and regional suitably experienced and competent suppliers identified in the prepared supplier maps against work package requirements.</li> <li>• Funding a Business Advisor within the Suffolk Chamber of Commerce to develop the local supply chain to align with the needs and specifications of the contract requirements.</li> <li>• Holding (or requiring Tier 1 Contractors to hold, when appointed), 'Meet the Buyer' events facilitated by the Suffolk Chamber of Commerce.</li> <li>• Requiring Tier 1 Contractors to contribute expertise and specialist knowledge, supported by Suffolk Chamber of Commerce, to supplier development programmes that will prepare local suppliers for specific identified work package elements.</li> </ul> <p>It is also anticipated that, subject to contractual agreement, Tier 1 contractors and bidders would be mandated to identify opportunities for the provision of goods and services by local consortia bringing stability within the supply chain and help to provide a legacy of business development in the region.</p> <p><u>Response to (iii)</u></p> <p>SZC Co. considers that the measures set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)), alongside the activity already being undertaken by the Suffolk Chamber of Commerce on behalf of the Sizewell C Project, would deliver a strong and effective supply chain strategy.</p>
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>(iii) only. The Supply Chain work being undertaken by the Chamber of Commerce needs to be developed further and in partnership with ESC and our partners including SCC and New Anglia LEP. Although we are pleased to see plans for Supply Chain Development and are supportive of the work underway and planned, we expect this to be further developed. Please also refer to Section 24 of the LIR [REP1-045]. We anticipate this being developed further to look like this:</p> <p>1. The Supply Chain initiative will be operated/managed via transparent partnership, with clear line of sight on current activity, future plans, and emerging data shared between the</p>

ExQ1	Question to:	Question:
		<p>Applicant, the Chamber of Commerce plus ESC, SCC, and New Anglia LEP on a regular basis.</p> <p>2. A broader group of stakeholder groups can be invited to support the work of the Supply Chain initiative. This can be achieved by engaging across the East of England with all relevant/accessible business representative organisations (CBI, FSB, IOD etc), professional bodies (Law Society, ICAEW etc) and professional firms (lawyers, accountants, banks etc). Such engagement will help to cascade relevant messaging to a broader audience, encourage multipliers to initiate dialogue with their contacts to stimulate interest in supply chain opportunities, attract supply chain participants and attract new inward investors.</p> <p>None of this is intended to cut across the Applicant/Chamber contract or the work underway/planned, but it is intended to reinforce it, complement it, and help all parties.</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>(iii) We do not have sufficient detail in the supply chain strategy to judge whether the commitment in the S106 would actually deliver the benefits and mitigation we are seeking (see answer to ExQ SE.1.5).</p> <p>We believe that an appropriate supply chain strategy should encompass more than just a requirement to meet S106 obligations, as S106 obligations focus on mitigating negative impacts. An appropriate supply chain strategy should seek to capture the wider benefits and opportunities from the development and should therefore go beyond the S106 agreement.</p>
	<p><b>Response by New Anglia LEP at Deadline 2</b></p>	<p>(iii) A complete supply chain strategy has not been shared with New Anglia LEP so we do not have sufficient detail to ascertain whether or not the S106 commitment would actually deliver what is required and derive the benefits and level of mitigation. The LEP is of a view that an effective supply chain strategy needs to encompass a much wider range of actions than those simply meeting S106 obligations. There are wider benefits and opportunities in the supply chain that need to be addressed and leveraged through effective partnership working across LEP, Chamber, Local Authorities, education, EDF and industry partners and industry groups. We are keen to support this activity and via the All Energy Industry Council can help progress supply chain transferability across our major energy infrastructure projects in the region and support enhanced local content.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>SZC Co. considers that the <b>Supply Chain Strategy</b> [APP-611] will deliver at least the scale of estimated economic benefits set out in the <b>Economic Statement</b> [APP-610], but recognises that the Councils seek more clarity on the activities that the Project would deliver or commission, and how these would be communicated to relevant stakeholders.</p> <p>As such, in response to engagement, SZC Co. has committed to create/update a 'Supply Chain Work Plan' every six months, which will be secured as an obligation in the <b>Deed of Obligation</b> (Doc Ref. 8.17(D)). This Plan will set out the activities relevant to each phase of construction that the Project will deliver to engage with and improve the competency and capability of the supply chain. This will be shared with the Supply Chain Working Group at these intervals, to allow the Councils' and NALEP's Economic Development functions to align activities with the activities of the Project.</p> <p>SZC Co considers that the opportunities for the supply chain in the region are a positive effect of the Project, which would be enhanced by the Supply Chain Strategy and Work Plan.</p> <p>SZC Co considers that the membership of the Supply Chain Working Group, as set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)), is appropriate. This does not preclude SZC Co, its contractors, the Suffolk Chamber of Commerce, the Councils or NALEP from using monitoring information and the Supply Chain Work Plan to engage more widely with industry bodies and businesses/business groups.</p>
SE.1.28	The Applicant, Relevant local authorities	<p><b>Labour Market</b></p> <p>Considering the number of construction workers envisaged to be required please advise on the implications this may have for the labour market both locally and regionally.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The implications of the Sizewell C Project's demand for home-based (HB) construction labour on the regional and local labour market are explained within:</p> <ul style="list-style-type: none"> <li>• The <b>Economic Statement</b> [APP-610]; and</li> <li>• <b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> [APP-195].</li> </ul> <p>The primary effect on the local and regional labour markets is expressed through job creation and increased economic output in the construction sector during construction, and permanent provision of operational jobs. The DCO documents set out assumptions on the proportion of effects that are estimated to lead to long-term employment and skills benefits for existing residents, and measures to secure and enhance these benefits</p>



ExQ1	Question to:	Question:
		<p>through employment, skills and education interventions are set out in the <b>Draft Deed of Obligation</b>, Schedule 7 (Doc Ref. 8.17(C)).</p> <p>When considering the potential impact of an intervention on the labour market, it must be recognised that the UK labour market is incredibly flexible - lots of people change job and move in and out of work every month, so it is important to consider its dynamism, not just static at a point in time.</p> <p>The Sizewell C Project's effect on job creation and skills enhancement are overwhelmingly positive and include a commitment to joint-working with regional stakeholders to enhance existing skills pipelines in order to generate a legacy effect. But SZC Co. recognises that some stakeholders are concerned about the potential for 'displacement', where the economic activity generated by the Sizewell C Project may make some vacancies harder to fill. The response to question <b>SE.1.37</b> sets out SZC Co's position on 'displacement'.</p> <p>In recognition of this, SZC Co. has been working with ESC, SCC, NALEP and Suffolk Chamber of Commerce on measures which are set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)), including:</p> <ul style="list-style-type: none"> <li>• A Sizewell C Jobs Service will be open to local employers, who will be able to access the skilled pool of labour generated by the Sizewell C Project to assist in backfilling. Monitoring will be undertaken via supply chain engagement to make sure opportunities for local firms are not missed. Jobs Service analytics may be used to monitor a sub-section of movement between the Sizewell C project and wider employment market.</li> <li>• Local firms will be supported through local supply chain engagement activities to improve competencies to win work on the Sizewell C Project, helping them to retain staff while benefiting from the project. SZC Co., NALEP and the Suffolk Chamber of Commerce are also working on plans to develop skills, competencies and qualifications within the supply chain.</li> <li>• Upskilling will benefit the Sizewell C Project and the wider market – focus will be on 'legacy' roles (as determined by SCC's research base) that the region and the project both need for the long term.</li> </ul> <p>SZC Co., ESC and SCC are meeting on a regular basis to develop the scope, implementation plans and governance proposals for the measures set out in the <b>Employment, Skills and Education Strategy</b> [<a href="#">APP-611</a>]. Broad scope and</p>

ExQ1	Question to:	Question:
		implementation has been agreed for most of the key measures - including the ASEC Fund, Outreach Fund, Sizewell C Bursary, and a Contribution to Funding for Regional Skills Coordination. The scope for each measure has been based around existing measures in the region - for example providing revenue funding to deliver on existing capital investment in skills centres in the region. These will be secured in the <b>Deed of Obligation</b> (see <b>Draft Deed of Obligation</b> , Schedule 7 (Doc Ref. 8.17(C))).
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>As set out in Section 23 of the LIR [REP1-045 ] (paragraph 25.14), ESC is concerned that the project will create high levels of labour market churn, where skilled labour prematurely leaves their current local employment to work on the project. When this happens in high levels negative displacement will occur causing a reduction in economic activity.</p> <p>Effective monitoring to understand demand will be crucial to ensure that the Education, Skills and Employment measures delivers high demand skilled people to the employment market at the right time to ensure that high churn levels don't manifest as displacement. Monitoring is also equally important as, it is accepted, we are working from a best practice model that contains many assumptions, exasperated, by the long-time frame for the project. Therefore, it is imperative that we have a flexible dynamic approach that can react to local conditions, project demand and regional/national strategy.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>As set out in the LIR [REP1-045] at para 25.14-25.15 SCC is concerned that the project will create high levels of labour market churn, where skilled labour prematurely leaves their current local employment to work on the project. When this happens in high levels negative displacement will occur causing a reduction in economic activity.</p> <p>Effective monitoring to understand demand will be crucial to ensure that the Education, Skills and Employment measures delivers high demand skilled people to the employment market at the right time to ensure that high churn levels do not manifest as displacement. Monitoring is equally important as it is accepted that we are working from a best practice model that contains many assumptions, exasperated, by the long-time frame for the project. Therefore, it is imperative that we have a flexible dynamic approach that can react to local conditions, project demand and changes in regional/national strategy</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co has provided a response to the Councils concerns regarding labour market churn within Chapters 23, 24 and 25 of the SZC Co. response within <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).

ExQ1	Question to:	Question:
		<p>SZC Co agree that monitoring of the effects of the Project, and the effectiveness of interventions, is critical in ensuring that the risks of adverse effects are avoided, and the opportunities presented by the Project are enhanced for local residents.</p> <p>In SZC Co's view, the Workforce Delivery Strategies will give a detailed understanding of the requirements for labour at each phase, and the Annual Workforce Delivery Implementation Plans will be flexible and led by the Regional Skills Coordination Function to ensure they pick up appropriate, bespoke monitoring for each phase of construction.</p> <p>SZC Co's position is that labour market churn as described here is a natural part of any economy, but recognises the Councils' concerns over vacancies becoming harder to fill. In SZC Co's view, displacement as defined by the Green Book is not likely. Measures like the Jobs Service will provide a wide and deep talent pool to avoid or reduce this risk, and will provide important monitoring information to be used by the Regional Skills Coordination Function to support future delivery of funding and activities in a flexible and dynamic way.</p>
SE.1.29	Relevant local authorities	<p><b>Labour Market</b></p> <p>(i) Following on from the previous question do you consider the assessment of effects on the local labour market has robustly assessed likely impacts? Are there any concerns that you would wish to identify in this respect?</p> <p>(ii) The effects on the labour market for the area would be different during operation from that experienced during construction. Are you content with the assessment in this regard and the potential mitigation offered?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>i) ESC is content that the assessment of effects on the labour market have been undertaken following all guidelines and best practice advice. However, given a project of this magnitude and time scale has many variables to consider with many being out of the direct influence of the Applicant and local authorities, ESC is concerned with the validity of any conclusions drawn from this assessment in the long term.</p> <p>Therefore, ESC is pursuing a flexible dynamic approach that places monitoring at its very centre. Through this approach ESC can maximise the positive impact of the project by pro-actively planning for legacy employment opportunities, whilst also using independent</p>

ExQ1	Question to:	Question:
		<p>monitoring to ensure we are reacting to negative trends and flexing mitigation measures to minimise any negative impact.</p> <p>Suffolk has natural geographic advantages that mean it will play a huge part in achieving the UK's ambition to reach Net Zero. The cumulative opportunity and negative impacts of the developments that will deliver Net Zero are not fully understood for the region and hence are another reason for adopting a flexible and dynamic approach.</p> <p>ii) As set out in the LIR [REP1-045] (section 23 and 25), ESC welcomes the opportunity for local people to achieve employment at the operational station in high value high skilled employment.</p> <p>The assessment as carried out by the Applicant states all the operational workers will be Home Based (HB). We consider this to be a misleading statement and a change to the definition of HB as used when considering the construction workforce.</p> <p>All operational employees must live within a certain distance of the station and therefore by definition will become HB. However, the definition of a HB worker is a person residing within the daily commute zone before the commencement of the project. ESC is seeking clarification on the definition of HB in both the context of construction and operational workforces and to work with the Applicant on maximising local employment in operational roles recognising the specialism and skill needed for these roles will need a long lead in time and therefore need to be timed appropriately.</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>i) SCC is content that the assessment of effects on the labour market has been undertaken in line with relevant guidelines and best practice advice. However, a project of this magnitude and time scale has many variables to consider, with many being out of the direct influence of the Applicant and local authorities, therefore any conclusions drawn from this assessment may not prove valid in the medium to long term.</p> <p>SCC hence considers a flexible dynamic approach to labour market measures as essential, which places monitoring at its centre. Through such an approach, the positive impacts of the project can be maximised by pro-actively planning for legacy employment opportunities, whilst negative trends can be responded to and mitigation measures can be flexed to minimise any negative impact, based on independent monitoring.</p> <p>Suffolk has natural geographic advantages that mean it is expected to host a significant number of projects that support the UK's ambition to reach Net Zero, with labour market opportunities and challenges as a result. The cumulative opportunities and negative</p>

ExQ1	Question to:	Question:
		<p>impacts of the range of Net Zero related developments are not yet fully understood for the region and hence another reason for adopting a flexible and dynamic approach.</p> <p>ii) As set out in the LIR [REP1-045] at sections 23 and 25, we welcome the opportunity for local people to achieve employment at the operational station in high value high skilled employment.</p> <p>The Applicant defines in its assessments all operational workers automatically as Home Based (HB). SCC challenges this statement as misleading and consider a change to the definition of HB to be used when considering the construction workforce.</p> <p>All operational employees must live within a certain distance of the station and therefore by definition will become HB. However, the definition of HB is a person resident within the daily commute zone before the commencement of the project. SCC is seeking clarification on the definition of HB in both the context of construction and operational workforces and to work with the applicant on maximising local employment in operational roles recognising the specialism and skill needed for these roles will need a long lead in time and therefore need to be appropriately timed. (See also answer to SE.1.29ii)</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>(i) SZC Co recognises that there is a level of uncertainty when predicting effects over time, and has therefore developed an approach to labour market enhancement that is flexible, responsive, and under regular review and strong governance. This will reflect both the changing nature of the Project (e.g. throughout different phases of construction) as well as changes in policy and legislation, and changes in the economic climate which is naturally cyclical.</p> <p>(ii) SZC Co also recognises the importance of promoting long-term, permanent operational jobs to local residents, and has committed via the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) to produce a Workforce Delivery Strategy for the Operational Phase. This will be produced alongside the production of the Mechanical, Electrical and Heating (MEH) Workforce Delivery Strategy, to ensure lead-in time for any activities.</p> <p>There are estimated to be c. 230 operational / pre-ops / commissioning workers at peak, who <i>"are expected to move from their home address to owner-occupied accommodation within 60 minutes travel time to the main development site, or to be drawn from the existing labour market"</i> - <b>Appendix 9C to Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-196</a>].</p>

ExQ1	Question to:	Question:
		<p>The operational / pre-ops / commissioning workers at peak could contribute to either the HB or NHB workforce – the assessment effectively considered them twice (as both HB and NHB).</p> <p>In <b>Volume 2, Chapter 9</b> of the <b>ES</b> [APP-196] and the <b>Economic Statement</b> [APP-610], when referring to skills/employment issues, SZC Co has used 2,410 as the estimated number of HB workers – this is the 1,810 construction and support roles (see comments on response to SE.1.0), plus the 600 AD operational staff at peak. Operational / pre-ops / commissioning workers are not included – not because the Project considers that they can't/won't be recruited locally – but to assess the potential 'worst case' for other socio-economic effects.</p> <p>The definition of HB and NHB workers set out is predominantly focused on the peripatetic construction workforce. Operational type roles will be different in that:</p> <ul style="list-style-type: none"> <li>○ They have to live within 25 miles of the site</li> <li>○ They are likely therefore to be permanent residents – whether pre-existing (HB) or permanent new residents (technically NHB, but who 'act' as HB workers).</li> </ul> <p>In terms of the post-construction phase operational workforce, <b>Volume 2, Chapter 9</b> of the <b>ES (Socio-economics)</b> [APP-195] sets out that by the end of the construction phase, there would be 900 roles at the construction site, each equivalent to a full-time equivalent job. Of these, SZC Co. anticipates:</p> <ul style="list-style-type: none"> <li>- 370 home based permanent roles would be expected to be taken by existing local residents (given the timescale, many of these would currently be in education; others may transfer from Sizewell B);</li> <li>- 330 non-home based permanent roles would be expected to be taken by people who have moved to the area – in many cases these people would have moved to the area as part of the pre-operations / commissioning stage starting seven years prior to the end of the construction phase; and</li> <li>- 200 contract workers working on the operational station at any one time (these are more likely to be from outside the local area, and many may be non-home based).</li> </ul> <p>Paragraph 9.7.254 [APP-195] notes that: "<i>The precise levels of local recruitment at any one point are likely to vary depending on a variety of factors including the operational</i></p>

ExQ1	Question to:	Question:
		<p><i>requirements at the time and SZC Co.'s overall workforce management strategy..... . There is likely to be some fluidity between the different station workforces".</i></p> <p>SZC Co. agrees that a dynamic approach to monitoring outcomes for skills, employment and education is important, and would be funded and delivered through the proposed measures in Schedule 7 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)), through the Workforce Development Strategies, Annual Workforce Development Implementation Plans, and the Regional Skills Co-ordination Function.</p>
SE.1.31	The Applicant, all relevant local authorities	<p><b>Labour Market</b></p> <p>(i) What is being undertaken to maximise the number of local people that could aspire to and achieve higher paid skilled employment on the project?</p> <p>(ii) How could this be secured through the DCO?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Context</u></p> <p>The <b>Economic Statement</b> [<a href="#">APP-610</a>] provides an estimate of the number of HB workers anticipated at peak by work type (<b>Table 3.2</b>), and provides some information on the detailed skill sets that these workers are anticipated to require. Further information underpinning these estimates is set out in <b>Volume 2, Chapter 9, Appendix 9A</b> (Technical Note 1 – Workforce Profile) of the <b>ES</b> [<a href="#">APP-196</a>].</p> <p>This highlights that, with the proposed skills interventions in place, at peak the following HB roles are anticipated:</p> <ul style="list-style-type: none"> <li>• 460 roles in civil construction, comprising roles at all occupational skill levels including supervisory, management and skilled trades;</li> <li>• 650 MEH roles, which require specific accredited training and are often high skilled in nature;</li> <li>• 150 professional and management roles; and</li> <li>• 1,100 roles in site services, project support and operation of the associated development – these are not limited to elementary or process-based occupational skill levels – they also include management, supervision, and higher skilled administrative positions.</li> </ul> <p>At the peak, there would also be around 200 roles in pre-operation/commissioning categories, some of which are likely to be HB.</p>

ExQ1	Question to:	Question:
		<p><u>Response to (i)</u></p> <p>Following submission of the DCO, SZC Co. and regional stakeholders including SCC, NALEP and ESC have been meeting regularly to develop the scope of employment, skills and education initiatives to support the delivery of the Sizewell C Project.</p> <p>Subject to on-going discussions and agreement of detail, the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C)) sets out the SZC Co.'s current position regarding:</p> <ul style="list-style-type: none"> <li>• the detail of dedicated skills and employment interventions proposed; and</li> <li>• the method for securing, implementing, governing, monitoring the effectiveness, and (if required) re-directing these interventions.</li> </ul> <p>Maximising the number of local people that could aspire to and achieve higher paid skilled employment is important to the core priorities set at <b>paragraph 1.2.1</b> of the <b>Employment, Skills and Education Strategy</b> [<a href="#">APP-611</a>] which include improving social mobility and leaving a legacy of sustainable careers. Specifically, the following measures are intended to target the parts of the labour market that are furthest from employment and raise aspirations, removing barriers to higher-skilled employment and enabling sustainable careers:</p> <ul style="list-style-type: none"> <li>• The Sizewell C Outreach Fund - intended to support the delivery of measures that increase the pool of "Work Ready" individuals within the region's talent pool and deliver social value by bridging the gap to the labour market and increasing the supply of people ready to access "Job Ready" programmes, with a focus on hard-to-reach groups and communities in deprived areas.</li> <li>• The Sizewell C Bursary Scheme - aimed at supporting the removal of barriers for employment pathways into the Sizewell C Project for local people and students that either have not reached the required entry level requirements for training/qualifications, or need some support to successfully complete their training/qualifications, particularly in areas of relative deprivation.</li> <li>• Young Sizewell C - please see response to <b>SE.1.23</b>.</li> </ul> <p>As set out in response to <b>SE.1.23</b> and <b>SE.1.18</b> in this <b>Part</b>, some of these measures have been enacted early in order to develop the 'lead-in' time for young people currently in education to meaningfully engage with forthcoming job opportunities in the civils construction phase, and this will continue through the MEH phase, in particular utilising the HPC Conveyor (see response to <b>SE.1.22</b>) to encourage young people to gain skills at</p>



ExQ1	Question to:	Question:
		<p>HPC during its MEH phase in order for them to later return to MEH phase employment at Sizewell C, at a more senior level.</p> <p><u>Response to (ii)</u></p> <p>The proposed measures would be secured through the <b>Draft Deed of Obligation</b> (latest draft Doc Ref. 8.17(C)).</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>i) The project will generate a significant demand for labour, in a range of employment sectors, skill levels, and in both construction and non-construction-related activities, alongside long-term operational jobs once the power station is built providing positive local and regional benefit through the creation of more jobs, opportunities for upskilling and increased competency within the local supply chain.</p> <p>To maximise these positive catalytic benefits, mitigate possible negative effects, such as vacancies becoming harder to fill and ensure that minimum local employment targets are reached. The proportion of conservatively estimated Home Based (HB) workers, as presented in the ES, must be used by the Applicant as a minimum floor that the project must achieve. This will ensure that all relevant mitigation (accommodation demand, community safety, public services etc.) secured against the worst-case impact of non-home based (NHB) workers is credible and held to account whilst also supporting the Applicant to further maximise the positive impact of HB recruitment.</p> <p>The Applicant has set out a range of measures within the Employment, Skills and Education (ESE) Strategy, the following measures are central to this strategy:</p> <ul style="list-style-type: none"> <li>• Sizewell C Employment Outreach Fund – funding to support the delivery of initiatives in areas of social deprivation and working with those furthest from the labour market to bridge the gap to becoming ‘work ready’ and increase the pool of available local labour.</li> <li>• Asset Skills Enhancement and Capability Fund – capital and revenue fund ensuring that local training provision is available that meets the joint needs of the region and the project, delivering skilled people at the right time.</li> <li>• Skills/Student Bursary – bursary scheme that aims to remove barriers ensuring education and skills development is accessible to all.</li> <li>• Sizewell C Jobs Service – funded service that will grow, build and maintain a talent pool of local employment, driving local employment within the project and also to support local employers.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Education Inspiration – enrichment and enhancement of current inspiration offer and its content. Upskilling and equipping inspiration leads throughout education, outreach and the Voluntary, Community and Social Enterprise sector.</li> <li>• Apprenticeship Strategy – a critical part of the Applicant’s workforce delivery strategy providing key entry and progression opportunities for all, ensuring all contractors maximise opportunities for local people and providers.</li> </ul> <p>Whilst the broad scope and implementation of all key measures of the ESE Strategy has been established, ESC remains unable to fully support until we have agreed details required around governance, monitoring and levels of commitment.</p> <p>We have a flexible and dynamic process that will allow us to react to any impacts picked up through monitoring, such as workforce churn, take account of the changing skills and employment landscape as well as the economic cycle we are in we propose that we work with the Applicant to deliver a Workforce Delivery Strategy (WDS) and Annual Workforce Delivery Implementation Plans (AIP).</p> <p>The WDS will be co-written by the Applicant and its contractors and will set out the overall strategic approach for developing the Sizewell C project workforce requirements combined with the identified regional priorities and legacy drivers for each main phase of the project. The AIP produced locally by the regional skills coordination function will draw on the relevant WDS, local LMI, project monitoring, and local strategy to ensure an agile approach that reacts to local conditions.</p> <p>We have always advocated that the Applicant should set clear, ambitious and SMART (Specific, Measurable, Attainable, Relevant/Realistic, Timely) employment targets (e.g., LIR [REP1-045 ] para 25.24) and ensure the project delivers a range of employment opportunities, at different levels, in different roles, promoting legacy for local people. The AIP will translate these objectives, the objectives of the WDS and monitoring feedback into implementation activity. It will be the conduit between strategic intent, monitoring, labour market information and the distribution of funds and measures outcomes.</p> <p>ii) It is anticipated that the majority of the measures set out above would be secured through S106.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>i) Sizewell C will generate a significant demand for labour, in a range of employment sectors, skill levels and in both construction and non-construction-related activities, alongside long-term operational jobs once the power station is built. This provides positive</p>

ExQ1	Question to:	Question:
		<p>local and regional benefit through the creation of more jobs, opportunities for upskilling and increased competency within the local supply chain.</p> <p>SCC aims to work with the Applicant to maximise these positive catalytic benefits, as well as to ensure that minimum local employment targets are reached. It also seeks the Applicant to mitigate possible negative effects, such as vacancies for local organisations and businesses becoming harder to fill.</p> <p>SCC considers the Applicant's conservative estimates of the proportion of home based (HB) workers, as set in the Applicant's Environmental Statement, shall be used by the Applicant as a minimum floor that the project must achieve. Such an approach would ensure that all relevant mitigation (accommodation demand, community safety, public services etc.) secured against the worst-case impact of non-home based (NHB) workers is credible and can be held to account. It would also support the Applicant to further maximise the positive impact of HB recruitment.</p> <p>The Applicant has set out a range of measures within the Employment, Skills and Education (ESE) Strategy. SCC considers the following measures to be central to this strategy (see para 25.25 of the LIR [REP1-045]):</p> <ul style="list-style-type: none"> <li>• Sizewell C Employment Outreach Fund – funding to support the delivery of initiatives in areas of social deprivation and working with those furthest from the labour market to bridge the gap to becoming 'work ready' and increase the pool of available local labour</li> <li>• Asset Skills Enhancement and Capability Fund – capital and revenue fund ensuring that local training provision is available that meets the joint needs of the region and the project, delivering skilled people at the right time</li> <li>• Skills/Student Bursary – bursary scheme that aims to remove barriers ensuring education and skills development is accessible to all</li> <li>• Sizewell C Jobs Service – funded service that will grow, build and maintain a talent pool of local employment, driving local employment within the project and also to support local employers</li> <li>• Education Inspiration – enrichment and enhancement of current inspiration offer and its content. Upskilling and equipping inspiration leads throughout education, outreach and the Voluntary, Community and Social Enterprise sector</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Apprenticeship Strategy – a critical part of the SZC Co. workforce delivery strategy providing key entry and progression opportunities for all, ensuring all contractors maximise opportunities for local people and providers</li> </ul> <p>Whilst the broad scope and mechanism of all key measures of the ESE Strategy has been agreed in principle between the local authorities and the Applicant, we remain unable to fully support the package until we have agreed details around governance, monitoring and levels of commitment.</p> <p>SCC proposes to work with the Applicant to deliver a Workforce Delivery Strategy (WDS) and Annual Workforce Delivery Implementation Plans (AIP), which would secure a flexible, dynamic process. This would allow the yearly produced AIP to react to any impacts picked up through monitoring, such as workforce churn, and take account of the changing skills and employment landscape as well as the economic cycle we are in.</p> <p>It is proposed that the WDS would be co-written by the Applicant and its contractors with input from local partners, and would set out the overall strategic approach for achieving the Sizewell C project workforce requirements, as well as the identified regional priorities and legacy drivers for each main phase of the project. The AIP would be produced locally by the regional skills coordination function. The AIP would take an agile approach that reacts to local conditions, drawing on the relevant WDS, local Labour Market Information, project monitoring and local strategy.</p> <p>SCC has always advocated (see e.g. LIR [REP1-045] para 25.24) that the Applicant should set clear, ambitious and SMART (Specific, Measurable, Attainable, Relevant/Realistic, Timely) employment targets, and ensure the project delivers a range of employment opportunities at different levels and in different roles, that promote legacy for local people. SCC considers that the AIP could translate these objectives, alongside the objectives of the WDS and monitoring feedback, into tangible implementation activity. The AIP should be the conduit between strategic intent, monitoring results and labour market information, and the distribution of funds and achievement of outcome measures.</p> <p>ii) It is anticipated that the majority of the measures set out above would be secured through S106.</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. welcomes SCC's recognition of the measures set out in the Deed of Obligation that will be central to delivering the identified home-based workforce, and will continue to

ExQ1	Question to:	Question:
		<p>engage on the detailed governance and monitoring arrangements to come to an agreement through the Deed of Obligation (latest draft Doc Ref. 8.17(D)).</p> <p>SZC Co. has set the estimate of home-based employment in order to fully and conservatively assess the subsequent effects related to the NHB element of the workforce. This does not mean that the estimated home-based peak would be a maximum, and indeed evidence from Hinkley Point C suggests that home-based recruitment is very likely to exceed this level. An element of the workforce will be organically home-based as a result of the skillset and wages for some roles, while some roles will be harder to recruit locally and require in some cases interventions to the skills pipeline and outreach activities. SZC Co. believes that the measures set out within the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) would achieve this level of home-based recruitment. However, setting a minimum target is not appropriate – on implementation and review of the measures - if local people do not want to work on the Project, the Project will need to recruit from elsewhere rather than stall construction activity which would have wider knock-on effects.</p> <p>See also SZC Co.'s response to <b>SE.1.33</b>.</p>
SE.1.33	The Applicant, all relevant local authorities	<p><b>Home Based Workers</b></p> <p>ESC suggest they are seeking 36% of workers to be homebased[para 1.157 RR-0342].</p> <p>(i) Please explain why this figure is being sought, and upon what evidence this is based.</p> <p>(ii) Should this figure be regarded as a minimum for the whole project, or particular phases?</p> <p>(iii) How should this be secured?</p> <p>(iv) In the event the figure were to be lower for either the whole project, or particular phases what would the implications be?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Response to (i)</u></p> <p>In early stages of consultation, SZC Co. assumed there would be a peak of 5,600 workers, of which 36% (2,000) would be HB. That was based on an assessment of the needs of the project, the local labour market, available skills, and the effect of Sizewell C's training interventions.</p> <p>However, as explained in <b>Sections 1.4. and 1.5 of Volume 2, Appendix 9A</b> (Technical Note 1 – Workforce Profile) [<a href="#">APP-196</a>] of the <b>ES</b>, the workforce profile has been</p>

ExQ1	Question to:	Question:
		<p>subsequently developed through consultation, including developing assumptions about the proportion of the workforce that would be HB. When the predicted peak workforce number increased to 7,900, based on lessons learnt from Hinkley Point C, the available local workforce did not change. This is because, whilst some jobs will almost automatically be taken by HB workers (e.g. because no subsistence or travel allowance is offered and/or because they are entry level so have no barriers to entry), many will not.</p> <p>Assumptions about the workforce profile, including the number each year and at the peak likely to be drawn from existing labour markets (i.e. home-based (HB)), are set out and evidenced within <b>Appendix 9A</b> <a href="#">[APP-196]</a>. The assumed level of HB recruitment is based on an assessment of available labour, plus the ability to enhance local recruitment through measures set out in the <b>Employment, Skills and Education Strategy</b> and <b>Supply Chain Strategy</b> <a href="#">[APP-611]</a>.</p> <p>Estimates of the total, HB and NHB employment for each year of construction, by phase/work package are set out in Table 1.9 of <b>Appendix 9A</b> <a href="#">[APP-196]</a> with supporting text to evidence the assumptions.</p> <p><b>Appendix 9A</b> <a href="#">[APP-196]</a> identifies that at the peak of the workforce profile, an estimated 2,410 (including construction roles at the main development site and operational roles at associated development sites) are expected to be home-based (HB) workers – equivalent to 28.4% of the workforce (if considered to be the 7,900 workforce profile peak plus 600 operational staff at AD sites).</p> <p>Depending on labour market conditions at the time, a higher number and proportion of HB workers may be achievable. As set out in response to <b>G.1.24</b>, at Hinkley Point C, the proportion of HB workers is currently 36%, and has been above 50% in early years. SZC Co, ESC and SCC are working to develop iterative and responsive governance for the implementation of employment, skills and training interventions (set out in draft in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C))). These interventions would take into account real data from contractors for each Workforce Delivery Strategy at each phase of the Project, and review data to understand the effectiveness of such interventions, in order to maximise local labour market benefits and local recruitment.</p> <p>Therefore, based on Hinkley Point C, this estimate of 2,410 HB workers at peak could be a conservative assessment case. However, SZC Co think that it is prudent to apply this conservative assessment case in order to ensure sufficient mitigation for the corresponding NHB element of the workforce.</p>

ExQ1	Question to:	Question:
		<p><u>Response to (ii)</u></p> <p>The proportion of home-based workforce is expected to vary over time during the Sizewell C Project, as it depends on the broad occupations within the workforce profile. For example, it is expected that site services roles would have a relatively high proportion of home-based labour, whilst professional and management roles would have a relatively low proportion. This expected variation is reflected in the assessment case. <b>Volume 2, Chapter 9, Figure 9.3</b> (Sizewell C Construction Workforce (Home-Based/Non-Home-Based Workforce Breakdown) of the <b>ES</b> [APP-197] shows how the HB and NHB workforce varies over the construction period, while <b>Appendix 9A, Table 1.9</b> (Predicted average breakdown of home-based and non-home-based workers by year of construction period by role (non-operational)) [APP-196] provides additional detail.</p> <p>Given this expected variation, it cannot be assumed that the same number or proportion of HB workers would be achieved for each phase of the Project. However, to ensure a conservative assessment case for the Project, the peak workforce profile has been identified and assessed.</p> <p><u>Response to (iii)</u></p> <p>The proportion of HB workers described above and in the <b>ES</b> [APP-196] is an assessment case and there is no need (nor would it be feasible) for it to be secured as a minimum standard. - If no additional HB workers want to work on the Sizewell C Project, the project could not be brought to a halt.</p> <p>The correct approach, which is what SZC Co., SCC and ESC have agreed, is for a robust package of measures to be put in place to try to maximise the HB workforce (as set out in the <b>Draft Deed of Obligation, Schedule 7</b> (Doc Ref. 8.17(C))), as well as mitigation to deal with the impacts of additional NHB workers, such as set out in the <b>Accommodation Strategy</b> [APP-613] for example.</p> <p><u>Response to (iv)</u></p> <p>An assessment case has been used based on the peak scale of effects related to the NHB workforce, which occurs at the overall peak. This assessment case assumes that 28.4% of the workforce would be HB and 71.6% would be NHB.</p> <p>This conservative assessment case for assumptions about HB and NHB workers has been used in <b>Volume 2, Chapter 9</b> (Socio-economics) of the <b>ES</b> [APP-195] to ensure mitigation for the NHB component is sufficiently robust throughout the construction phase</p>

ExQ1	Question to:	Question:
		<p>of the Sizewell Project. Some of the additional workforce (resulting from changing assumptions about the scale of workforce required as presented through Stage 2 and Stage 3 Consultation) may be HB, but the <b>ES</b> [APP-195] has taken a reasonable 'worst case' position with regards to effects on socio-economic factors related to the NHB element of the workforce in order to provide appropriate mitigation in this regard. SZC Co. does not consider it likely that the effects of the Project (overall or at any phase) will be more significant than those assessed.</p> <p>SZC Co. considers that the proposed mitigation for the effects of the NHB workforce – for example the Housing Fund, Public Services Resilience Fund, Emergency Services Contribution and others - is robust and flexible enough to address the Sizewell C Project's effects.</p>
	<p><b>Response by East Suffolk Council at Deadline 2</b></p>	<p>i) This percentage figure was arrived at from Stage 3 consultation where it was predicted by the Applicant 2,000 Home Based (HB) workers would make up the estimated peak workforce of 5,600. The Applicant arrived at this figure as described in Volume 2 Appendix 9A Technical Note 1 Workforce Profile of the DCO documentation [APP196]. These HB assumptions have not changed with the introduction of a higher peak workforce with the assumption that the extra workers will all be Non Home Based.</p> <p>ii) The predicted HB recruitment numbers should be viewed as a minimum level of HB recruitment with all measures in place to encourage maximisation of further HB employment thereafter. This will ensure that all relevant mitigation (accommodation demand, community safety, public services etc.) secured against the worst-case impact of non-home based (NHB) workers is credible and held to account whilst also supporting the Applicant to further maximise the positive impact of HB recruitment.</p> <p>Although there is a higher propensity for HB jobs to be those that are lower skilled, ESC expects the Applicant to positively mitigate against this and that all the measures proposed ensure that we achieve higher HB recruitment in identified legacy roles and skill sets that will benefit the region long after the project has completed.</p> <p>iii) It is difficult to secure this as it is an aspirational figure and difficult to require a contractor to meet. However, by securing other measures with the Applicant aimed at boosting the skills base in the locality and promoting improvements through the Workforce Delivery Strategy this would help work towards securing a minimum 36%</p>



ExQ1	Question to:	Question:
		<p>home-based workforce. The LIR [REP1-045] at 25.22 asks for a commitment from the Applicant and all supply chain businesses to the recruitment of local workers.</p> <p>iv) If the Applicant is unable to reach the predicted levels of HB recruitment, then the worst-case scenario as presented and mitigation agreed against will not be true and any negative impact of NHB workers will be further exasperated as well as the project not being the catalyst for positive employment, skills and education growth as predicted.</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>i) This percentage figure is based on predictions by the Applicant made in its Stage 3 consultation, that of the predicted workforce of 5,600, 2,000 workers would be "Home Based" (HB). The Applicant's Technical Note - Workforce Profile (Appendix 9A of [APP-196]) describes how the Applicant arrived at this figure. The Applicant's assumption of the number of HB workers has not changed with the introduction of a higher peak workforce, as the Applicant assumes that the additional workers will all be Non-Home Based (NHB). SCC seeks to maximise the number of HB workers, as this would increase local employment benefits, and reduce workforce impacts e.g. on transport, accommodation and public services. SCC supports that a 2,000 HB worker prediction is reasonable to consider a "worst case" for the adverse impacts, but considers that, with the now higher peak workforce estimates, the Applicant should have an aspiration to significantly increase this number.</p> <p>ii) SCC considers that the predicted HB recruitment numbers should be viewed as a minimum level of HB recruitment, and that measures should be in place to encourage maximisation of further HB employment over and above this figure. Taking such an approach will ensure that all relevant mitigation (accommodation demand, community safety, public services etc.) is secured against the set number of NHB workers, as a worst-case impact. It will also support the Applicant to further maximise the positive impact of HB recruitment.</p> <p>SCC notes that there naturally is a higher propensity for HB jobs to be those that are lower skilled. However, SCC expects the Applicant to promote higher skilled HB recruitment opportunities, particularly in identified legacy roles and roles with skill sets that will benefit the region long after Sizewell C has been constructed.</p> <p>iii) The Applicant should be held by their own prediction of 2,000 of the workforce being HB which SCC considers has to be the minimum number. The monitoring framework, secured by S106, should include provisions to monitor the number and proportion of HB</p>

ExQ1	Question to:	Question:
		<p>workers within the whole workforce on a regular basis, so that the Annual Implementation Plan can respond dynamically. Lessons from Hinkley Point C (see "Study on the impacts of the early-stage construction of the Hinkley Point C Nuclear Power Station", section 3.2.3 LIR Appendix 2:1 [REP1-089]) show us that the Applicant's monitoring of the workforce needs to be comprehensive, transparent and overcomes any data sharing issues.</p> <p>If monitoring evidences that the predicted numbers/proportions of HB workers are not being reached, S106 provisions should require the Applicant, working with SCC and ESC, to implement further corrective measures. If these corrective measures do not have sufficient effect, we would require the Applicant, in dialogue with SCC and ESC, to revisit all mitigation measures linked to an increase of a NHB workforce.</p> <p>iv) If the applicant is unable to reach the predicted levels of HB recruitment, then the worst case scenario impacts as assessed in the Environmental Statement will not hold true. Any negative impact of an increased number of NHB workers will be further exacerbated beyond the ES assessment, and agreed mitigation measures may become insufficient. Also, the project would be less of a catalyst for positive employment, skills and education growth than predicted.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Please see above (<b>SE.1.31</b>) and SZC Co.'s response to <b>SE.1.33</b>.</p> <p>The assessment case for non-home based/home-based workers represents a conservative position. As set out in SZC Co.'s response to <b>CI.1.4</b> [REP2-100], when the decision was made to increase the estimated peak of the workforce profile from 5,600 to 7,900, in order to be conservative, the assessment case that was taken forward assumed that all of the additional workforce could be non-home based. SZC Co. will seek to maximise the level of home-based workforce, but it is considered that this assessment case approach was needed in order to test and develop a robust and conservative Housing Fund. Experience reported at Hinkley Point C<sup>3</sup> shows that the home-based workforce has in fact exceeded the proportions estimated at Sizewell C (36% home-based with a total workforce of 4,769 in the winter 2020 workforce survey and the home-based workforce has exceeded 50% for much of the construction phase to-date).</p>

<sup>3</sup> <https://www.sedgemoor.gov.uk/SEAG>

ExQ1	Question to:	Question:
		As such, it is considered very unlikely that the non-home based workforce would exceed the identified peak or exceed the annual average levels identified in <b>Volume 2, Chapter 9, Appendix 9A</b> of the <b>ES</b> [ <a href="#">APP-196</a> ].
SE.1.34	The Applicant, all relevant local authorities	<b>Operational Roles</b> Has a strategy been prepared to support local people becoming permanent members of staff during the operational phase of the development?
	<b>Response by SZC Co. for Deadline 2</b>	SZC Co. has committed to the production or commissioning of a Workforce Delivery Strategy for the operational phase, as set out in the <b>Draft Deed of Obligation</b> , Schedule 7, paragraph 2.1.2 (Doc Ref. 8.17(C)). This Strategy would set out the strategic approach for developing the operational workforce requirements for the Sizewell C Project, while shaping a legacy for the region (see Schedule 7, section 1.1 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(C))).
	<b>Response by East Suffolk Council at Deadline 2</b>	The Applicant has not presented a strategy for maximising local employment during operation of the station. The Draft Section 106 Agreement Para 2.1.2 [REP1-007] does set out that the Applicant will produce a Workforce Delivery Strategy for the Operational Phase which is welcomed. However, there is no provision for funding in any of the suggested measures (paragraphs 2.4.3 and 2.5.3 for example) and rather confusingly refers to three different Workforce Delivery Strategies than those explained in paragraph 2.1.2.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is not aware that the Applicant has prepared a strategy for maximising local employment during operation of the station. The Draft Section 106 Agreement Para 2.1.2 [AS-040] does set out that the Applicant will produce a Workforce Delivery Strategy for the Operational Phase. This would be supported by SCC. However, there is no provision for funding in any of the related suggested measures (para 2.4.3 & 2.5.3 [AS-040]). it is also not clear how the three different Workforce Delivery Strategies referred to in these measures relate to the strategies explained in para 2.1.2 [AS-040].
	<b>Response by SZC Co. for Deadline 3</b>	To clarify, the references in SCC's response should refer to the <b>Draft Deed of Obligation</b> submitted by SZC Co in response to <b>Procedural Deadline B</b> [ <a href="#">PDB-004</a> ] rather than the <b>Draft Section 106 Agreement</b> submitted in December 2020 [ <a href="#">AS-040</a> ]. See SZC Co's response above to SCC's response on <b>SE.1.29</b> (ii).

ExQ1	Question to:	Question:
		<p>There is no funding attached from the Project to the Operational Workforce Delivery Strategy, but the strategy itself will set out the same level of detail with regard to skills prospectus, opportunities and roles, apprenticeships and entry pathways as the construction phase Workforce Delivery Strategies. Importantly, Young Sizewell C would be in place for pre-operation roles, which have significant potential to transition into operational roles.</p> <p>It is not considered necessary for the Project to provide funding for the delivery of the operational workforce beyond this. At that stage in the Project, there would be new funding streams available to the operator, training providers and the region to enable support for the promotion of higher skilled roles, that are set apart from the Project's construction-based funds. During this time, Sizewell C will be investing in primary and secondary education in the region to promote aspirations and careers in STEMC sectors relevant to the operational phase. It is also noted that the region has a solid foundation to support nuclear sector employment - West Suffolk College is one of only five Approved Providers for the National College for Nuclear (NCN), effectively providing a 'hub' for the provision of nuclear skills and training in the East of England.</p> <p>Paragraphs 2.4.3 and 2.5.3 of Schedule 7 of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)).refer to the proportion of funding from the Outreach Fund and ASEC Fund that will be released for each Workforce Delivery Strategy phase.</p>
SE.1.39	The Applicant, SCC, ESC, New Anglia LEP	<p><b>Cumulative Effects</b></p> <p>(i) Please explain how any effect on the labour market might be managed when considered in conjunction with other potential major construction projects. In providing a response please set out the list of projects that are being considered and whether this list has been agreed with the relevant local authorities. Suffolk CC [RR-1174] at paragraph 156 provides a list, but it not clear whether this is agreed.</p> <p>Please support the response with the most up to date position of the prospective delivery times of these projects where known.</p> <p>(ii) Please consider the different demands on the different phases of the project and how this might affect the labour market and supply chain.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p><b>Appendix 23B</b> - Response Paper – Cumulative Effects (Skills and Labour Market) - sets out, in response to questions <b>Cu.1.24, Cu.1.17, Cu.1.16, SE.1.15</b> and this question <b>SE.1.39</b>:</p> <ul style="list-style-type: none"> <li>• That the assessment of cumulative effects on the regional labour market are considered within <b>Volume 10, Chapter 4</b> (Assessment of Cumulative Effects with Other Plans, Projects and Programmes), <b>section 4.3</b> (Socio-economics) [<a href="#">APP-578</a>], and that this is based on a list of projects determined the value of the Technical Skills Legacy Study<sup>4</sup> and contributed proactively to it by providing data on skill requirements for the Sizewell C Project, but notes that its scope is necessarily different from the scope through the application of EIA regulations, which has been agreed with SCC and ESC;</li> <li>• That SZC Co. recognises of an EIA-led cumulative impact assessment in terms of selection of plans, projects and programmes.</li> <li>• Further detailed assessment of cumulative schemes to provide an assessment (where possible) of: <ul style="list-style-type: none"> <li>○ Updated timescales for the delivery of EA3 in particular and any other infrastructure projects where assumptions may have materially changed since submission of the DCO for the Sizewell C Project;</li> <li>○ Illustrative consideration of schemes that were not included within the original assessment as a result of their location, but where overlapping labour market demand is feasible; and</li> <li>○ Consideration of different skillsets needed over time from the regional labour market for cumulative schemes.</li> </ul> </li> <li>• How mitigation has been developed (and will be secured within the <b>Draft Deed of Obligation</b> (latest draft Doc Ref 8.17(C)) to contribute towards the wider effects of labour / skills demand on the regional workforce from other infrastructure construction projects, acknowledging that other NSIPs also have their own mitigation packages for employment, skills and education.</li> </ul>

<sup>4</sup> Suffolk Growth Partnership (2021) Technical Skills Legacy for Norfolk & Suffolk. Available at: <https://www.suffolkgrowth.co.uk/technical-skills-legacy>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• <b>Volume 10, Chapter 4</b> (Assessment of Cumulative Effects with Other Plans, Projects and Programmes), <b>paragraph 4.3.41</b> [<a href="#">APP-578</a>] sets out:  <i>"SZC Co.'s proposed mitigation / enhancement of benefits in terms of supply chain, employment, skills and education are inherently cumulative, as they work within the framework of development, plans and growth sector strategies (e.g. construction and energy) set by regional bodies such as Suffolk County Council and NALEP for the region".</i>  <b>Appendix 23B</b> - Response Paper – Cumulative Effects (Skills and Labour Market) - concludes that the proposed scope of the original assessment is appropriate, and that the provision of additionally granular information related to skills provides no change in significance compared to the original assessment.</li> </ul>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>Paragraph 25.15 of the LIR [REP1-045] sets out ESC's concern about the unprecedented level of development in the area and its potential impacts and demand on the labour force. It is of real importance that the skills strategies of all the local energy projects – Sizewell C, offshore wind farm projects including East Anglia One North and East Anglia Two, Vattenfall and others – are not developed in isolation but are considered against the wider demand for similarly skilled workers in the region. This includes a consideration of the labour demands of other significant infrastructure projects, such as the third crossing in Lowestoft, and their common competency requirements. This will ensure that we develop skillsets in our local workforce that have longterm applications across our economy.</p> <p>The Technical Skills Legacy for Norfolk &amp; Suffolk report by Pye Tait Consulting (<a href="#">Technical Skills Legacy   Suffolk Growth</a>), commissioned by Suffolk Growth Programme Board and Norfolk County Council identifies the key skillsets that will have an enduring legacy regionally and ensure the county maximises local employment opportunities associated with the significant investment forecast in major infrastructure projects.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>A Gantt chart of proposed Energy NSIPs in Suffolk is provided in [SCC Appendix 1 to ExQ SE.1.39]. In addition, SCC considers that, in order to understand the potential impacts and demands on the civils workforce, the Applicant, supported by SCC, need to consider other infrastructure projects in Suffolk and the region and develop and a comprehensive list of these and their timings. (see also LIR [REP1-045]).</p>

ExQ1	Question to:	Question:
		<p>SCC attaches real importance for the skills strategies of all of the local energy projects – in particular Sizewell C, SPR/East Anglia One North and East Anglia Two, Vattenfall, but also others –not to be developed in isolation but considered against the wider demand for similarly skilled workers in the region. The skills strategies also need to take into account the labour demands of other significant infrastructure projects, such as Gull Wing (the third crossing in Lowestoft), and their common competency requirements. This will ensure that Suffolk develop skillsets in our local workforce that have long-term applications across our economy.</p> <p>The report “Technical Skills Legacy for Norfolk &amp; Suffolk” by Pye Tait Consulting [see SCC Appendix 2 to ExQ SE.1.39], commissioned by Suffolk Growth Programme Board and Norfolk County Council identifies the key skillsets that will have an enduring legacy regionally and ensure the county maximises local employment opportunities associated with the significant investment forecast in major infrastructure projects.</p>
	<p><b>Response by New Anglia LEP at Deadline 2</b></p>	<p>This is critically important as any skills strategies need to be considered through a wider lens particularly with respect to expected demands on similarly skilled workers in the region for other local energy projects and other significant infrastructure projects. These include new river crossing developments in Lowestoft and Great Yarmouth as well as some of the planned offshore wind farm developments lead by SPR, Vattenfall and others. This approach should carefully manage skills shortages to ensure that this project and other infrastructure projects deliver positive benefits for the region and the local workforce develop skillsets that have long-term applications in the local economy.</p> <p>The Pye Tait Consulting report ‘Technical Skills Legacy for Norfolk and Suffolk’ identifies the key skillsets that will have an enduring legacy regionally and ensure that Suffolk maximises local employment opportunities associated with the significant investment forecast in major infrastructure projects.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>See above response to and comments on responses to <b>SE.1.0</b>.</p> <p>SZC Co. notes that in addition to the projects previously identified by the Councils and addressed by SZC Co. through <b>Appendix 23B</b> to <b>Response to ExQ1</b> [<a href="#">REP2-112</a>], the following have been added:</p> <ul style="list-style-type: none"> <li>• DRAX, Progress Power (Onshore gas powered generation – construction 2021-2022)</li> <li>• TIGRE Project 1 (Offshore gas powered generation)</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Sunnica Energy Farm (Solar Farm)</li> <li>• NGETBTNO Bramford to Twinstead (Grid Link)</li> <li>• NGET ATNC Bramford to London (Grid Link)</li> <li>• NGET ATNC Norwich to Bramford (Grid Link)</li> </ul> <p>SZC Co. did not consider these projects within the EIA Cumulative Assessment for socio-economics, due to the timescale and planning status and location of each (for example, DRAX Progress Power will be complete by the start of Sizewell C construction; TIGRE Project 1 is anticipated to be dormant; Sunnica Energy Farm is beyond the Project's Zone of Influence; and other listed projects are yet to provide planning applications or public materials with enough information to consider cumulative labour market effects).</p> <p>SZC Co. further notes that:</p> <ul style="list-style-type: none"> <li>• NGETBTNO Bramford to Twinstead (Grid Link) is anticipated to employ only 300 people in its peak year (2025) and 150 each year thereafter. The Scoping Report for the project expects only 10% to travel from home, with the remaining workforce NHB. This is therefore not considered to be significant in terms of demand for civils construction skills. Refer to Para 15.6.3 to 15.6.5 of May 2021 Scoping Report<sup>5</sup>.</li> <li>• While information is not available for the other NGET projects, it might be reasonably assumed that the same workforce characteristics would apply.</li> </ul> <p>Nonetheless, SZC Co. recognises the challenges facing the region in terms of skills development, and has contributed to and will continue to work with regional partners to progress the Technical Skills Legacy for Norfolk and Suffolk. SZC Co.'s proposed investment in skills, training, education and supply chain reflects that the Project is a major part of the wider energy and engineering construction activity in the region, and aims to provide not just for the needs of the Project, but within the wider remit of skills planning. SZC Co. notes that the other projects will or have already undertaken to deliver skills interventions, and has committed funding for a Regional Skills Coordination Function, as well as a flexible, responsive and reactionary governance process to enable wider inter-related needs to be addressed.</p>

<sup>5</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020002/EN020002-000333-EN020002%20-%20Scoping%20Report%20-%20Volume%201%20Main%20Report.pdf>



ExQ1	Question to:	Question:
SE.1.42	The Applicant, ESC, SCC	<p><b>Freight Management Strategy</b></p> <p>A number of RRs including [RR-0040] expressed concern that the original application would cause economic harm by severing communities and reducing the quality of the environment which is an important contributory factor to the tourism sector. Would an increase in rail and seaborne freight provide an economic benefit by reducing such severance?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. recognises through engagement with the Tourism Working Group and from the results of the Ipsos MORI Suffolk Coast Visitors Survey (<b>Volume 2, Appendix 9F</b> of the <b>ES</b> [<a href="#">APP-196</a>]) that traffic congestion is a key sensitivity to existing and potential visitors. The result of an increase in rail and seaborne freight is a decrease in the proportion of materials being transported by road (HGV) and therefore traffic flows and any severance effects would decrease in absolute terms. Therefore, while an increase in rail or seaborne freight would not change the socio-economic assessment as set out in <b>Volume 2, Chapter 9</b> of the <b>ES</b> [<a href="#">APP-195</a>], this would result in one of the key sensitivities of potential visitors to tourism being ameliorated to an extent.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>An increase in rail and sea freight would be of benefit to local communities and the economy, by reducing congestion on the roads, especially at peak times for tourism and the agriculture-based businesses in the locality. However, the benefit is difficult to quantify until construction begins, as throughout a project of this size and scale, unexpected and unplanned loads may need to travel by road that are not suitable for rail or sea – and this will have a negative effect on communities and tourism. Until plans are clearer as to exactly what will travel by rail and sea, it will remain impossible to say whether there will be any economic benefit or whether tourism will be less affected. Even small changes and congestion will affect perceptions of tourism, as messages about it are uncontrolled and people will decide not to visit based on their own experiences of congestion.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The LIR (para 24.12) [REP1-045] refers to economic congestion as a negative impact of the construction period, arising from the increase in road traffic in particular of HGVs, buses, AILs and abnormal loads. It states that the transport modelling indicates notable disruption for businesses operating time-dependent activity across the A12. This is further indicated by an assessment of the economic impacts of congestion commissioned by SCC, which is provided in SCC Appendix to ExQ SE.1.42.</p>

ExQ1	Question to:	Question:
		<p>The LIR also refers to increased journey times, increased congestion and reduced reliability on the routes affected by construction traffic (principally any journey that involved part of the A12 north of Seven Hills interchange) that may cause a perception amongst businesses and investors that the area is an inconvenient location for travel and businesses, and may result in considerations to relocate away from the district or development area as they are incurring significant costs from delays.</p> <p>SCC considers that an increase in road congestion may also have an impact on visitor perception which may impact the tourism sector. Even small changes and congestion will affect perceptions of tourism, as messages about it through social media are uncontrolled and people will decide not to visit based on their own experiences of congestion. The LIR also refers to the severance impact of increased road traffic on a number of communities, particularly along the A12, but also on other rural roads.</p> <p>SCC considers that an increase in rail and seaborne freight would reduce the impact of congestion on the highway network. If this increase was significant enough, SCC considers that the economic cost of congestion, as well as the severance impact on local communities, could be reduced. In accordance with mitigation hierarchies, SCC considers that the impacts from road traffic should first be avoided and reduced; therefore an increase in rail and seaborne freight should be a priority.</p> <p>However, SCC considers that there would be residual economic impacts of congestion on the local economy. The high level assessment of the economic impacts of congestion as a result of construction traffic commissioned by SCC (see SCC Appendix to ExQ SE.1.42) indicates that for the A12 corridor between Seven Hills and A1152 Woods Lane there would be a significant negative cost to the economy as a result of congestion along this corridor during construction, and gives a range of the economic impacts based on the high level assessment method. As well as the calculated impacts, it is noteworthy that these calculations do not include any assessment as a result of disruption caused by traffic management as a result of highway works nor as a result of abnormal loads.</p> <p>The LIR ([REP1-045] para 24.26) suggests that consideration should be given to a fund to mitigate/compensate for economic cost of congestion. This would be in addition to measures to mitigate tourism impacts through the proposed Tourism Fund.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Council's response states that SCC Appendix to <b>ExQ SE.1.42</b> (Economic Assessment) indicates that <i>'for the A12 corridor between Seven Hills and A1152 Woods Lane there</i></p>

ExQ1	Question to:	Question:
		<p>would be a significant negative cost to the economy as a result of congestion along this corridor during construction' and that 'consideration should be given to a fund to mitigate/compensate for economic cost of congestion' (in addition to the measures to mitigate tourism impacts through the proposed Tourism Fund).</p> <p>The Economic Assessment referred to is a user benefit assessment; this assesses the value of time lost or gained as a result of interventions (such as increase in demand on the road network or changes to infrastructure). The report does not conclude a '<i>significant negative cost to the economy</i>'. The assessment is not of local economic cost – it could, for example, include a journey through the area that does not stop. The Economic Assessment does not calculate the effect on the specific locations, businesses or sectors.</p> <p>The Economic Assessment itself does not conclude that mitigation is needed in the form of a fund. It concludes the '<i>there should be some consideration into what mitigation measures could be adopted to reduce the potential delay along the A12</i>'. This seems to suggest a transport mitigation – not a financial one – and SZC Co. is satisfied that the suite of transport mitigation to be secured within the DCO and Deed of Obligation, with associated management plans, is proportionate and reasonable to reduce the significance of any effect. It is not clear in respect of whom or how the fund proposed would mitigate against the cost of delay.</p> <p>There are a number of issues with the transport user assessment which means the effect of the Sizewell C traffic is overestimated:</p> <ul style="list-style-type: none"> <li>• The report itself states that the models '<i>do not display a suitable level of convergence for economic assessment</i>' (Section 3.3). It is therefore unsuitable to use the models to estimate the economic effect (in this case the transport user (dis)benefits).</li> <li>• There are a number of assumptions and limitations set out in the report that mean that the disbenefit of the Sizewell C traffic is likely to be overestimated.</li> <li>• In particular, the two park and ride sites are excluded from the modelling of the proposed infrastructure; this reduces the benefit associated with the proposed infrastructure. This is particularly true in the early years since the park and ride sites will come forward in 2024 (and therefore the assessment overestimates the implied net effect of the Sizewell C traffic).</li> <li>• Further, it has been assumed that there will be 1,000 two-way HGVs per construction day between 2028 and 2034. However, the preferred freight strategy is forecast to</li> </ul>

ExQ1	Question to:	Question:
		<p>generate 500 two-way HGVs on a typical day during the peak construction phase and up to 700 two-way HGVs on the busiest day. <b>Plate 4.2</b> of the <b>Freight Management Strategy</b> [AS-280] provided a HGV profile over the construction phase based on the preferred freight strategy (i.e. 4 trains per day and temporary BLF). An updated HGV profile of the construction phase was provided in response to ExQ1 question <b>TT.1.16</b> [REP2-100] and shows that the level of HGVs per day is far less than the 1000 two-way HGVs assessed in the Economic Assessment.</p> <p>In conclusion, the effect of Sizewell C on the local transport network is overestimated in the Economic Assessment, and in any case, the Economic Assessment is not an appropriate basis for any fund.</p>
SE.1.43	The Applicant, Network Rail	<p><b>Rail Passenger Services</b></p> <p>(i) A number of RRs [Greater Anglia, Kelsale cum Carlton Parish Council, Framlingham Town Council, Sudbourne Parish Council in response to proposed changes AS-307] express concern about the potential loss of passenger rail services in the event the freight paths are created as suggested, please explain what effect the proposed freight strategy would have on passenger rail services.</p> <p>(ii) Has the alternative of dualling the Lowestoft to Ipswich line which could give significant legacy benefits including providing the opportunity to significantly increase passenger train services been considered as an option?</p> <p>(iii) Was any other form of expanding the network considered?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Response to (i)</u></p> <p>SZC Co.'s rail freight proposals for four freight trains per day would not have a detrimental impact on passenger train services on the East Suffolk line as seven of the train movements would operate overnight, after the last passenger train of the evening and before the first passenger train the following morning. The eighth train movement would take place in the existing daytime nuclear flask path, without disruption to the existing passenger train service.</p> <p><u>Response to (ii)</u></p> <p>Feasibility work undertaken by Network Rail established that in order to run freight trains during the day additional rail capacity was required due to the extended length of single track rail. The length of single track could be split with a passing loop which would</p>

ExQ1	Question to:	Question:
		<p>increase the capacity on the line. Such a proposal was consulted on through to the Stage 4 consultation for the rail-led freight strategy. In addition to a passing loop, it would also be required to operate freight trains at 40mph along the line rather than the current maximum speed of 20mph. in order to avoid disrupting the passenger service. The combination of adding the additional freight services to the line, and required speed increases, would result in increasing the risk to level crossings on the East Suffolk line. In order to mitigate the increased risk, 45 level crossings on the East Suffolk line between Ipswich and Saxmundham would require interventions. At the Stage 3 consultation it was proposed to close 12 footpath crossings and upgrade a further 33 level crossings to mitigate the increase in risk. As a result of further work undertaken by Network Rail it was decided that this option was not deliverable within the timescales required for the Sizewell C Project.</p> <p>Following this decision, the focus was to maximise the utilisation of the East Suffolk line overnight, outside of the passenger service where trains could operate within the current speed restrictions along the line.</p> <p>Sizewell C freight trains would only operate on the southern portion of the East Suffolk line between Ipswich and Saxmundham. For a freight train to operate from the Lowestoft each service would require a two locomotives, at the front and rear of the train, and two train drivers to access the Branch line from that direction.</p> <p><u>Response to (iii)</u></p> <p>Only those interventions which would be required to deliver Sizewell Co.'s freight strategy have been considered.</p>
	<p><b>Response by Network Rail for Deadline 2</b></p>	<p>i.</p> <p>As SZC have commented seven of the eight services would operate overnight. The day time 'flask path' requires close monitoring as the scheme matures as the new freight movement would be slower resulting in a risk to operations. The night time paths support the approach to not impact on passenger services, however, the interaction of these trains with all the other traffic in the Ipswich area needs to be further managed as the concept matures as any late running could have a knock on affect to the morning passenger train services. It has been suggested that EDF looks at introducing an intermediate block signal on the single line between Saxmundham and Woodbridge. This would mitigate any late running. The proposed day time 'flask path' requires close monitoring as the scheme</p>

ExQ1	Question to:	Question:
		<p>matures as the new freight movement would be slower resulting in a risk to operations. Network Rail will be continuing to work with SZC on how best to mitigate impacts. Network Rail have previously advised that there is additional benefits (more robust overnight operation) if additional block signals on the Single line were added.</p> <p>ii Network Rail agrees with the Applicant's response shown opposite [above]. Dualling the Lowestoft to Ipswich line was not considered a feasible option</p> <p>iii No</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
SE.1.45	The Applicant, Network Rail	<p><b>Rail Freight</b></p> <p>(i) In light of the comments from Associated British Ports (ABP) in response to the consultation on the proposed changes [AS-307] would rail paths be available from either Lowestoft or Ipswich ports?</p> <p>(ii) Have these alternatives been considered?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>It is possible to operate trains from ABP Ipswich although the existing rail head may need to be enhanced. Trains would be able to utilise the rail capacity available overnight on the East Suffolk line.</p> <p>Rail feasibility work undertaken by Network Rail concluded that the following interventions were required to operate trains from Lowestoft during the day:</p> <ul style="list-style-type: none"> <li>• A passing loop situated between Oulton Broad South and Beccles.</li> <li>• An increase in freight line speed between Saxmundham and Oulton Broad South from 20mph to 55 mph.</li> <li>• The alteration of all automatic level crossings between Halesworth and Oulton Broad South to allow a freight train to approach at 55mph.</li> <li>• Two locomotives are required, front and rear, providing power between Lowestoft and Halesworth in the 'Up direction service'.</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>Two drivers present in every freight train arriving at Saxmundham to enable turn back into the Sizewell branch line.</li> </ul> <p>As a result of these constraints the decision was made to focus on routing trains from the Ipswich direction only.</p>
	<b>Response by Network Rail for Deadline 2</b>	The "Northern Route" (Lowestoft to Leiston) was reviewed in the 2017 study. Discussions are ongoing in relation to the wider freight strategy, as referred to in the SoCG between the Applicant and Network Rail.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
<b>Chapter 24 TT.1 Traffic and Transport</b>		
TT.1.3	The Applicant, Network Rail	<b>Provision of Additional Rail Capacity</b> <p>Explain whether the current additional rail proposals are based on ongoing development of the Network Rail Governance for Railway Investment Projects (GRIP) 2 report prepared when a Rail Led strategy was being considered at Stage 3 Consultation and if so:</p> <p>(i) Explain what GRIP stage proposals are currently at; and</p> <p>(ii) Set out the delivery timescale for the necessary improvement works.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The current additional rail proposals are based on ongoing development of the Network Rail (NWR) GRIP 2 report. The GRIP 2 report considered two scenarios:</p> <ul style="list-style-type: none"> <li>Operating 2 trains per day (tpd) overnight, outside of the passenger service, within the existing track capability and regulations;</li> <li>Operating 5 tpd during the day, taking into account the passenger service timetable and considering what additional infrastructure or operating requirements would be necessary.</li> </ul> <p>These led to two freight management strategy options being consulted on at the Stage 3 pre-application consultation:</p> <ul style="list-style-type: none"> <li>Road-led strategy – based on 2 tpd operating overnight on the East Suffolk line. This included proposals on the Saxmundham to Leiston branch line but not on the East Suffolk line;</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Rail-led strategy – based on 5 tpd operating during the day. This included proposals for a passing loop on the East Suffolk line and the required interventions at level crossings to reduce safety risks as well as proposals on the Saxmundham to Leiston branch line.</li> </ul> <p>The rail-led option was not taken forward once it became clear that the scale and complexity of the upgrades required on the East Suffolk line would have posed a significant risk to the required timescale for completing the development works.</p> <p>Further assessment of existing rail capacity identified the potential to achieve a third train per day without the need for upgrade works on the East Suffolk line; so this additional path was incorporated into an integrated freight strategy proposed at Stage 4 pre-application consultation.</p> <p>Further consultation and development of the Sizewell C Project logistics strategy identified that the infrastructure included within the DCO could enable the operation of up to four freight trains per day in each direction.</p> <p>The current rail proposals are as described in <b>Part 1 of the Proposed Changes to the Application</b>, dated January 2021, section 2.2, “<i>Change 1: Potential to increase the frequency of freight train movements to facilitate bulk material imports by rail</i>” [<a href="#">AS-281</a>]. This document describes the potential to increase the number of rail deliveries to the main development site during the peak construction phase, thus reducing the number of Heavy Goods Vehicles (HGV) movements on local roads.</p> <p>It is proposed to initially operate up to 2 trains in each direction to and from the Land east of Eastlands Industrial Estate (LEEIE) per 24-hour period (i.e. 4 train movements). Once the Green Rail Route is operational, the number of train movements are proposed to increase to up to 7 overnight movements and 1 daytime movement to and from the temporary construction area, with the potential to also run trains on a sixth night, assumed to be Sunday nights into Monday mornings.</p> <p>The proposals are currently being developed to GRIP 3 stage, in line with SZC Co.’s response to question <b>G.1.51 in Chapter 2, Part 1</b>. SZC Co.’s response to question <b>G.1.51</b> also provides a timeline for the delivery of the necessary rail infrastructure.</p>
	<b>Response by Network Rail for Deadline 2</b>	i) SZC have entered into a BAPA agreement for the Sizewell Branch Line and Saxmundham Junction workstreams which was agreed in March 2021. NR anticipate an Options Selection Report within the next 4 weeks to commence design review and



ExQ1	Question to:	Question:
		engineering engagement, based on options SZC's designers has produced. Current status remains at GRIP 2. ii SZC have provided an indicative timetable in response to question G.1.51
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.5	The Applicant, Network Rail	<b>Deliverability of Rail Capacity (Reference Table 4.1 [AS-280])</b> Provide comment on the deliverability and anticipated availability date of the following: (i) The early years rail provision – 2 trains /day to the Land East of Eastlands Industrial Estate (LEEIE): (ii) The DCO baseline rail provision – 3 trains / day; (iii) Enhanced rail provision – 4 trains / day; (iv) The potential to run trains 6 days a week rather than the 5 proposed; and (v) The potential to run 5 trains a day.
	<b>Response by SZC Co. for Deadline 2</b>	SZC Co.'s response to question <b>G.1.51</b> provides a timeline for the delivery of the necessary rail infrastructure. The anticipated availability dates are as follows: (i) The early years rail provision – 2 trains /day to the Land East of Eastlands Industrial Estate (LEEIE): January 2024. (ii) The DCO baseline rail provision – 3 trains / day: Not being progressed. (iii) Enhanced rail provision – 4 trains / day: August 2024. (iv) The potential to run trains 6 days a week rather than the 5 proposed: August 2024. The potential to run 5 trains a day: not currently being progressed.
	<b>Response by Network Rail for Deadline 2</b>	Network Rail have been working on the following as the basis of proposed operations: - 2 Trains (4 paths) From January 2024. All paths at night - 4 Trains (8 paths) From August 2024. 7 paths at night and 1 path during the day (Flask Path) SZC have advised the following are not being progressed:

ExQ1	Question to:	Question:
		(ii) The DCO baseline rail provision – 3 trains/ day: Not being progressed (v) The potential to run 5 trains a day: Not currently being progressed
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.23	The Applicant, SCC	<p><b>Construction Traffic Management Plan (CTMP) [APP-608], Traffic Incident Management Plan (TIMP) [APP-607], Construction Worker Travel Plan (CWTP)[APP-609] – Transport Review Group</b></p> <p>The Transport Review Group membership, structure, roles and responsibilities is explained in the CTMP, the CWTP and the TIMP. The group consists of six members three appointed by SZC and three from other stakeholders. Notwithstanding information in the draft Section 106 [PDB-004], explain how the decisions will be made in this group if there is not a majority vote?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The experience at Hinkley Point C (which has an identical Transport Review Group (TRG) structure in the Section 106 agreement) has been positive. The TRG works collaboratively in order to ensure the efficient construction of the project and the effective mitigation of effects. The parties have common objectives and voting is not necessary. At Sizewell C the engagement over transport issues has been close and constructive and a similar approach to the TRG is anticipated.</p> <p>However, in the event that disputes arise which cannot be resolved within the TRG, the <b>Deed of Obligation</b> (Doc. Ref. 8.17(C)) contains clear provisions for governance. Schedule 16 (Transport) provides for disputes to be escalated to the Delivery Steering Group – which is a comparable structure to the governance provisions at Hinkley Point C. To date no issues have arisen at Hinkley Point C which could not be resolved within the governance structure.</p> <p>However, in the event of continuing unresolved disagreement, the dispute resolution provisions set out in section 8 of the <b>Deed of Obligation</b> could also be called upon.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is proposed as one of the attendees from other stakeholders and we highlight that Highways England as one of the 'other stakeholders' may abstain from votes on roads that do not fall to their control creating an imbalance in the group. ESC suggests that SCC as local highway authority has greater representation on the group to avoid imbalance.

ExQ1	Question to:	Question:
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>The Transport Review Group can in cases of dispute refer these to the Delivery Steering Group for resolution ([PDB-004] Schedule 17) and ultimately Clause 6 of the Deed within the s106 [PDB-004] enables resolution of disputes for example if no majority decision is reached by the TRG members. SCC notes that this process takes time (as yet not defined within the s106) reducing the responsiveness of the group and that Highways England are not party to the s106.</p> <p>While it is accepted that the group would aim to reach consensus in its decision making, and while the arbitration route is seen as appropriate to resolve disputes, SCC proposes for Suffolk County Council (as the local Highway Authority) to chair the group, and that the Chair would have the casting vote.</p> <p>Further work is required to detail procedures and terms of reference to give clarity to the decision-making process to avoid ambiguity that could lead to split or bipartisan decisions. The key will be the independence of the Transport Co-ordinator from the Applicant's delivery team. While appointed by the Applicant, there is no requirement for the postholder to be an employee ([APP-608] section 2.3.1).</p> <p>SCC also proposes a proxy voting arrangement in the group's constitutional arrangements, so that if one of the "other stakeholders" (not appointed by the Applicant) referred to in the question above does not attend a meeting, one of the attendees can vote as a proxy.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p><b>Chapter 2 of the Construction Traffic Management Plan (CTMP) [REP2-054], Construction Worker Travel Plan (CWTP) [REP2-055]</b> provides more information on the governance, terms of reference and procedures proposed for the Transport Review Group (TRG). Responding to SCC's points above:</p> <ol style="list-style-type: none"> <li>1) Paragraphs 2.3.5 of the <b>CTMP</b> [REP2-054] and <b>CWTP</b> [REP2-055] allow SCC, ESC and Highways England to nominate an alternative representative (proxy) from their authority if they are unable to attend.</li> <li>2) Paragraphs 2.4.3 of the <b>CTMP</b> [REP2-054] and <b>CWTP</b> [REP2-055] state that the Transport Coordinator could either be an employee of SZC Co. or an independent consultant but notes that they would need to be independent of the Sizewell C delivery team.</li> <li>3) The administration and decision-making of the TRG is established within <b>Section 3.2 of Schedule 16</b> to the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(D)). It proposes</li> </ol>

ExQ1	Question to:	Question:
		<p>that SCC would chair the TRG as proposed by SCC in their Deadline 2 response, but SCC would not have a casting vote. This follows the approach at Hinkley Point C which the Applicant considers has worked well. Please also see SZC Co.'s response to SA.1.59.</p> <p>4) Should it be required to resolve a situation where no majority can be reached through TRG voting, a dispute resolution procedure will be in place. The dispute resolution procedures are set out in clause 8 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(D)), as described in SZC Co.'s response to this question at Deadline 2. The dispute resolution process will be time constrained, but acknowledge that timescales are not included in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(D)).</p>
TT.1.25	The Applicant, SCC	<p><b>Traffic Management Monitoring System (TMMS)/ Delivery Management System (DMS).</b></p> <p>Could the TMMS/ DMS be coordinated and developed to actively manage the following?</p> <ul style="list-style-type: none"> <li>(i) HGV movements to associated development sites;</li> <li>(ii) HGV movement to avoid sensitive periods in areas where impact might be high, e.g. schools, etc.;</li> <li>(iii) Light Goods Vehicle (LGV) movements and routes;</li> <li>(iv) Bus movements and routes;</li> <li>(v) Route monitoring to ensure that HGV numbers did not exceed those modelled on specific routes; and</li> <li>(vi) Currently the earliest and latest timings of freight movement to/ from the main site will be 07.00 and 23.00, however depending on origins and destinations HGV movements could be on the adjacent highway network for longer periods. In addition to on site monitoring of HGV timings, can HGV movements be managed so as to avoid much earlier and later disruption in sensitive areas?</li> </ul>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The updated <b>CTMP</b> (Doc. Ref. 8.7(A)) provides details of the vehicle movements that will be managed and monitored via the DMS.</p> <ul style="list-style-type: none"> <li>(i) HGV movements to/from the associated development sites during their construction will be booked into the DMS and actively managed. A comparison of the actual movements with the assessed HGVs for the construction of the</li> </ul>

ExQ1	Question to:	Question:
		<p>associated development sites will be included in the transport monitoring report provided to the Transport Review Group (TRG) for review.</p> <p>(ii) There are no schools on the proposed HGV routes during the early years or peak construction phase. HGV movements to/from the main development site are limited in terms of their arrival and departure at the start and end of the day in accordance with the assessment and adherence to the time limits will be actively managed through the DMS and reported to the TRG.</p> <p>(iii) <b>LGV movements:</b> LGV movements to/from the main development site will be booked into the DMS and actively managed. A comparison of the actual LGV movements with the assessed LGVs to/from the main development site will be included in the transport monitoring report provided to the Transport Review Group (TRG) for review. The <b>Consolidated Transport Assessment</b> (Doc Ref. 8.5(B)) includes evidence from Hinkley Point C to demonstrate that the level of LGV movements assessed to and from the main development site is robust.</p> <p><b>LGV routes:</b> LGVs are not proposed to be tracked on their route to/from the main development site. The LGVs have been assigned to the highway network within the VISUM strategic model based on the observed distribution of LGVs in Suffolk. LGVs have route choice within the VISUM strategic model and therefore their impact has been assessed and mitigated. The number of LGVs to/from the main development site will be monitored to ensure it is within the assessed level of LGV movements.</p> <p>(iv) Buses will be routed on fixed routes in accordance with a timetable. The assessment of bus routes within the <b>Consolidated Transport Assessment</b> (Doc Ref. 8.5(B)) is based on the workforce profile and the distribution of workers based on the gravity model and provides a reasonable basis from which to assess the transport effects of the bus service. The bus strategy has been assessed for two points in time during the construction phase – the early years and the peak construction phase. In practice, the bus service will be aligned to the actual number of workers at any one time working on the Sizewell C project and the location of those workers. SZC Co. is committed to achieving the mode share targets in the <b>Construction Worker Travel Plan (CWTP)</b> (Doc Ref 8.8(A)) and to fund a bus service that meets the targets. Therefore, it is proposed to monitor compliance with the mode share targets rather than the number of buses provided.</p>

ExQ1	Question to:	Question:
		<p>(v) The DMS will enable monitoring data to be provided to the TRG with regards to the number of HGVs on the HGV routes.</p> <p>(vi) The traffic modelling included in the <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)) and the assessment of the environmental effects of Sizewell C traffic on the highway network in terms of transport, air quality and noise included in the <b>Environmental Statement Addendum</b> [AS-181 to AS-189] take account of the proposed arrival and departure times of HGV movements to/from the main development site and the effect on the surrounding highway network and receptors of the vehicles travelling on the wider highway network to/from the main development site during the hours before and after the time limits at the main development site. The delivery management system will provide delivery slots based on the proposed HGV movement and timing limits to ensure compliance with the controls set out in the <b>CTMP</b> (Doc Ref 8.7(B)).</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>To ensure that vehicle movements do not exceed those assessed within the environmental statement:</p> <p>I) The Delivery Management System shall be used to record the total HGV movements entering and exiting each Associated Development Site. SCC considers that the simplest way of ensuring that this was the case would be for all HGVs to be required to have GPS, but potentially other satisfactory methods may be feasible.</p> <p>II) As above, GPS should be used to monitor the timing of HGV movements on sensitive links and to restrict peak hour movements to those assessed within the Transport Assessment. However, SCC is mindful that other acceptable methods may be feasible. If possible, monitoring data could include journey times along the HGV route.</p> <p>III) SCC considers that the DMS could be used to monitor the total number and routing of LGVs; this should be reported to the TRG and may require further investigation through traffic counts or another reasonable method and appropriate mitigation.</p> <p>IV) SCC considers that the TMMS should be used to monitor the routing of bus movements, including journeys when empty; and this should be reported and monitored by the TRG. However, an alternative monitoring method may be considered reasonable.</p> <p>V) As above, GPS should be used to monitor the routing of HGV movements to those assessed within the Environmental Statement. However, SCC is mindful that other acceptable methods may be feasible.</p>

ExQ1	Question to:	Question:
		<p>VI) Tracking of HGVs shall enable monitoring and control of journeys at the beginning or end of the working day to control overnight movements and avoid unnecessary disturbance to communities adjacent to the haul routes or antisocial activities associated with overnight stays in laybys.</p> <p>These issues have been raised in the LIR Annex M [REP1-058].</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>Refer to SZC Co. response in Chapter 15 (Sections 15.4 and 15.5) <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29) with regards to SZC Co. position on the robustness of the transport assessment and need for controls. Further comments are provided below in response to Suffolk County Council's response for Deadline 2:</p> <p>(i) The <b>CTMP</b> [REP2-054] proposes to monitor the number of daily HGV movements for each of the associated development sites during its construction through the development management system (DMS). Given the level of HGV movements and duration of associated development site construction, which will be phased in accordance with the <b>Implementation Plan</b> [REP2-044] it is not proposed to track associated development site construction HGVs with GPS.</p> <p>(ii) The <b>CTMP</b> [REP2-054] includes peak hour (i.e. 08:00-09:00 and 17:00-18:00) HGV limits as well as daily HGV limits for HGV movements to/from the main development site.</p> <p>(iii) The <b>CTMP</b> [REP2-054] proposes to monitor the number of LGV movements to/from the main development site but not the routing for the reasons set out in SZC Co.'s response to this question for Deadline 2 set out above.</p> <p>(iv) The <b>CWTP</b> [REP2-055] proposes to monitor the arrival and departure of buses at the main development site. However, it is not proposed to provide the TRG with monitoring data of the routing of buses as, unlike the HGV drivers, the bus drivers will be regular drivers for the Sizewell C Project and will be driving buses on fixed bus routes to a timetable that will have been approved by the TRG.</p> <p>(v) The <b>CTMP</b> [REP2-054] proposes to monitor compliance with the HGV routes to/from the main development site based on GPS technology.</p> <p>(vi) The <b>CTMP</b> [REP2-054] proposes to monitor HGV use of laybys on the local highway part of the HGV routes outside of the main development site HGV timing restrictions.</p>

ExQ1	Question to:	Question:
TT.1.31	SCC	<b>Streetworks Permit Scheme</b> Does the Council operate a streetworks permit scheme for temporary works on the adopted highway? And if so, is the Council satisfied that the permit scheme is adequately covered in the proposed Development Consent Order.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC operates a permit scheme for roadworks on the local network. Details can be found at <a href="https://www.suffolk.gov.uk/roads-and-transport/roadworks/road-space-booking/">https://www.suffolk.gov.uk/roads-and-transport/roadworks/road-space-booking/</a> SCC would look to enter into agreement with the Applicant to ensure that they engage with the permit system so that works on all of Suffolk's highway network can be co-ordinated and SCC's reasonable costs are recovered. This is currently not adequately covered in the DCO as the NRSWA (1991) powers within the application boundaries are transferred to the applicant in their entirety and no consultation with the LHA is required (DCO article 13).
	<b>Response by SZC Co. for Deadline 3</b>	The permit schemes implemented by SCC are authorised pursuant to Part 3 of the Traffic Management Act 2004 (the "TMA 2004"). The TMA 2004 is not disapplied by the <b>draft DCO</b> [REP2-015] and therefore the Applicant is of the view that the permit schemes would still apply to the highway works comprised in the authorised development. However, should SCC be of the view that specific drafting is required to provide for the application of the relevant permit schemes to the works authorised by the DCO then the Applicant would be willing to consider including such drafting in a future revision of the draft DCO.
TT.1.34	The Applicant, SCC, Scottish Power	<b>Transport Assessment (TA) [AS-017] – Cumulative Assessment with EA1 and EA2</b> In the Table 26.2 of Chapter 26 of Environmental Statement (ES) for the East Anglia One North and Two Offshore Windfarm application it is identified that there may be a need for potential structural alterations to the existing bridge on the A12 at Marlesford to facilitate the movement of abnormal load vehicles over this bridge. Has this requirement: <ul style="list-style-type: none"> <li>(i) Been considered as part of the Sizewell C project?</li> <li>(ii) If this was to be required how would construction work impact on traffic flows on the A12 at Marlesford?</li> </ul>



ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Suffolk County Council (SCC) has confirmed that the highway structures on the A12 between the A14 at Seven Hills and the B1122 have all been approved by SCC for Special Type General Order (STGO) Category 1, 2 and 3 loads and Construction and Use (C&amp;U) loads (i.e. loads below 150 tonnes). It is proposed to provide a permanent beach landing facility (BLF) to deliver the largest/heaviest AILs by sea. Given the existence of the Highways England heavy load route 100, which routes from Lowestoft Port to Sizewell, it is envisaged that any heavy loads not delivered via the permanent BLF would be delivered via the heavy load route. Therefore, structural alterations to the bridge on the A12 at Marlesford are not considered to be required for the Sizewell C Project.</p> <p>(ii) As set out in (i), structural alterations to the bridge on the A12 at Marlesford are not considered to be required.</p>
	<b>Response by Scottish Power Renewables for Deadline 2</b>	<p>EA1N&amp;EA2 Applicants' Responses to Written Question 2 Volume 8 2.18 Transportation and Traffic - Version 01, Q2.18.17 (East Anglia TWO examination reference REP6-065<sup>6</sup>) sets out the traffic management implications should structural intervention at Marlesford Bridge be required as a result of the East Anglia ONE North and East Anglia TWO Projects and concludes:</p> <p>"Noting that the bridge span is 6.1m the most likely structural intervention (if required) would be a temporary steel bridge placed over the existing bridge deck. There is potential for this intervention to be implemented under single lane closure, for a period of two days, to avoid the requirement to divert traffic. The lead in time for a Transformer is between 12 and 24 months enabling advance notice to be served to all highway stakeholders and a programme to be agreed with SCC to avoid major events. It is therefore concluded that the driver delay impacts of the roadworks would not be significant."</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>(i) SCC is not aware of any consideration by the Applicant of Marlesford Bridge. However, the Applicant indicates that the largest/heaviest AILs are proposed to be transported to site via the permanent BLF.</p>

<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004047-ExA.WQ-2.D6.V1%2008%20EA1N&EA2%20Applicants'%20Responses%20to%20WQ2%20Volume%208%202.18%20Transportation%20and%20Traffic.pdf>

ExQ1	Question to:	Question:
		(ii) Information provided by SPR (See EA1N examination library [REP8-021]) considered that temporary strengthening of the bridge deck would be adequate for their AIL movements. In SCC's response (EA1N examination library [REP9-046]) it was noted that such work would only be permitted outside normal working hours to avoid disruption to traffic using the A12, including that to or from SZC.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2. In particular, it remains the case (notwithstanding the response from Scottish Power Renewables) that the Sizewell C Project does not require the bridge at Marlesford to be strengthened given the use that will be made of the BLF and the heavy load route 100.
TT.1.36	The Applicant, SCC	<b>Fly Parking</b> Fly parking if uncontrolled will potentially lead to several problems not least of which is modelled traffic flows being underestimated on some routes. Paragraph 13.3.2 of the TA Addendum [AS-266] states further work is ongoing about the management of fly parking. Explain how fly parking on the local highway network will be controlled, monitored, and enforced during the construction period.
	<b>Response by SZC Co. for Deadline 2</b>	The updated <b>Construction Worker Travel Plan (CWTP)</b> (Doc Ref 8.8(A)) sets out the proposed approach to control, monitor and enforce against fly parking. The <b>CWTP</b> is secured through the <b>Deed of Obligation</b> (Doc. Ref. 8.17(C)). In particular, SZC Co. will employ a fly parking patrol team to identify possible cases of fly parking. They will be both proactive by carrying out daily patrols as well as reactive by following up reports from local residents to the Sizewell C community help line who believe Sizewell C construction workers may be fly parking. In addition to the fly parking team, Sizewell C buses will be fitted with an electronic reader to scan workers' security badges when boarding the park and ride and direct buses. The data will be compared against the data for workers entering the main development site in order to enforce the policy that workers assigned to a park and ride or direct bus service should not drive closer to the main development site and change onto another mode of transport. Workers who enter the site but did not board their allocated direct or park and ride bus would be deemed to have contravened that policy, and appropriate action would be taken and the Transport Review Group notified. Workers will be provided with Driver Rules that must be adhered to. The Worker Code of Conduct will set out a disciplinary process relating to fly-parking. Where a worker's vehicle

ExQ1	Question to:	Question:
		<p>is proven to be fly-parking, SZC Co. will adopt a just and fair disciplinary process with escalation to higher levels of management at each stage. Ultimately this process could lead to the removal of an individual worker from the Sizewell C Project.</p> <p>Monitoring data from the fly parking team, supplemented by the bus and security gate data, will be used to report occurrences of fly parking per quarter to the Transport Review Group as well as action taken.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC is more concerned with fly parking arising that is not on the local highway network therefore resulting in planning enforcement being required that is the responsibility of ESC. This is covered in further detail in the LIR [REP1-045].</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The Applicant sets out that:</p> <p>a) one aim of the CWTP is to transport a significant number of staff by bus and to try to ensure that this occurs. Staff will be allocated a bus to travel to/from the site and an electronic reader will be installed on each bus which will compare those staff that arrive at the main development site with those travelling by bus; this will be checked to ensure that staff are using the correct method of travel to/from the site reducing the likelihood of fly parking.</p> <p>b) Any staff living within the 'drive to site catchment' (i.e. inside the area bounded by the A12, River Blyth, and River Deben, excluding Leiston) and who are allocated a permit will be able to drive directly to site reducing the likelihood of them needing to park off-site, and therefore of fly parking.</p> <p>c) As a commitment within the Construction Worker Travel Plan, the Applicant will employ a fly parking patrol team ([APP-609] section 4.7.8) to carry out daily patrols to identify possible cases of fly parking; this will reflect reports by local residents who are concerned about fly parking in their area. Enforcement associated with fly parking is proposed to be undertaken through the 'Worker Code of Conduct', which can result in an individual worker being removed from the project depending on the number of breaches.</p> <p>SCC understands that this process has been relatively successful at Hinkley Point C both in identifying fly parking and reducing fly parking, as well as showing that a number of cases of reported fly parking related to legitimate worker parking; however, it is also recognised that the process may need to be amended through the TRG to reflect specific local circumstances or to be more effective as stated in the CWTP ([APP-609] section 6.4.3). Monitoring will be key to allow for early reactive measures if fly parking does occur.</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	The SZC Co. response at Deadline 2 and updated <b>Construction Worker Travel Plan</b> [ <a href="#">REP2-055</a> ] provides more detail than the <b>draft CWTP</b> submitted with the DCO Application [ <a href="#">APP-609</a> ]. It is considered that the mechanisms set out in the CWTP will be effective, as indicated by SCC's acknowledgement that this has been the case at Hinkley Point C. SZC Co. further address ESC concerns about potential increased on-street parking as a result of potential increased numbers of houses in multiple occupation in the SZC Co. response in Chapter 15, <b>Comments on Councils' Local Impact Report</b> (Doc Ref. 9.29).
TT.1.38	The Applicant, SCC	<p><b>Change 15, New Bridleway Link between Aldhurst Farm and Kenton Hills</b></p> <p>Figure 2.2.32, of the ES Addendum [AS-202], shows the proposed new bridleway. Explain:</p> <p>(i) Why the former site access road junction is retained for what is assumed, after construction, to be a field access, including the right turning pocket; and</p> <p>(ii) How does the proposed bridleway and crossing relate to the desire lines for intended users in the area.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>i) The secondary site access junction from Lover's Lane will only be in place during the construction of Sizewell C. Once construction of Sizewell C is complete, the junction and right-turn lane will be removed.</p> <p>ii) The new bridleway link between Kenton Hills and Aldhurst Farm has been proposed in order to provide a number of additional connections for non-motorised users (NMUs). It connects two recreational areas and enables pedestrians, cyclists and equestrians to move between Bridleway 19 and the new bridleway running south of Lover's Lane. The crossing location has been sited so as to provide good visibility between motorists and NMUs whilst also minimising deviation from NMUs' desire lines.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	(i) SCC's understanding is that the site access road junction is temporary and is to be removed following completion of the SZC construction phase; this is to be confirmed by the Applicant. The plans including Fig 2.2.32 in [AS-202] are not consistent with others. Rights of way plan SZC-SZ0204-XX-000-DRW-100344 Rev 3 [AS-113] has been updated to show the bridleway link to Kenton Hills as a permanent feature but does not show the junction. Plan SZC-SZ0204-XX-000-DRW-100105 [AS-119] shows a footway rather than a bridleway on the north side of Lovers Lane. The Transport Assessment Addendum

ExQ1	Question to:	Question:
		<p>[AD266] section 5.2.13 confirms that the secondary access will no longer be present during the SZC operational phase. The Applicant needs to clarify inter-relation of the rights of way and the secondary site access during the construction and operational phases.</p> <p>(ii) The desire line for users of the bridleway would be the most direct route, i.e. the entrance to the Kenton Hills Car Park. However, to obtain adequate visibility on Lovers Lane the crossing point has been located to the west. SCC's view is that the bridleway link is necessary for non-motorised users to access the permissive paths at Kenton Hills during the construction phase.</p> <p>SCC understand that the bridleway crossing will only be provided once the construction phase has completed and the remainder of Bridleway 19 (E-363/019/0), temporarily closed through the campus site, is reopened. For walkers, cyclists and horse riders coming from the west on the bridleway on the north side of Aldhurst Farm, and from Leiston, it will provide a useful and relatively direct link to BR 19 north and to the permissive access on Kenton Hills. For recreational users using the bridleway network in a north-south direction, it is a compromise, as it requires users to cross Lovers Lane twice to access the bridleway in Aldhurst Farm. For these users, a bridleway link wholly to the east of Lovers Lane would have better reflected a desire line.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>i) The Deadline 2 response from SZC Co. confirms that the secondary site access junction from Lover's Lane will be removed following construction of Sizewell C, with the right of way converted to a bridleway. During construction of Sizewell C, a shared footway and cycleway will be provided on the north side of Lover's Lane, including a crossing at the secondary site access. The shared footway and cycleway will be converted to a bridleway once construction of Sizewell C is complete and the secondary site access is removed. The submitted plans are correct.</p> <p>ii) The proposed B19 alignment to the north of Lover's Lane avoids removal of SSSI to the east of Lover's Lane. SZC Co. considers the proposed B19 alignment provides a safe route for recreational users, including safe crossing points.</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
TT.1.40	SCC, Highways England	<b>Transport Assessment (TA) [AS-017] - Scoping</b> Do you consider that the scoping process and the coverage of the TA reflect your pre-application input?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Highways England for Deadline 2</b>	Highways England considers the Transport Assessment scope and geographical coverage to be sufficient.
	<b>Response by Suffolk County Council at Deadline 2</b>	The scope of the Transport Assessment [APP-602] and subsequent Transport Assessment Addendum [AS-266] has gradually evolved since SCC's first response to the Applicant in 2011. The Transport Assessment has evolved through the four stages of consultation, and responded to the changes in the freight strategy, workers numbers and their location. Regular meetings specifically to resolve traffic modelling issues have been held between the Applicant and SCC since 2019. An example of this evolution is the recent VISSIM undertaken by the Applicant to resolve the differences in predicted delays to traffic between the strategic VISUM model and the localised junction modelling on the A12 corridor.  As a result of this work, SCC considers that the scope of the Transport Assessment is acceptable. However, whilst the scope may be agreed, the significance of the impacts is not yet agreed in all cases between the Applicant and SCC.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. required.
TT.1.48	SCC, Highways England	<b>Transport Assessment (TA) [AS-017] / [AS-266] – Modelling Approach</b> Are you satisfied with the strategic modelling scope and approach outlined in Section 6 of the Transport Assessment?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Highways England for Deadline 2</b>	Highways England is satisfied with the strategic modelling scope and approach as outlined in the Transport Assessment with regards to the assessment of impacts on the Strategic

ExQ1	Question to:	Question:
		Road Network. We have been engaged in discussions with the applicant alongside Suffolk County Council to review aspects of the model
	<b>Response by Suffolk County Council at Deadline 2</b>	The modelling approach which is set out within the Transport Assessment Addendum [AS266] is considered to be acceptable (although we have not reached agreement on the visitor car share factors used and this will be covered in the Statement of Common Ground) subject to relevant caps, monitoring, enforcement and controls on the assessed vehicle movements, as set out in the LIR (LIR Annex M [REP1-058]), and in previous responses, including SCC's Relevant Representation [RR-1174], and to pre-submission consultations. However, whilst the method of assessment is acceptable, the conclusions on the traffic impacts have yet to be agreed.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
TT.1.51	SCC	<b>Transport Assessment (TA) [AS-017] – Car Share Factors</b> Paragraph 7.2.24 states average occupancies for cars. Are you satisfied this will adequately reflect the pattern of car sharing for the Proposed Development?
	<b>Response by SZC Co for Deadline 2</b>	<b>Appendix 7B</b> of the <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)), Section 1)A)ii), sets out the observed car share occupancies at Hinkley Point C during construction with similar workforce levels as the Sizewell C early years. These were considered reasonable to apply to the Sizewell C modelling as a robust assessment. The <b>Construction Worker Travel Plan (CWTP)</b> (Doc Ref 8.8(A)) provides mode share targets for car drivers and car passengers based on the assessment as well as more aspirational targets, which SZC Co. will seek to achieve.
	<b>Response by Suffolk County Council at Deadline 2</b>	Information from Hinkley Point C has been used by the Applicant to inform the car share factor; this resulted in reducing the originally proposed car share factor for non-home based workers from 2.0 per car to 1.54 to reflect patterns at Hinkley Point C. Whilst information from Hinkley Point C provides an indication of potential patterns, SCC stresses that Hinkley Point C is located in an area different to Sizewell C and so will naturally exhibit different travel patterns. SCC considers the modelled car share ratio acceptable, being based on reasonable information that was available at the time of assessment. However, like many elements of modelling, the car share factors come with an element of risk, impacting, if the factors

ExQ1	Question to:	Question:
		<p>were to be significantly wrong, on the capacity of the car parking facilities and the capacity of junctions local to the parking facilities. The Applicant has indicated to SCC that there will be a commitment within an updated CWTP to achieving the assessed levels of car sharing (i.e. those modelled within the Transport Assessment and Environmental Statement).</p> <p>The Applicant proposes this to be done through monitoring car share ratios and car park occupancy at the site and park and ride sites, and to introduce relevant mitigation through the Transport Review Group to address any potential impacts of a reduced car share ratio; such as management measures including the introduction of additional bus services or mini bus services. SCC supports these proposals, and requires comprehensive monitoring and appropriate contingency funding. Discussions with the Applicant on relevant monitoring and enforcement are ongoing.</p> <p>However, SCC has still unresolved concerns relating to car share factors utilised for visitors to the development, given the lack of evidence from other developments such as Hinkley Point C. It is noted that a control mechanism within the Management Plans can be implemented such that any exceedance of trips associated with this user type can be monitored and mitigated if necessary.</p>
	<p><b>Response by SZC Co for Deadline 3</b></p>	<p>The <b>Construction Worker Travel Plan</b> <a href="#">[REP2-055]</a> submitted at Deadline 2 provides more detail than the previous iteration submitted with the <b>DCO Application</b> <a href="#">[APP-609]</a>.</p> <p>Section 3 of the <b>CWTP</b> <a href="#">[REP2-055]</a> sets out mode share targets based on the assessment in the <b>Consolidated Transport Assessment</b> <a href="#">[REP2-045]</a>, which SZC Co. is committed to achieve and will be monitored and reviewed through the TRG. The mode share targets include targets for car driver and car passenger, which will effectively monitor car sharing for construction workers to/from the main development site and park and ride facilities.</p> <p>With regards to visitors, at peak construction, two types of visitors have been assumed: those for the Sizewell C visitor centre, and those visiting the site for meetings (business visitors). In the early years of construction the visitor centre will not be open, so only visitors to the construction site are included in this scenario. Evidence from Hinkley Point C has been made available to support the number of daily business visitor numbers assessed (i.e. 40 in the early years and 200 in the peak construction phase) as set out in</p>



ExQ1	Question to:	Question:
		<p><b>Section 7</b> of the <b>Consolidated Transport Assessment</b> [<a href="#">REP2-045</a>], however no data is available from Hinkley Point C with regards to the car share ratio for business visitors, which was assumed to be 1.5 for Sizewell C.</p> <p>In terms of the visitor centre, the Hinkley Point C Public Information Centre will not open until towards the end of the construction phase so there is no data available on visitor centre numbers as yet. It is considered highly robust that visitors to the Sizewell C visitor centre have been included in the peak construction phase modelling, when in reality they may not materialise until much later, and therefore this should alleviate any concerns from SCC over the car sharing factors assumed for visitors to the visitor centre. SZC Co. will continue to liaise with the Councils with regards to suitable and proportionate monitoring of visitors to the main development site.</p>
TT.1.52	The Applicant, SCC	<p><b>Transport Assessment (TA) [AS-017] – Classification of HGV.</b></p> <p>Paragraph 7.2.43 states “HGVs include, for transport modelling purposes, all goods vehicles over 3.5 tonnes. HGVs are usually classified as goods vehicles over 7.5 tonnes; however, the lower threshold has been applied to provide a robust basis for the Transport Assessment.”. Explain this assumption in the following context:</p> <ul style="list-style-type: none"> <li>(i) It is unlikely that the pattern of sizes of goods vehicles associated with the Proposed Development would replicate the sizes of types of goods vehicles in the existing flows surveyed. It is more likely the Proposed Development HGV traffic would be in the ‘usual’ classification of HGVs mentioned above. That being the case the same usual classification of HGV size of 7.5 tonnes would seem the most accurate one to use;</li> <li>(ii) With the inflation of the baseline number of HGVs represented by the current assessment it would mean that the baseline (existing) level of HGV’s are over estimated and therefore percentage increases in HGVs associated with the Proposed Development are being under estimated both in the Transport Assessment and in the Chapter 10 of the ES; and</li> <li>(iii) If the applicant is satisfied that the HGV traffic associated with the Proposed Development will replicate the size pattern of baseline surveyed traffic, explain how this would be controlled within the DCO process to avoid the dominance of much larger vehicles being used.</li> </ul>

ExQ1	Question to:	Question:
	<b>Response by SZC Co for Deadline 2</b>	<p>(i) Paragraph 7.2.43 of the <b>Transport Assessment</b> [<a href="#">AS-017</a>] incorrectly states that the assessment has assessed a HGV to be goods vehicles over 3.5 tonnes. The baseline HGVs within all of the traffic modelling are based on the standard design manual for roads and bridges (DMRB) classification (i.e. Other goods vehicles (OGV1+OGV2)) as identified within the observed traffic survey data. The traffic modelling of Sizewell C LGVs and HGVs has also taken the standard approach with HGVs being classed as OGV1+OGV2. Therefore, there is no underreporting of HGV impacts within the traffic modelling. This has been rectified in the <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)).</p> <p>Whilst the assessment has taken a standard approach to assessing HGVs and LGVs, the monitoring of HGVs within the <b>Construction Traffic Management Plan (CTMP)</b> (Doc Ref 8.7(A)) will include all goods vehicles over 3.5 tonnes. Therefore, any goods vehicle between 3.5 tonnes and 44 tonnes will be classified as a HGV for the purposes of monitoring and will be required to adhere to the HGV routes and would be monitored against the proposed HGV limits.</p> <p>(ii) Refer to the response to (i). The percentage increases in HGVs associated with the Project are not being under estimated.</p> <p>(iii) Refer to the response to (i). The assessment is based on the standard classification of HGVs. The monitoring, management and control of HGVs is secured through the <b>CTMP</b> (Doc Ref 8.7(A)) and for monitoring purposes a HGV will be classed as any goods vehicle between 3.5 and 44 tonnes.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>i) SCC has noted that (as per the Transport Assessment [<a href="#">AS-017</a>] paragraph 7.2.43, quoted in this question) HGVs include, for transport modelling purposes, all goods vehicles over 3.5 tonnes. In accordance with CD 224 Traffic Assessment of the Design Manual for Roads and Bridges (DMRB) the vehicle size for OGV1 is a 2 or 3 axle rigid vehicles and makes no reference to weight. As the data provided by survey companies is, usually, based on the vehicle classification set out within DMRB, the baseline data used for the modelling should include all 2 axle rigid vehicles which can be 3.5 tonne to 7.5 tonne vehicles under OGV1. As such the data used for modelling purposes is considered to be correctly applied. SCC accepts for modelling purposes the definition of HGV / OGV is a vehicle over 3.5 tonnes maximum gross vehicle weight (CD224)  <a href="https://www.standardsforhighways.co.uk/prod/attachments/257e5888-2bfd-492d92d4-ecf7d40428b0?inline=true">https://www.standardsforhighways.co.uk/prod/attachments/257e5888-2bfd-492d92d4-ecf7d40428b0?inline=true</a> and government guidance</p>

ExQ1	Question to:	Question:
		<p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/211948/simplified-guide-to-lorry-types-and-weights.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/211948/simplified-guide-to-lorry-types-and-weights.pdf</a>).</p> <p>ii) The proportion of OGV1 versus OGV2 has not been accounted for in the Applicant's assessment. If HGV classifications have underestimated the larger proportion of HGVs to be in place due to Sizewell C, then there may be a potential for some impacts to be underestimated. Hence this issue remains under review.</p> <p>iii) SCC recognises that there is a balance between the number and size of HGVs. The position of SCC is firstly to reduce the overall amount of material that is required to be transported by road to the Main Development Site and Associated Development Sites. Thereafter SCC would seek to reduce the number of vehicles by using the largest appropriate ones to the nature of the route, balancing fewer numbers of HGVs against the greater wear to the highway fabric by each individual vehicle. The proposed monitoring of HGV movements within the CTMP includes 3.5 tonne vehicles and therefore also the smaller vehicles above 3.5 tonne will need to follow the routes set for all HGVs and be included for within the caps and controls identified.</p>
	<b>Response by SZC Co for Deadline 3</b>	As stated in SZC Co.'s response at Deadline 2, there has been no error in the estimation of HGVs within the strategic highway models. The environmental assessment is based on total Heavy Duty Vehicles (or HGVs) which are a combination of OGV1 and OGV2 vehicle classes. Therefore, SZC Co. do not believe there is any underrepresentation of HGVs in the assessment.
TT.1.60	The Applicant, SCC	<p><b>Transport Assessment Addendum [AS-266] – Committed Developments</b></p> <p>Paragraph 8.2.8 does the current reference case traffic modelling take account of all relevant committed developments?</p>
	<b>Response by SZC Co for Deadline 2</b>	Yes, at the time the reference case modelling was last updated the committed developments were agreed with SCC and ESC. The included developments are set out in the "Reference Case Traffic Inputs" technical notes, provided as <b>Appendix 8B</b> of the <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)).
	<b>Response by Suffolk County Council at Deadline 2</b>	The committed developments for housing and employment growth that have been considered within the modelling are considered to be an acceptable approach for a Transport Assessment, and SCC considers that the Applicant has provided an acceptable

ExQ1	Question to:	Question:
		<p>representation of the phasing of the developments and the mitigation being implemented on the network within the study area assessed.</p> <p>It is clear that not all committed developments within the wider area have been specifically assessed within the modelling, but these developments are considered to be either not of a scale to materially impact conclusions or on the fringes of the assessed network, and are therefore considered to be reasonably assessed through changes to background growth.</p>
	<b>Response by SZC Co for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.61	The Applicant, SCC	<p><b>A12 improvements: A14 'Seven Hills' to A1152 Woods Lane.</b></p> <p>Explain how the development of this project takes account of the impact of the Proposed Development and also whether the submitted modelling of the Proposed Development takes account of any of the improvements planned.</p>
	<b>Response by SZC Co for Deadline 2</b>	<p>A VISSIM micro-simulation model has been produced for the A12 corridor from Seven Hills to Woods Lane. This model includes a 2019 base year plus 2023 (early years) and 2028 (peak construction) forecast years which include a 'Reference Case' and a 'Reference Case + SZC' scenario. Full documentation was provided in <b>Appendix 9C</b> of the <b>Transport Assessment Addendum</b> <a href="#">[AS-266]</a>.</p> <p>As part of the Brightwell Lakes consented development, junction upgrades are committed at:</p> <ul style="list-style-type: none"> <li>- A12 / A14 Seven Hills Interchange: signalisation (to be operational ahead of the 2028 forecast year).</li> <li>- A12 / Foxhall Road / Newbourne Road: partial signalisation (to be operational ahead of the 2028 forecast year).</li> <li>- New access junction on the A12 just north of Newbourne Road (to be operational by the 2023 forecast year).</li> <li>- A12 / Barrack Square: partial signalisation (to be operational ahead of the 2028 forecast year).</li> <li>- A12 / Anson Road: partial signalisation (to be operational beyond the 2034 forecast year).</li> </ul>

ExQ1	Question to:	Question:
		<p>In accordance with Department for Transport (DfT) Webtag (TAG) guidance (Ref 3), the 2023 VISSIM models include the new access north of Newbourne Road and the 2028 VISSIM models include all of the upgrades with the exception of the Anson Road junction as this is not expected until beyond 2034.</p> <p>Suffolk County Council (SCC) is currently seeking funding for A12 improvements between Seven Hills and the A1152 at Melton through the Department for Transport (DfT) Major Road Network (MRN) fund. The proposed SCC MRN schemes are not committed improvements and have not been included within the VISSIM modelling. It should also be noted that, based on the A12 VISSIM modelling, no material impact on driver delay is predicted and therefore no mitigation in the form of highway improvements is considered to be required by SZC Co. for the A12 corridor between Seven Hills and Melton. Instead, Sizewell C traffic is proposed to be managed through the implementation of the transport management measures (i.e. <b>TIMP</b> (Doc Ref 8.6(A)), <b>CTMP</b> (Doc Ref 8.7(A)) and <b>CWTP</b> (Doc Ref 8.8(A)).</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>(See also answer T1.82 regarding impact of the Sizewell C project on this section of the A12) The A12 Major Road Network assessment includes a number of scenarios all of which includes Sizewell C traffic; these are the following:</p> <ul style="list-style-type: none"> <li>• 2025: this currently includes traffic from the Early Years Construction phase + EA1N and EA2 construction traffic;</li> <li>• 2028: this currently includes traffic from the Peak Years Construction phase + EA1N and EA2 construction traffic; and</li> <li>• 2040: this currently includes the Sizewell C Operational phase (for confirmation it does not include EA1N or EA2 Traffic as construction would be completed and they generate very low operational traffic).</li> </ul> <p>The Sizewell C development has been included in the Core Scenario to reflect TAG Unit M4: Forecasting and Uncertainty. Whilst Sizewell C has been included in the forecasting, the proposed works for the Major Road Network (MRN) project are to support Local Plan growth and to accommodate and mitigate associated traffic impacts, as such assessments consider forecasts beyond the build out of Sizewell C, EA1N and EA2. For the delivery of the MRN works, a construction phasing plan is not yet available, however, assuming funding being allocated by the Department for Transport, an indicative timetable would see construction of the highway works being undertaken in phased process between</p>

ExQ1	Question to:	Question:
		<p>autumn 2023 and winter 2025. SCC would engage with the Applicant on these works and programming to minimise disruption where possible.</p> <p>The Applicant's assessment does not take into consideration the MRN scheme; however, the strategic model takes into account relevant developments and their mitigation measures, of most note is the Brightwell Lakes development which sees improvements to the Brightwell Lakes access road onto the A12 and improvements to the Seven Hills grade separated A12 / A14 junction. However, it should be noted that the microsimulation model did not include the proposed slip-road from the A14 Westbound Off-Slip onto the A1156 Felixstowe Road at the Seven Hills grade separated A12 / A14 junction. This is a limitation in the microsimulation model. For clarity the Applicant's assessment does include an acceptable phased build out of the Brightwell Lakes mitigation, and so includes consideration of the built form of the highway works for the following scenarios:</p> <ul style="list-style-type: none"> <li>• Early years includes the Brightwell Lakes mitigation at the A12 / Brightwell Lakes access only.</li> <li>• Peak Construction includes the Brightwell Lakes mitigation at A12 / Brightwell Lakes access, A12 / Foxhall Road, A12 / Seven Hills and A12 / Barrack Square.</li> </ul> <p>The Applicant's assessment does not consider any impact associated with the traffic management associated with the construction of either of the Brightwell Lakes mitigation nor with the traffic management associated with the construction of the MRN mitigation.</p>
	<b>Response by SZC Co for Deadline 3</b>	<p>SZC Co. recognises the importance of the A12 corridor to the project and will continue to engage with SCC via the Transport Review Group (TRG) throughout the Sizewell C construction period to ensure Sizewell C activities are coordinated with proposed highway works on the A12 and across Suffolk.</p> <p>SCC are correct that the microsimulation model does not include the planned segregated left-turn lane improvement on the A14 westbound off-slip at the A12 / A14 junction. Despite this, queues in the left-hand lane on the off-slip are not predicted to be significant with or without Sizewell C traffic. Adding this improvement to the model is therefore unlikely to change the conclusions significantly and, if anything, would reduce the predicted delays.</p> <p>Temporary traffic management (TTM) arrangements that would be in place during construction of the Brightwell Lakes and MRN mitigation have not been assessed as part of</p>

ExQ1	Question to:	Question:
		<p>the Sizewell C modelling. TTM associated with third-party projects would not normally be assessed in a transport assessment. In addition:</p> <ol style="list-style-type: none"> <li>1) the MRN scheme is not a committed highway improvement;</li> <li>2) TTM would be in place on the A12 only during temporary highway construction works. Any impacts would therefore be short term;</li> <li>3) Detailed construction phasing plans (e.g. lane closures) and a detailed programme of construction activities is not available to a level of detail that could be modelled.</li> </ol> <p>It is expected that any impacts that arise on the A12 due to construction of the Brightwell Lakes and MRN schemes would be mitigated by those projects, and carefully managed by SCC as highway authority, and Highways England in relation to the Seven Hills interchange.</p>
TT.1.62	The Applicant, SCC, Scottish Power	<p><b>Transport Assessment (TA) [AS-017] – Cumulative Assessment with EA1N and EA2</b></p> <p>Is the traffic data input provided used in the modelling of the Scottish Power proposal EA1 and EA2 still the correct current data?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. recently met with Scottish Power Renewables (SPR) in order to discuss the traffic generation included in the SZC Co. traffic models for EA1N and EA2 (taken from the preliminary environmental information report, PEIR) and compare it with the SPR traffic figures included in their Environmental Statement submitted with their applications for development consent. Whilst there are minor differences, it was agreed these would not have a significant effect on the conclusions presented in the Sizewell C cumulative impact assessment included in the <b>Transport Assessment Addendum</b> [<a href="#">AS-266</a>] and Environmental Statement.</p> <p>In order to respond to this question, a note (<b>Appendix 24B</b>) has been produced summarising the differences in the SPR PEIR and ES traffic inputs.</p>
	<b>Response by Scottish Power Renewables for Deadline 2</b>	<p>East Anglia ONE North Limited and East Anglia TWO Limited have been provided with a copy of the modelling data used by the Sizewell C project to assess the potential for cumulative impacts with the EA1N and EA2 projects.</p> <p>East Anglia ONE North Limited EA1NL and East Anglia TWO Limited EA2L will review this information and revert.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	The Applicant submitted a technical note to SCC that highlighted the differences in the flows between those assessed within the respective DCOs; it is understood that this technical note will be submitted to the Examining Authority by the Applicant. There are some differences to the flows assessed; however, SCC considers these as very minor and highly unlikely to have a material impact on any conclusions.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2. The technical note referred to by SCC is the note ( <b>Appendix 24B</b> ) referred to in SZC Co.'s <b>Response to ExQ1s</b> for Deadline 2 [ <a href="#">REP2-112</a> ].
TT.1.63	The Applicant, SCC, Scottish Power	<p><b>Transport Assessment (TA) [AS-017] – Cumulative Assessment with EA1N and EA2</b></p> <p>Explain:</p> <ul style="list-style-type: none"> <li>(i) How highway mitigations proposed for this project would be aligned with those proposed by East Anglia One North and Two offshore windfarms;</li> <li>(ii) How any overlap of mitigations proposed would be managed to minimise potential abortive work;</li> <li>(iii) How highway works would be coordinated between the projects; and</li> <li>(iv) How the Construction Traffic Management Plans would be aligned and managed to ensure consistent approach to traffic management between all projects and existing highway users.</li> </ul>
	<b>Response by SZC Co. for Deadline 2</b>	<p>SZC Co. recognise the importance of regular and effective communication between SZC Co., Scottish Power Renewables (SPR) and Suffolk County Council (SCC) to co-ordinate the delivery of highways mitigation, so as to minimise the impact on the community and travelling public, avoid duplication and abortive works. A commitment to regular engagement during design and construction phases is set out in the <b>Statement of Common Ground</b> (SoCG) between SZC Co. and SPR. SZC Co. (Doc Ref. 9.10.28). SZC Co. propose to establish clear communications protocols between all three parties, which will be defined in the terms of reference of the Transport Review Group (TRG).</p> <ul style="list-style-type: none"> <li>(i) The SPR EA1N and EA2 project on-shore order limits overlap with Sizewell C order limits in three locations: (a) Sizewell Gap, (b) A12 / Friday Street and (c) B1069 Snape Road / A1094 Aldeburgh Road. <b>Appendix 1</b> to the <b>SoCG</b> between SPR and SZC Co. (Doc Ref. 9.10.28) shows the overlapping areas.</li> </ul>



ExQ1	Question to:	Question:
		<p>(a) Sizewell Gap will be used as a construction access during the initial period of construction of Sizewell C, but the works proposed by SPR do not materially conflict with the construction of Sizewell C. EA1N and EA2 have provided an Outline Sizewell Gap Construction Method Statement<sup>7</sup> which describes the nature of the works on Sizewell Gap and how they are proposed to be undertaken to ensure that traffic is not disrupted.</p> <p>(b) Both SZC Co. and SPR propose an improvement at the A12 / A1094 junction. SPR propose a traffic signal scheme, whilst SZC Co. propose a roundabout. It is understood that Suffolk County Council (SCC) have identified that the proposed SZC Co. roundabout improvement, if delivered early enough, could negate the need for the SPR signal scheme. The updated <b>Implementation Plan</b> (Doc Ref 8.4I(A)) shows that the Friday Street roundabout is proposed to be delivered early in the Sizewell C construction phase. SZC Co. will continue to engage with SPR and SCC as the detailed delivery programmes are developed to agree the works required to avoid duplication or abortive work.</p> <p>(c) At the A1094 / B1069 junction SPR propose temporary carriageway widening and vegetation clearance (on B1069) to accommodate AIL movements. SZC Co. mitigation also proposes vegetation clearance (A1094), signs and lines and a reduced speed limit from 60mph to 40mph to improve safety. The mitigation proposals are complementary, and should not lead to any abortive works.</p> <p>(ii) Refer to (i)</p> <p>(iii) The <b>SoCG</b> between SZC Co. and SPR (Doc Ref. 9.10.28) states the commitment of SZC Co. and SPR parties to engage regularly during design and construction so that any interface between the projects can be considered at an early stage, recognising it is in the interests of both parties and the wider community.</p> <p>(iv) The SZC Co. <b>Construction Traffic Management Plan (CTMP)</b> (Doc Ref 8.7(A)) states that the Transport Review Group (TRG) can invite representatives from other organisations to meetings for particular agenda items and this could include SPR to discuss the co-ordination of the two projects if considered necessary by the TRG. As</p>

<sup>7</sup> Scottish Power Renewables (2021) Outline Sizewell Gap Construction Method Statement.

ExQ1	Question to:	Question:
		stated above, SZC Co. Also propose to establish clear communications protocols between all three parties, which will be defined in the terms of reference of the Transport Review Group (TRG).
	<b>Response by Scottish Power Renewables for Deadline 2</b>	<p>EA1N&amp;EA2 Sizewell C Cumulative Impact Assessment Note (Traffic and Transport) - Version 02 (East Anglia TWO examination reference REP6-043<sup>8</sup>) sets out the cumulative interactions between the East Anglia ONE North, East Anglia TWO and Sizewell C projects.</p> <p>The Statement of Common Ground with NNB Generation Company (SZC) Limited V2, SZC-501 (East Anglia TWO examination reference REP8-112<sup>9</sup>) confirms:</p> <p>"The Applicants and SZC will engage regularly with each other during design and construction of their respective projects so that any interface between the projects can be considered at an early stage, recognising it is in the interests of the Applicants and SZC as well as the wider community that all projects be coordinated as far as reasonably practicable"</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>i) Given the complexity and programming of projects there are a number of scenarios that could occur; meaning that SCC needs to ensure that each project mitigates its impacts in isolation. It is expected that there will be ongoing engagement between the SCC, ESC, Scottish Power Renewables and Sizewell C Co. SCC considers the timing of interventions is critical to avoid construction activities causing delays to either Sizewell C or East Anglia One North and Two haul routes. This may require some activities being brought forward.</p> <p>ii) SCC considers there are three locations where the potential for abortive work could occur (Marlesford, Yoxford and A12 / A1094 Friday Street junction), and all Projects are expected to mitigate their proportional impacts at these locations. It is anticipated that there will be on going engagement between the relevant parties on the programming of works for all projects, and as set out at Paragraph 83, 101 and 105 of REP9-003 of the EA1N DCO, as part of the final CTMP, SPR will submit details of the mitigation works it proposed to implement (if any) to address predicted impacts at Friday Street junction,</p>

<sup>8</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20\(Traffic%20and%20Transport\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004009-ExA.AS-6.D6.V2%20EA1N&EA2%20Sizewell%20C%20Cumulative%20Impact%20Assessment%20Note%20(Traffic%20and%20Transport).pdf)

<sup>9</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004551-ExA.SoCG-18.D8.V2%20EA1N&EA2%20Statement%20of%20Common%20Ground%20with%20NNB%20Generation%20Company%20\(SZC\)%20Limited.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-004551-ExA.SoCG-18.D8.V2%20EA1N&EA2%20Statement%20of%20Common%20Ground%20with%20NNB%20Generation%20Company%20(SZC)%20Limited.pdf)

ExQ1	Question to:	Question:
		<p>Marlesford and Yoxford taking into account of the most up to date information available on the Sizewell C programme to avoid the potential for abortive works.</p> <p>iii) At SZC-402 to 404 of REP8-112 of the EA1N/EA2 DCO, which forms the EA1N / EA2 Statement of Common Ground with SZC Co., there is a commitment for regular engagement between the parties with regards to elements of the EA1N/EA2 mitigation. At SZC-501, there is a commitment to engage regularly between the parties so that any interface between the projects can be considered at an early stage. The Applicant would keep the Councils informed of highway works through the Transport Review Group incorporating their engagement with SPR and it is understood that this commitment will be included in a future submission of the CTMP.</p> <p>iv) The construction management plan of each project reflects their relative works, scale and impacts and as such are not identical. Through the TRG the highway authority will keep the Applicant informed of upcoming highway works and any programming associated with major schemes (i.e. the MRN works). SPR will be appointing a Construction Transport Management Plan Coordinator (paragraph 14 of the Outline Construction Transport Management Plan  <a href="https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-004831-8.9%20EA1N%20Outline%20Construction%20Traffic%20Management%20Plan%20(Tracked).pdf">https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-004831-8.9%20EA1N%20Outline%20Construction%20Traffic%20Management%20Plan%20(Tracked).pdf</a>) for their projects and it will be imperative that they co-operate with their equivalent in the SZC project. In the EA1(N) / EA2 DCO's there is a commitment by NNB and SPR to engage during design and construction of their respective projects (SZC-501  <a href="https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-004486-ExA.SoCG18.D8.V2%20EA1N&amp;EA2%20Statement%20of%20Common%20Ground%20with%20NNB%20Generation%20Company%20(SZC)%20Limited.pdf">https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-004486-ExA.SoCG18.D8.V2%20EA1N&amp;EA2%20Statement%20of%20Common%20Ground%20with%20NNB%20Generation%20Company%20(SZC)%20Limited.pdf</a>) although SCC feels this short of the details require to assess how this will be done and whether this includes co-operation managing construction and worker trips.</p>
	<b>Response by SZC Co. for Deadline 3</b>	Further to the SZC Co. response at Deadline 2, The <b>Construction Traffic Management Plan</b> <a href="#">[REP2-054]</a> outlines the role of the Transport Review Group (TRG) which will be set up prior to construction commencing. In addition to the regular TRG attendees from SCC, ESC and Highways England, specialist ad-hoc attendees may be invited to discuss specific

ExQ1	Question to:	Question:
		<p>issues. The SPR Construction Transport Management Plan Coordinator could be invited to establish effective coordination of transport aspects between both projects.</p> <p>The Sizewell C Delivery Coordinator may also have a role in coordinating Sizewell C traffic movements (e.g. AILs) with SPR, although this would be subject to further discussion.</p>
TT.1.67	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>Junction 5 A1094/ B1069 junction. Are you satisfied that the mitigation proposed is an appropriate response to the proposed development impact at this junction?</p>
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The operation of this junction has been raised by SCC as a concern in discussions with the Applicant, and is also highlighted in the LIR. We recognise that the junction operates within capacity in all development scenarios submitted to date, noting that we are awaiting a further local junction model scenario for this location, however, there are some noticeable increases in average delay of up to 10 seconds. There is an in-combination effect on capacity when considering traffic associated with EA1N and EA2 that occurs in one hour of a worst-case scenario. As with all modelling assessment, there is inherent risk within the modelling; the most pertinent to this particular junction are related to:</p> <ol style="list-style-type: none"> <li>1) Workforce numbers: There are currently no controls proposed that would control the total workforce numbers; meaning that they could exceed those assessed in the Early Years Scenario prior to the delivery of the southern park and ride (which is the most pertinent piece of infrastructure with regards to this location).</li> <li>2) The gravity model and where the workforce will live/travel to/from.</li> <li>3) There is currently no assessment of the reinstatement phase, so workforce numbers could exceed those assessed in the Early Years following removal of relevant mitigation (e.g. the southern park and ride).</li> <li>4) Workforce shift patterns: There are no controls proposed on the staff shift patterns; currently staff shift patterns are assessed based on a profile where staff traffic is generally outside of the busiest peak periods; if these patterns were not to occur as predicted this potentially would negatively impact the operation of this location.</li> </ol> <p>SCC is satisfied that the scheme is an appropriate response to the road safety implications of the proposed increase in traffic, but would have little effect on capacity. However, we</p>

ExQ1	Question to:	Question:
		<p>are mindful of the length of time that in combination effects could occur for (especially with regards to the profile of EA1N and EA2 traffic). As part of EA1N/EA2 Travel Plan (REP9-007) at paragraph 45 there is a commitment to review their impacts at this location post consent and to determine whether there is a need for additional mitigation; most likely in the form of workforce traffic management.</p> <p>In order to minimise risk at this location, we would expect the following management measures from the Applicant:</p> <ul style="list-style-type: none"> <li>a) Monitoring and controls on workforce numbers to ensure impacts do not exceed those assessed within the ES.</li> <li>b) Monitoring and controls on shift patterns to ensure impacts do not exceed those assessed within the ES.</li> <li>c) Monitoring of the reinstatement phase through the Transport Review Group.</li> <li>d) Traffic flows at this location to be monitored through the Transport Review Group and additional management mitigation to be provided if necessary.</li> </ul> <p>Subject to the results of the aforementioned modelling exercise, and confirmation of relevant monitoring, SCC considers the proposals and monitoring a proportionate response to their impacts.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<ul style="list-style-type: none"> <li>a) SZC Co. is not proposing caps on workforce numbers. Refer to SZC Co.'s response in <b>Chapter 31</b>, within <b>Comments on Councils' Local Impact Report</b> (Doc. Ref. 9.29).</li> <li>b) SZC Co. is not proposing controls on shift patterns. Evidence has been provided from Hinkley Point C with regards to shift patterns within the <b>Consolidated Transport Assessment</b> [<a href="#">REP2-052</a>]. Refer also to SZC Co.'s response in Chapter 15, Sections 15.4 and 15.5, within <b>Comments on Councils' Local Impact Report</b> (Doc. Ref. 9.29).</li> <li>c) Refer to SZC Co.'s response to Chapter 16 within <b>Comments on Councils' Local Impact Report</b> (Doc. Ref. 9.29). SZC Co. will continue to liaise with SCC with regards to the need or otherwise of monitoring of the reinstatement phase through the TRG.</li> <li>d) SZC Co. is proposing a transport contingency fund to be secured via the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)), which the TRG can direct be drawn down</li> </ul>

ExQ1	Question to:	Question:
		<p>in the event that mitigation is required to address significant adverse transport impacts that were not mitigated through the DCO.</p> <p>To inform the discussion, SZC Co. will be supplying a further local junction modelling scenario, as stated by SCC. This assessment will consider impacts from 4-5pm in 2034.</p>
TT.1.68	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>Junction 9 B1119 / B1122 / B1069 Leiston Crossroads was modelled to be operating over capacity in the morning peak hour 08.00 to 09.00 in the operational phase of development 2034 onwards in the original TA [AS-017]. Revised modelling results in Table 9.16 show additionally the 15.00 to 16.00 peak construction period over capacity. Is the Council content that no additional mitigation is required beyond what is suggested in the TA and the TA Addendum?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Junction 9: B1119 / B1122 / B1069 Leiston Crossroads:</u></p> <p>The Linsig model predicts an impact due to Sizewell C from 15:00-16:00 in 2028 and 2034 from 08:00-09:00 in 2034 only (as set out in <b>Transport Assessment Addendum [AS-266]</b> paragraphs 9.5.17 and 9.5.18).</p> <p>SZC Co. has worked closely with SCC and Leiston Town Council (LTC) to develop a scheme for the town which proposes improvements to footways, public realm, cycle infrastructure and junctions. The package of improvements align with highway network changes put forward by LTC, including the conversion of B1122 Main Street and High Street to one-way eastbound and southbound. The one-way route is designed to allow cyclists to continue to travel in both directions along this route. To accommodate the scheme, the B1122 Main Street arm of the B1119 / B1122 / B1069 junction would be for traffic exiting the junction only, which should result in some improvement in capacity and efficiency. An on-demand cycle stage is proposed for cyclists approaching the junction from Main Street. The Leiston scheme proposals have received broad support from Council, and the public are expected to be consulted on proposals in the Summer of 2021. The Leiston scheme would be funded by SZC Co. through a defined contribution identified in the <b>Deed of Obligation</b> (Doc Ref 8.17(C)). The proposals were not fixed at the time of writing so were not presented in the <b>Transport Assessment Addendum [AS-266]</b>.</p>

ExQ1	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers that mitigation is required for this location. SCC supports proposals for this issue to be addressed through the Leiston town improvement scheme being progressed by the Applicant and detailed in SCC's answer to TT.1.69. A key feature of the proposed mitigation is to remove one of the signalised arms of the junction to reduce delays, although discussions are ongoing regarding the need for a cycle phase at the junction to allow safe exit from the High Street. Modelling of the junction in its revised form will be required to evaluate the benefits of this part of the scheme in terms of capacity.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.69	SCC, ESC, Leiston Town Council	<b>Transport Assessment Addendum [AS-266] - Leiston Public Realm Improvements</b> Paragraph 12.6.6 are SCC and Leiston Town Council satisfied with the scope and extent of these works as mitigation for the predicted transport effects in Leiston?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is content with the proposals that have been developed with the Applicant, SCC and Leiston-cum-Sizewell Town Council. A public consultation event is proposed to be carried out shortly on the proposals. ESC support the majority of the proposals that are being worked up but are resistant to any proposals to provide additional public access to the northern end of the Aldhurst Farm habitat creation area.
	<b>Response by Leiston Town Council at Deadline 2</b>	TT.1.69 Transport Assessment Addendum The transport proposals cited in the Leiston Public Realm Improvements have still not reached a conclusion. Consultation with local residents has yet to be carried out. The current proposals for a one way system, improvements to the road surfaces and cycle routes aim to stop SZC traffic from driving through the centre of Leiston. The proposals are not a perfect solution; some roads will have a significant increase in traffic and some residents suffer adverse impacts. While LTC recognizes the willingness of the applicant to engage with LTC and the local authorities to resolve the effect of construction and contractor traffic in Leiston town centre, we believe that there is still much left to do to ensure Leiston town centre remains a safe and comfortable place to visit and to shop. We

ExQ1	Question to:	Question:
		recognise that even SZB outage traffic makes the town centre problematic, with its narrow roads and pavements and we are anxious to ensure a good resolution is reached.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is satisfied that, subject to community engagement, the scope and extent of the Town Centre scheme can be agreed with the Applicant. The proposals in the Transport Assessment Addendum [AS-266] section 12.6.6 are correct but omit restrictions proposed by the Town Council to make Sylvester Road, Grimsey Road and Eastward Ho one-way. Details of the wider cycling infrastructure within the town, specifically measures assisting workers in the Site Campus to access the town centre still need to be finalised. All proposals are only at a high level and significant work remains to develop these to enable technical approval of the design to be given by SCC.
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. continue to work with Leiston Town Council, ESC and SCC to work towards a mutually agreeable scheme for the town centre. Discussions with Leiston Town Council are currently centred on the form and content of materials to be used in public consultation.
TT.1.70	The Applicant, SCC	<b>Transport Assessment (TA) [AS-017] – Junction Modelling</b> Junction 11 A12 /A144 junction – (i) Explain why Junctions 9 modelling was not undertaken for the existing layout of this junction. Although changes are proposed it would give a comparable assessment of the operation of the junction in its current layout (without mitigation); (ii) Explain in more detail why Junctions 9 could not be used on the proposed layout as it has been used on A12 / B1119 staggered T junctions; and (iii) Suffolk County Council provide your views of the proposed junction assessment and potential improvement.
	<b>Response by SZC Co. for Deadline 2</b>	<u>Junction 11: A12 / A144</u> (i) A VISSIM micro-simulation assessment was undertaken for the Yoxford area and included the A12 / A144 junction. The VISSIM model covers the existing and proposed layouts, so junction modelling was not considered necessary at this location from a highway capacity perspective. The VISSIM model is considered to offer the best representation of the junction due to the complexities of the minor arm giveway behaviour which was observed to be relatively conservative due to the high speeds on the A12 traffic at this location.



ExQ1	Question to:	Question:
		(ii) The proposed layout introduces a central reserve which would allow vehicles turning right from the minor arm to cross the northbound and southbound A12 carriageways independently rather than waiting for a gap in both carriageways consecutively. The changes in this behaviour are not possible to represent within a junction model which is why the VISSIM model is the best tool for the capacity assessment of the proposed junction presented in the <b>Transport Assessment</b> <a href="#">[AS-017]</a> .
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The existing and proposed junction layout have been assessed using VISSIM. SCC is content that the assessment of the junction in its existing form and proposed form using VISSIM software is acceptable. A Junctions 9 model could be produced by the Applicant; however, it is likely that SCC may consider the results of any Junctions 9 assessment, whilst helpful, to be superseded by the Yoxford VISSIM model. It is considered that the proposed layout would have a limited beneficial effect on junction capacity. It may be that as part of the detailed design stage, a local junction model should be built to undertake a final check on the junction's operation.</p> <p>In terms of road safety, SCC as local Highway Authority has raised concerns regarding large vehicles turning right (south) from the A144, in part due to the width of the central reserve, requiring this to be made in a single movement. Widening of the central reserve to allow a two-stage movement would, in SCC's opinion, be safer but would require significantly more space and is likely to encroach beyond the highway boundary. The Applicant has responded that no SZC related HGVs are intended to travel on the A144 and therefore, in the Applicant's view, this impact of the project in these terms is not significant. Monitoring is required to ensure that actual HGV movements conform to the assumptions made.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.72	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>Junction 13 A12 / B1122 Junction. Paragraphs 9.5.29 and 9.5.30 suggest that the introduction of the roundabout will add or even create queues on the A12. What is the Highways Authority's view of the introduction of this roundabout?</p>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	Refer to the response to <b>TT.1.71</b> for SZC Co. position.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC recognises that the proposed roundabout will create additional delay, particularly for southbound A12 traffic; however, this delay is generally considered to be minor, with some short spikes in queue lengths, which within the modelling are seen to dissipate quickly and have been considered in the context of wider impacts. The modelling indicates that the roundabout will reduce delay for B1122 outbound movements, will at points reduce the delay and therefore impact of right turn movements onto the B1122, and the associated blocking of northbound A12 through movements and is likely to be of a road safety benefit for right turning movements. SCC considers the roundabout as acceptable mitigation with a positive impact on B1122 movements, but with a negative impact on traffic flow for A12 southbound traffic.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.74	SCC, Highways England	<b>Transport Assessment Addendum [AS-266] – Junction Modelling</b> Junction 21: A14 / A12 Seven Hills Interchange. Are you satisfied that predicted traffic levels do not require additional mitigation at this junction?
	<b>Response by SZC Co. for Deadline 2</b>	<u>Junction 21: A12 / A14 Seven Hills Interchange</u> The VISSIM micro-simulation model, which covers the A12 from the A14 to A1152 (junctions 21-28), shows that average travel times through Seven Hills interchange are forecast to increase very slightly as a result of the Sizewell C traffic, as detailed in paragraph 9.5.49 of the <b>Transport Assessment Addendum [AS-266]</b> . These results were based on the assumption that the proposed Brightwell Lakes signalisation scheme at this location would be complete by 2023. Additional 2023 VISSIM tests have been conducted since the submission of the <b>Transport Assessment Addendum [AS-266]</b> to remove the committed Seven Hills upgrade from the 2023 model under the corrected assumption that it will not complete until after 2023, but before 2028. The revised 2023 travel time impacts differ slightly compared to those presented in the <b>Transport Assessment Addendum [AS-266]</b> however not to the extent that they change the conclusions being drawn. The majority of impacts remain within +/- 3 seconds of those reported previously, with the exception of the A12

ExQ1	Question to:	Question:
		<p>southbound travel time impact from 08:00-09:00 which increases from 12 to 23 seconds. The <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)) includes the corrected results.</p> <p>The overall conclusion that travel times along the A12 from Seven Hills to the A1152 (14km) is not expected to increase by more than 1 minute as a result of the Sizewell C proposals remains unchanged.</p>
	<b>Response by Highways England for Deadline 2</b>	<p>The applicant has taken a layered approach to traffic modelling, with a strategic VISUM-based model providing an overarching view of the highway network over a wide area including the Seven Hill Interchange; a VISSIM-based microsimulation model covering the local A12 corridor including the Seven Hills Interchange; and ARCADY/LinSig-based models of the Seven Hills Interchange in isolation. Highways England is content with this layered approach because it allows for the operation and performance of the Seven Hill Interchange to be assessed at different levels of detail, with notably the VISSIM model assessing the junction and surrounding road links in some detail both in terms of highway capacity and individual vehicle behaviour.</p> <p>Highways England has reviewed the outputs of all these models for Seven Hill Interchange in the context of the Strategic Road Network and is satisfied that predicted traffic levels including Sizewell C traffic at peak construction, do not require additional mitigation on the A14 slip roads. However, it is considered important that the committed improvements linked to the Brightwell Lakes development, which broadly comprise the introduction of traffic signals across parts of the Seven Hills Interchange including most significantly for Highways England the A14 westbound offslip, are fully implemented in advance of Sizewell C peak construction.</p> <p>Highways England has undertaken additional checks to consider how and to what extent the Sizewell C development is reliant upon the Brightwell Lakes improvement works. It has been concluded that these improvement works are important and will provide additional mitigation in terms of traffic queue levels on the A14 westbound offslip.</p> <p>It is important to note that the applicant's forecast year modelling incorporates a range of assumptions regarding the movement of traffic associated with the Sizewell C development, underpinned by a strategy which assumes a split between road, rail and marine transport. At the Seven Hills Interchange the applicant's mode strategy results in</p>

ExQ1	Question to:	Question:
		<p>an estimated number of construction HGVs and construction workers travelling by car to/from Sizewell C/Freight Management Facility.</p> <p>Highways England's acceptance of the models and model results from the perspective of the Strategic Road Network at the Seven Hills Interchange is predicated on there being sufficiently robust controls and management processes in place to ensure that Sizewell C traffic volumes do not exceed the estimates which have been incorporated in traffic modelling.</p> <p>Any exceedance of predicted Sizewell C traffic volumes will place additional pressure on the Seven Hills Interchange (and other parts of the highway network) which may therefore warrant additional mitigation.</p> <p>Highways England has reviewed draft copies of the applicant's Construction Worker Travel Plan, Construction Traffic Management Plan and Traffic Incident Management Plan and has provided comments and recommendations to the applicant in response. Highways England also requests additional information which confirms that rail and marine infrastructure is deliverable. Highways England awaits updates this additional information. The additional information including updated draft management plans could provide additional confidence that suitably robust controls will be in place, and that the traffic conditions as estimated by the applicant at the Seven Hills Interchange, and other parts of the highway network, are realistic and can be achieved.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is not satisfied. This corridor has been considered holistically, and the answer is covered in TT.1.82 below.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however SZC Co. have provided a response to SCC comments in regard to the A12 corridor against ExQ1 <b>TT.1.82</b> below.
TT.1.75	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>Junction 22: A12 / Foxhall Road / Newbourne Road. Are you satisfied that predicted traffic levels do not require additional mitigation at this junction?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Junction 22: A12 / Foxhall Road</u></p> <p>The VISSIM micro-simulation model of the A12 corridor suggests that average travel times through the A12 / Foxhall Road junction will increase slightly as a result of the</p>

ExQ1	Question to:	Question:
		<p>Sizewell C traffic, as detailed in paragraph 9.5.66 and 9.5.67 of the <b>Transport Assessment Addendum</b> [AS-266]. Sizewell C impacts were predicted to be slightly higher in 2023 (no committed Brightwell Lakes improvements) with an increase in travel time of up to 38 seconds on the Foxhall Road approach (2023 early years during the hour of 08:00-09:00). Sizewell C impacts in 2028 and 2034 were predicted to be very low (no more than +7 seconds). These results were based on the assumption that the committed Brightwell Lakes signalisation scheme at Seven Hills is complete by 2023.</p> <p>Additional 2023 VISSIM tests have been conducted since the submission of the <b>Transport Assessment Addendum</b> [AS-266] to remove the committed Seven Hills upgrade from the 2023 model under the corrected assumption that it will not complete until after 2023, but before 2028. The revised 2023 travel time impacts differ slightly compared to those presented in the <b>Transport Assessment Addendum</b> [AS-266] but not to the extent that they change the conclusions being drawn. Sizewell C impacts are still predicted to be slightly higher in 2023 (no committed Brightwell Lakes improvements) with an increase in travel time of up to 23 seconds on the Foxhall Road approach (2023 early years in the hour of 08:00-09:00). Sizewell C impacts in 2028 and 2034 are still predicted to be very low (no more than +7 seconds). The <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)) includes the corrected results.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is not satisfied. However, this corridor has been considered holistically, see TT.1.82 below.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however SZC Co. have provided a response to SCC comments in regard to the A12 corridor against ExQ1 <b>TT.1.82</b> below.
TT.1.76	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>Junction 24: A12 / Anson Road / Eagle Way. Are you satisfied that predicted traffic levels do not require additional mitigation at this junction?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>Junction 24: A12 / Anson Road</u></p> <p>The VISSIM micro-simulation model forecasts that average travel times through the A12 / Anson Road junction will increase by up to 3 seconds in 2023 and 38 seconds in 2028 as a result of the Sizewell C traffic, as detailed in paragraph 9.5.49 of the <b>Transport</b></p>

ExQ1	Question to:	Question:
		<p><b>Assessment Addendum</b> [<a href="#">AS-266</a>]. These results were based on the assumption that the committed Brightwell Lakes signalisation scheme at Seven Hills is complete by 2023. Additional 2023 VISSIM runs have been conducted since the submission of the <b>Transport Assessment Addendum</b> [<a href="#">AS-266</a>] to remove the committed Seven Hills upgrade from the 2023 model under the corrected assumption that it will not complete until after 2023, but before 2028. The revised 2023 travel time impacts differ slightly compared to those presented in the <b>Transport Assessment Addendum</b> [<a href="#">AS-266</a>] but not to the extent that they change the conclusions being drawn. Sizewell C is predicted to increase travel times by up to 4 seconds in 2023.</p> <p>The A12 VISSIM corridor model did not include any route choice. In reality, vehicles on Anson Road would be able to choose to route via Anson Road or Gloster Road to access the A12, which would distribute queuing across the Anson Road and Gloster Road arms of these junctions.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is not satisfied. However, this corridor has been considered holistically, see TT.1.82 below.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however SZC Co. have provided a response to SCC comments in regard to the A12 corridor against ExQ1 <b>TT.1.82</b> below.
TT.1.78	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>Junction 26: A12 / B1438. Are you satisfied that predicted traffic levels do not require additional mitigation at this junction?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Refer to the response to <b>TT.1.77</b> for SZC Co. position.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is not satisfied. However, this corridor has been considered holistically, see TT.1.82 below.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however SZC Co. have provided a response to SCC comments in regard to the A12 corridor against ExQ1 <b>TT.1.82</b> below.

ExQ1	Question to:	Question:
TT.1.79	SCC	<b>Transport Assessment Addendum [AS-266] – Junction Modelling</b> Junction 27: A12 / B1079 Grundisburgh Road. Are you satisfied that predicted traffic levels do not require additional mitigation at this junction?
	<b>Response by SZC Co. for Deadline 2</b>	<u>Junction 27: A12 / B1079</u> The A12 VISSIM corridor model suggests that average travel times through the A12 / B1079 junction will increase slightly as a result of the Sizewell C traffic, as detailed in paragraphs 9.5.109 and 9.5.110 of the <b>Transport Assessment Addendum [AS-266]</b> . Sizewell C impacts are forecast to be up to +2 seconds in 2023 based on the assumption that the committed Brightwell Lakes signalisation scheme at Seven Hills is complete by 2023. In 2028, Sizewell C is forecast to increase the average travel time on the B1079 east approach by 37 seconds (busiest day) or 30 seconds (typical day). The A12 north approach is also predicted to experience an increase in travel times of up to 10 seconds and the A12 south approach by up to 11 seconds. Additional 2023 VISSIM runs have been conducted since the submission of the <b>Transport Assessment Addendum [AS-266]</b> to remove the committed Seven Hills upgrade from the 2023 model under the corrected assumption that it will not complete until after 2023, but before 2028. The revised 2023 travel time impacts differ slightly compared to those presented in the <b>Transport Assessment Addendum [AS-266]</b> but not to the extent that they change the conclusions being drawn. Sizewell C is predicted to increase travel times in 2023 by up to +4 seconds. The <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)) includes the corrected results.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC is not satisfied. However, this corridor has been considered holistically, see TT.1.82 below.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, however SZC Co. have provided a response to SCC comments in regard to the A12 corridor against ExQ1 <b>TT.1.82</b> below.
TT.1.80	SCC	<b>Transport Assessment Addendum [AS-266] – Junction Modelling</b> Junction 29 A12 / New Road / Woodbridge Road. Paragraph 9.5.133 states that "SZC Co. propose that the traffic flow, driver delay and road safety performance of this junction be monitored during the construction of Sizewell C via the Transport Review Group (TRG),

ExQ1	Question to:	Question:
		and impacts managed in alignment with the construction phase management plans. The Draft Section 106 Agreement (Doc Ref. 8.17) [PDB-004] sets out transport contingency effects funds that would be available to the TRG to address any identified issues, should they arise. Are you satisfied with the suggested approach at this junction?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council at Deadline 2</b>	Considering the modelling outputs and road safety history of this location, as well as an aim to avoid unnecessary highway works along this corridor, SCC is satisfied with this approach.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required.
TT.1.81	The Applicant, SCC	<b>Transport Assessment Addendum [AS-266] – Junction Modelling</b> Junction 38: A12 / B1125 Angel Lane, Blythburgh. Paragraph 9.5.137 states that “The Refined DCO forecast flows at this location have changed very little, however visibilities in the model have been adjusted to address comments made by SCC. This results in RFCs changing by +/- 0.13 and delays changing by +/- 15s per vehicle.”. Explain these comments and the adjustments to visibilities made.
	<b>Response by SZC Co. for Deadline 2</b>	<u>Junction 38: A12 / B1125</u> The latest junction model results for the A12/B1125 junction presented in the <b>Transport Assessment Addendum [AS-266]</b> differ from those presented in the <b>Transport Assessment [AS-017]</b> due to two changes to the model, as follows: <ul style="list-style-type: none"> <li>- The forecast traffic flows used in the latest junction model have reduced by up to 11 vehicles per hour and increased by up to 11 vehicles per hour on each approach. The change in flows is due to the following changes to the strategic modelling which were documented in <b>Chapters 7 and 8</b> of the <b>Transport Assessment Addendum [AS-266]</b>: <ul style="list-style-type: none"> <li>- Revalidation of the strategic model in the area around Woodbridge</li> <li>- Refined Sizewell C direct bus strategy</li> <li>- Reduced Sizewell C HGV demands</li> </ul> </li> </ul>



ExQ1	Question to:	Question:
		<p>- Junction models require a number of measured geometries to be input, including visibilities for vehicles giving way at t-junctions. Visibilities are dependent on a number of variables such as on-street parking and height of vegetation and are therefore subjective in nature. Through discussion with Suffolk County Council (SCC), it was agreed that the modelled forward visibility for the right turn from the A12 south to the B1125 would be reduced from 80.6m to 50.0m. It was also agreed that the modelled left turn visibility from the B1125 would be reduced from 16m to 15m. This is considered to be conservative but has been accepted for the sake of robustness. A direct intercept adjustment of -50 was also applied to the minor arm to make the base model queue lengths more realistic.</p> <p>The overall impact of these model changes was to increase the ratio of flow to capacity (RFC) by up to +0.10 from a maximum of 0.61 in the <b>Transport Assessment</b> <a href="#">[AS-017]</a> to a maximum of 0.71 in the <b>Transport Assessment Addendum</b> <a href="#">[AS-266]</a>. The largest Sizewell C impact is predicted to be an increase of RFC of +0.28 in 2023, +0.11 in 2028 and no impact in 2034. This translates to delay increases on the B1125 of +19s in 2023, +9s in 2028 and no impact in 2034.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC was concerned that the original measurement for forward visibility was from a location that vehicles would potentially not occupy due to the layout of the junction, as vehicles would need to sit further back in order to undertake a right turn in manoeuvre. In order to provide a robust assessment of the junction's operation we requested that the forward visibility for right turn movements was reduced. The Applicant reduced it to 50m, which, although potentially slightly higher than what we believe may be the actual figure (in the order of 40 to 50m), had little effect on the overall operation of the junction and any further small reductions would have even less of an effect. The model of this junction is considered acceptable.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>No further response from SZC Co. is required.</p>
TT.1.82	SCC	<p><b>Transport Assessment Addendum [AS-266] – Junction Modelling</b></p> <p>A12 Corridor Assessment. Paragraph 9.6.20 states that "Based on the VISSIM assessment, no perceivable impact is predicted and therefore no mitigation in the form of highway improvements is considered to be required for the A12 corridor between Seven Hills and Melton. SZC Co. will implement a Construction Traffic Management Plan and</p>

ExQ1	Question to:	Question:
		Construction Worker Travel Plan to monitor and manage the impacts of Sizewell C freight traffic and workforce movements during the construction of Sizewell C. A Transport Review Group (TRG) will be established to review these plans and review the monitoring report produced each quarter. A transport contingency fund will be made available to the TRG to be used if necessary, to implement any further mitigation measures and remedial actions.” Do you agree with this analysis and the suggested approach to any necessary mitigation?
	<b>Response by SZC Co. for Deadline 2</b>	<p><u>A12 corridor assessment</u></p> <p>Based on the A12 VISSIM model, documented within Appendix 9C of the <b>Transport Assessment Addendum</b> [<a href="#">AS-266</a>], it is concluded that Sizewell C impacts would not be significant on the A12 corridor from the A14 to the A1152. It should be noted that, the 650-HGV and 700-HGV figures in Table 9.55 and 9.56 had been accidentally swapped. The <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)) includes the corrected results.</p>
	<b>Response by Highways England for Deadline 2</b>	Highways England has no comments to make. However depending on Suffolk County Council’s response to ExA, we may wish to provide comment/respond if necessary by the 24th June deadline
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC do not agree with the conclusion that mitigation is not required on this corridor. SCC recognises that issues along this corridor are both pre-existing and worsened by general background growth, but that these issues will be further exacerbated by Sizewell C traffic. In particular, the Applicant’s modelling, for which there is inherent risk within the results, has identified that the increase in traffic will result in the following impacts:</p> <p>a) In the early years average delay per vehicle will increase by 3 to 5 seconds and total delays on the corridor by 24 to 43 hours as a result of Sizewell C traffic. North to south journey times along the entire length of the corridor would increase by between 1 and 18 seconds depending on the hour and direction as a result of Sizewell C traffic. However, as noted under c), there are notable significant impacts of delay in specific location.</p> <p>b) For Peak Construction, a number of scenarios have been modelled, but average delay per vehicle would increase by between 5 and 13 seconds and total delay would increase between 56 and 152 hours as a result of Sizewell C traffic. North to south journey times would increase by between 1 and 62 seconds depending on the hour and direction as a</p>

ExQ1	Question to:	Question:
		<p>result of Sizewell C traffic. However, as noted under d), there are notable significant impacts of delay in specific location.</p> <p>c) Some examples of noticeable impacts in the Early Years scenario include the following:</p> <ul style="list-style-type: none"> <li>o An approximate 17min increase in the queue length on the A12 north approach to the A12 / A1214 roundabout.</li> <li>o An approximate 43min increase in the queue length on the Foxhall Road approach to the A12 / Foxhall Road roundabout.</li> <li>o An approximate 24min increase in the queue length on the Barrack Square approach to the A12 / Barrack Square roundabout.</li> </ul> <p>d) Some examples of noticeable impacts in the Peak Years scenario include the following:</p> <ul style="list-style-type: none"> <li>o An approximate 113min increase in the queue length on the A12 south approach to the A12 / B1438 roundabout.</li> <li>o An approximate 76min increase in the queue length on the A12 south approach to the A12 / B1079 roundabout.</li> <li>o An approximate 82min increase in the queue length on the A12 north approach to the A12 / A1214 roundabout.</li> <li>o An approximate 104min increase in the queue length on the Anson Road approach to the A12 / Anson Road roundabout</li> <li>o An approximate 91min increase in the queue length on the A12 north approach to the A14 / A12 Seven Hills roundabout</li> </ul> <p>e) Although the methodology and therefore the outputs of the environmental assessment of road traffic have not been agreed, there are a number of locations along the corridor where the Applicant has identified a Major Adverse impact on Fear and Intimidation.</p> <p>f) Outside of the impacts identified above, which are averages, there are the less quantifiable impacts associated with reduced capacity and increased journey times associated with AILs and increased incidents.</p> <p>These impacts will result the following:</p> <ul style="list-style-type: none"> <li>a) Negative impacts on the Suffolk economy, including on tourism, as a result of increased journey times (real and perceived);</li> <li>b) Reduced resilience along the corridor;</li> </ul>

ExQ1	Question to:	Question:
		<p>c) Negative impacts on road safety as a result of increased congestion and driver frustration;</p> <p>d) Increased severance along the corridor; and e) Reduced vulnerable road user amenity along the corridor, particularly for pedestrians on the A12 at Woodbridge, and cyclists along the corridor.</p> <p>While large vehicles cannot deviate from the A12 or B1122, significant delays or disruption on this route will displace light vehicles to other routes such as the A1152/B1069 or B1078 preferable for workers. This may then result in additional impacts elsewhere. Notwithstanding the comments made on the modelled results, the modelling within the Transport Assessment relies on the assumption made regarding the volumes of construction traffic using the network particularly during peak hours. For example, the assumed shift patterns for workers places most journeys outside peak hours, and the number of peak hour HGV movements are currently not proposed to be capped. SCC considers this a significant risk and is requesting suitable monitoring and controls to ensure that the theoretical numbers assumed in the modelling are not exceeded. See LIR [REP1-045].</p> <p>SCC are preparing a bid for funding improvements to the A12 corridor east of Ipswich. These are primarily to support local growth over and beyond the duration of the Local Plan but would reduce delays and mitigate some of the impacts resulting from SZC. SCC as the local Highway Authority expects the Applicant to provide a proportional financial contribution towards Major Road Network (MRN) improvements, to mitigate Sizewell C's impacts on capacity, economic impacts of congestion, impacts on fear and intimidation and road safety along this part of the A12.</p> <p>The economic impacts of congestion as a result of Sizewell C construction traffic for this corridor is evidenced by a high-level assessment by Aecom commissioned by SCC, which is submitted as SCC Appendix to ExQ SE.1.42. Accepting the limitations of this assessment in terms of it not being able to provide an exact prediction of the economic impact, SCC considers that the assessment clearly indicates a significant negative cost on the economy for the A12 corridor between Seven Hills and A1152 Woods Lane as a result of increased congestion from Sizewell C construction traffic. It should be noted that these calculations do not include any assessment as a result of disruption caused by traffic management as a result of highway works nor as a result of abnormal loads. The identified range of the economic impacts based on the high level assessment method</p>

ExQ1	Question to:	Question:
		<p>needs to be considered alongside the other impacts on this corridor, and supports the case for Sizewell C to provide a proportionate contribution towards the MRN improvements.</p> <p>The proposed MRN improvements may also make the A12 a more attractive route in terms of journey time and reliability for workers than cross country routes such as the B1078, thus may reduce the impact of Sizewell C on these routes. If the MRN bid is unsuccessful the LHA will be looking to secure localised highway improvements funded by the Applicant to mitigate the specific SZC transport impacts on the A12 corridor.</p> <p>SCC considers that the Applicant needs to contribute to the mitigation as suggested above, and disagrees that reliance on the contingency fund to provide mitigation would be appropriate in this case. If mitigation was reliant on the contingency fund, the mitigation would be reactive, i.e. an impact occurring would trigger a need for mitigation which would at that point still need to be designed and delivered. Thus, mitigation on the A12 corridor would only be delivered after the impact or would not be possible to deliver it due to the combined impact of construction traffic and disruption of the construction of the mitigation itself.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>The queue length and delay results quoted by SCC are from the A12 VISSIM modelling results reported in <b>Appendix 9C</b> of the <b>Transport Assessment Addendum</b> [<a href="#">AS-270</a>]. Following further discussion with SCC and Highways England, the A12 VISSIM model was refined. Updated results are reported in <b>Appendix 9C</b> of the <b>Consolidated Transport Assessment</b> [<a href="#">REP2-051</a>].</p> <p>The queue length and journey time results quoted above for the peak construction phase are from the Integrated Freight Strategy described in the <b>Transport Assessment</b> [<a href="#">APP-602</a>] submitted with the DCO Application (May 2020), and not the preferred freight management strategy described in the <b>Freight Management Strategy</b> [<a href="#">AS-280</a>] submitted to PINS in January 2021. The preferred freight management strategy results in significantly fewer HGV movements on the network (from 1,000 movements per day during the busiest day to 700 movements per day), and therefore lower impacts than reported above.</p> <p>For the sake of clarity, the “total delay” figures quoted in SCC’s response at Deadline 2 (items a. and b.) do not represent the delay experienced by an individual driver along the study corridor (i.e. 3-5 seconds in the early years and 5-13 seconds during peak</p>

ExQ1	Question to:	Question:
		<p>construction). The “total delay” figures quoted are instead the product of the individual delay per vehicle and the total number of vehicles, i.e. vehicle.hrs.</p> <p>Also, the queue lengths quoted in items c. and d. are in “metres”, not “minutes” as shown. So, reproducing for clarity:</p> <p>“c) Some examples of noticeable impacts in the Early Years scenario include the following:</p> <ul style="list-style-type: none"> <li>o An approximate <b>17 metres (two cars)</b> increase in the queue length on the A12 north approach to the A12 / A1214 roundabout.</li> <li>o An approximate <b>43 metres (seven cars)</b> increase in the queue length on the Foxhall Road approach to the A12 / Foxhall Road roundabout.</li> <li>o An approximate <b>24 metres (four cars)</b> increase in the queue length on the Barrack Square approach to the A12 / Barrack Square roundabout.</li> </ul> <p>d) Some examples of noticeable impacts in the Peak Years scenario include the following:</p> <ul style="list-style-type: none"> <li>o An approximate <b>113 metres (19 cars)</b> increase in the queue length on the A12 south approach to the A12 / B1438 roundabout.</li> <li>o An approximate <b>76 metres (13 cars)</b> increase in the queue length on the A12 south approach to the A12 / B1079 roundabout.</li> <li>o An approximate <b>82 metres (14 cars)</b> increase in the queue length on the A12 north approach to the A12 / A1214 roundabout.</li> <li>o An approximate <b>104 metres (17 cars)</b> increase in the queue length on the Anson Road approach to the A12 / Anson Road roundabout [SZC Co. do not recognise this queue length result]</li> <li>o An approximate <b>91 metres (15 cars)</b> increase in the queue length on the A12 north approach to the A14 / A12 Seven Hills roundabout [SZC Co. do not recognise this result.]</li> </ul> <p>“</p> <p>See response to SE.1.42 in relation to the economic cost of congestion on the A12.</p> <p>Contrary to SCC’s statement above that “the number of peak hour HGV movements are currently not proposed to be capped”, peak hour caps on HGV movements are proposed by SZC Co. Details of the maximum peak hour number of HGVs permitted are provided in the <b>Construction Traffic Management Plan</b> [<a href="#">REP2-054</a>] submitted at Deadline 2. Also see response to <b>TT.1.25</b> in relation to monitoring of HGV movements through the CTMP.</p>

ExQ1	Question to:	Question:
TT.1.84	SCC	<b>Transport Assessment Addendum [AS-266] – Road Traffic Collision Forecasts</b> Section 10.2 sets out the Applicant’s approach to assessment of future road traffic collisions. Do you agree with the assessment approach used and also in general where they suggest improvements these are required?
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Suffolk County Council at Deadline 2</b>	The assessment method is considered by SCC to be acceptable, and those locations identified are considered to be reasonable given the road collision histories and relevant modelling. However, road collisions will need to be monitored through the Transport Review Group to identify any potential unforeseen issues.  In particular, given the modelled operation of the B1078/B1079 junction, SCC considers the works proposed by the Applicant here to be necessary and continued operation of the junction needs to be reviewed.
	<b>Response by SZC Co. for Deadline 3</b>	Section 9.5 of the <b>Construction Traffic Management Plan (CTMP)</b> [ <a href="#">REP2-054</a> ] describes the process through which funding will be released from the Contingent Effects Funds to mitigate any significant adverse transport effects, should they arise. The Contingent Effects Funds will be secured through the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) and administered by the Transport Review Group (TRG). Only the agreed road links identified in an annex of the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) can be put forward for potential contingency funding. The list of junctions and links that would be included in the annex are subject to ongoing discussions with SCC.  The decision on drawing down funding from the Contingent Effects Funds will be taken by TRG, based on a range of evidence including “ <i>PICs (personal injury collisions) involving Sizewell C vehicles</i> ” and “ <i>Review of PIC trends and causation factors</i> ” as described in the CTMP. Where required, an independent road safety auditor would be appointed to review the evidence, determine if Sizewell C traffic resulted in a significant adverse road safety impact, and if appropriate, put forward recommendations for mitigation.  Review of road safety data described in <b>Chapter 10</b> of the <b>Consolidated Transport Assessment</b> [ <a href="#">REP2-045</a> ] shows that there has been only one collision at the B1078/B1079 junction in the most recent five-year period. However, there were 47 road traffic collisions over that period along the 22km length of the B1078 from the A140 (near

ExQ1	Question to:	Question:
		the A14) to Wickham Market. SZC Co. have therefore proposed a <b>B1078 Road Safety Contribution</b> fund, secured via the <b>Draft Deed of Obligation</b> (Doc Ref. 8.17(D)) to fund road safety works along the corridor. Potential road safety improvements have been developed in consultation with SCC and those measures are described in section 10.4 of the <b>Consolidated Transport Assessment</b> [ <a href="#">REP2-045</a> ]. Within those proposals SZC Co. propose vegetation maintenance to increase visibility for vehicles at the B1078/B1079 junction to reduce the risk of collisions.
TT.1.85	SCC, ESC, Wickham Market Parish Council	<b>Transport Assessment Addendum [AS-266] – Road Traffic Collision Forecasts</b> Paragraph 10.3.8 states that "In Wickham Market, between Border Cot Lane and the River Deben bridge, proposals have been developed in consultation with Suffolk County Council, East Suffolk Council and Wickham Market Parish Council. They include footway widening around the Border Cot Lane / High Street junction, kerb build-outs and parking rationalisation over this length. There would be no change to the existing 30 mph speed limit." Paragraph 10.3.10 in the first bullet point sets out that B1078 safety measures would hope to reduce vehicle speeds. Given there is a section of the B1078 that passes through a residential section of Wickham Market could you explain whether a reduction of the speed limit to 20mph was considered here?
	<b>Response by SZC Co. for Deadline 2</b>	SZC Co. has developed a package of improvements within Wickham Market, which are to be funding via an obligation within the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) and implemented by Suffolk County Council. The Wickham Market proposals will widen footways, improve pedestrian crossing facilities and control traffic speeds through the careful application of footway build-outs and kerb re-alignment. SZC Co. believe the design as proposed will be effective at controlling traffic speeds through this part of the village. The current proposals do not include a 20mph zone, however the desire for this has been raised by Wickham Market parish council (WMPC) and discussions are continuing with Suffolk County Council (SCC), East Suffolk Council (ESC) and WMPC on its feasibility.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC defers to SCC as local highway authority to comment with regards to speed limits.



ExQ1	Question to:	Question:
	<b>Response by Wickham Market Parish Council at Deadline 2</b>	<p>Wickham Market PC</p> <p>We have not yet received a final scheme from EDF, despite regular meetings since December 2019, but we hope to receive a scheme shortly which can be used to consult the public. We have requested concern over some current draft proposals and lack of speed controls proposed. We have also made clear that residents are unlikely to be able to welcome any reduced onstreet car parking nor have alternative parking locations been proposed by EDF.</p> <p>We hope to receive a scheme for wider public consultation to include village gateways, on street parking provisions and/or relocation for displaced parking, cyclist provision to the SP&amp;R and speed reduction measures and controls.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC is still considering whether a 20mph zone is appropriate for some or all of the residential areas of Wickham Market. This will depend on compliance with SCC's speed limit guidance (<a href="https://suffolkroadsafe.com/speeding/speed-limits">https://suffolkroadsafe.com/speeding/speed-limits</a> ) and details of the design. A 20mph speed limit is not favoured as it is normally only considered in exceptional circumstances for B class roads, and because of the intrusive signage within a conservation area. A 20mph zone would need to be largely self-enforcing and this will be dependent on the detail design of the mitigation.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Monthly meetings have been held with Wickham Market Parish Council and several iterations of the proposals have been developed and comments incorporated within the schemes. The scheme proposals as they stand are undergoing a Stage 1 Road Safety Audit which is a normal review of road safety factors undertaken at this stage of design development. SZC Co. are continuing to work with the Parish Council to agree a package of measures within the village which they are satisfied can be consulted on with the public. SZC Co. await SCC's views on the 20mph zone proposals put forward by the Parish Council.</p>
TT.1.87	The Applicant, SCC	<p><b>"Rat Running" Traffic Routes</b></p> <p>Numerous Relevant Representations have raised concerns around rat running through less suitable routes by workers and traffic associated with Sizewell C. Explain measures that are proposed or that could be employed to ensure compliance with recommended routes including any signing and digital navigation services proposed.</p>

ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>All goods vehicles over 3.5 tonnes (larger LGV and all HGVs) and all Sizewell C buses will be on fixed routes to/from the main development site. SZC Co. will monitor the HGV routes using GPS technology, as secured in the <b>Construction Traffic Management Plan (CTMP)</b> (Doc Ref 8.7(A)), which will be appended to the <b>Deed of Obligation</b> (Doc Ref 8.17(C)).</p> <p>LGV movements to/from the main development site will be booked into the delivery management system (DMS) and actively managed. A comparison of the actual LGV movements with the assessed LGVs to/from the main development site will be included in the transport monitoring report provided to the Transport Review Group (TRG) for review. LGVs less than 3.5 tonnes are not proposed to be tracked on their route to/from the main development site. The LGVs have been assigned to the highway network within the VISUM strategic model based on the observed distribution of LGVs in Suffolk. LGVs have route choice within the VISUM strategic model and therefore their impact has been assessed and mitigated, provided that the number of LGVs to/from the main development site is within the assessed level of LGV movements, which will be monitored. In addition, the vast majority if not all of the LGVs to/from the postal consolidation facility will already be on the network rather than new trips. They have only been assessed as new trips within the <b>Consolidated Transport Assessment</b> (Doc Ref 8.5(B)) in order to provide a worst case assessment.</p> <p>Construction worker car trips will have route choice but would be managed as follows:</p> <ul style="list-style-type: none"> <li>• Only workers living inside the area bounded by the A12, River Blyth, and River Deben (except those living in Leiston or within 800m of the main development site) will be issued a parking permit for the main development site on-site parking. This will act to limit the number of car trips to/from the main development site.</li> <li>• The purpose of the northern and southern park and ride facilities is to intercept construction worker car trips and consolidate them onto buses in order to reduce the effect of worker car trips on the highway network.</li> </ul> <p>A construction signage strategy will be implemented by SZC Co. and is to be secured via the <b>Deed of Obligation</b> (Doc Ref 8.17(C)). From the A14 /A140 junction near Needham Market, yellow backed signs will direct all construction traffic to use A14, A12 and B1122 (early years) / Sizewell link road (once open to traffic) to reach the main development site. This is the fixed route that goods vehicles over 3.5T and SZC Co buses (southern park and ride facility and those direct from Ipswich and Woodbridge), will be required to</p>

ExQ1	Question to:	Question:
		use. The signage strategy will also direct buses from the northern park and ride facility and direct buses from Lowestoft to use the A12 and B1122/Sizewell link road.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>It is important to note that for a large number of workers' journeys, the natural route for them to travel from their home either to the Main Development Site, or the Park and Ride sites will not be via the A12, B1122 or Sizewell Link Road, and so vehicle movements by workers, whilst not reasonably considered as rat running, will increase along the vast majority of local roads. Vehicle movements will also increase as non-home bound workers undertake other non-work journeys.</p> <p>For workers travelling by car or motorcycle, no measures are proposed by the Applicant to control their routes as these will largely be dependent on the point of origin. The combination of large construction vehicles and workers using the main routes in the area may also result in local drivers seeking alternate routes on minor roads. Thus, SCC considers that it is likely that many workers and local drivers will switch to minor routes 'rat running' through local communities. Experience gained during temporary road closures is that these issues can be hard to predict and the impacts are not solely related to the increase in traffic. The nature of the roads often have a considerable importance in local residents' perception of the issues.</p> <p>There are a number of measures that the Applicant has proposed to reduce the potential impacts of worker vehicle movements; these include:</p> <ul style="list-style-type: none"> <li>a) Provision of the accommodation campus and LEEIE caravan park (both by ensuring they do not need to drive to site and providing facilities meaning that in some cases they will not need to travel off-site)</li> <li>b) The Park and Rides (including the postal consolidation facility)</li> <li>c) The Lowestoft Bus service</li> <li>d) The Ipswich Bus Service</li> <li>e) The Woodbridge Bus service</li> </ul> <p>Further to the bus services modelled above, as part of the bus strategy, as the development builds out, locations that could support a bus service to reduce impacts on rural communities will be identified and investigated through the Transport Review Group. The current aim through the CWTP is for approximately 80% of the workforce to travel by either walk, cycle, direct bus or park and ride to/from the site. In order to ensure that staff travel to the site by the correct bus (i.e. their nearest bus), the proposals include a parking permit system, an electronic reader for bus passengers</p>

ExQ1	Question to:	Question:
		<p>and allocation of model of travel. These details will be further updated in a revised submission of the Construction Workforce Travel Plan, and forms a continued area of engagement between SCC and the Applicant.</p> <p>Additional controls for Sizewell C should include:</p> <ul style="list-style-type: none"> <li>• Monitoring and enforcement of controls on HGVs and LGVs as stated in the management plans.</li> <li>• Effective management of the parking controls for workers</li> <li>• Setting of rules for good behaviour for workers when travelling to work</li> <li>• Signage strategy for freight vehicles and workers. To date these have been of a strategic nature focusing on the A14 and A12 directing traffic o SZC, the FMF or the park and ride sites.</li> </ul> <p>Where reports of rat running are received during the construction of SZC the TRG must have clear guidance to evaluate the issues raised and where necessary instigate action. This could include:</p> <ul style="list-style-type: none"> <li>• Modification or enforcement of management plans</li> <li>• signage such as unsuitable for traffic signs</li> <li>• Temporary speed control or other legal or physical restrictions on the highway, local self-help (VAS) or enforcement (subject to suitable resources being provided)</li> </ul> <p>SCC is conscious that the nature of the intervention needs to be flexible and fitting to the circumstances.</p> <p>While tracking of HGVs, buses and potentially LGVs by GPS appears to SCC to be a practical method this may not be the case for workers travelling to the park and ride site. Journeys to a place of work i.e. starting at the park and ride site are undertaken as a private individual and it is difficult to see how tracking can be imposed on workers when they are not at work.</p>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>In response to the additional controls listed by SCC in their response:</p> <p>a) <b>Chapters 4 and 5</b> of the <b>CTMP</b> [<a href="#">REP2-054</a>] describes the proposed measures to manage HGV (goods vehicles over 3.5 tonnes) deliveries to and from the main development site and associated development sites respectively. <b>Chapter 6</b> of the <b>CTMP</b> sets out the proposed measures to manage the movement of LGVs. <b>Chapter 8</b></p>

ExQ1	Question to:	Question:
		<p>and <b>9</b> of the <b>CTMP</b> describes the proposed monitoring and enforcement of proposed controls.</p> <p>b) <b>Chapter 4</b> of the <b>CWTP</b> [<a href="#">REP2-055</a>] describes the measures proposed to control parking for workers across the project. <b>Chapter 5</b> of the <b>CWTP</b> describes the monitoring and data collection proposed for reporting to the Transport Review Group (TRG). Monitoring includes car park utilisation levels as well as fly-parking – including operation of a fly-parking team.</p> <p>c) As set out in <b>Chapter 6</b> of the <b>CWTP</b> [<a href="#">REP2-055</a>] workers will be provided with Driver Rules that must be adhered to. The Worker Code of Conduct will be part of worker contractual conditions, which workers will be required to agree to and accept. SZC Co. will set out a disciplinary process to ensure compliance with code of conduct, e.g. in relation to fly-parking. A specific session during the workforce induction process will cover transport issues.</p> <p>d) SZC Co. has developed a strategic signage strategy for the early years and peak construction phase of the project. The signage strategy considers an extensive area including the A14 and A140 around Stowmarket in the west, the A14 around Ipswich in the south, the A12 and A145 around Lowestoft in the north and other A- and B-roads connecting with the A12 where they are forecast to be used by Sizewell C traffic. A more detailed plan of signage has been developed around the A12 / B1078 junction at Wickham Market, and at Leiston. SZC Co. have consulted on this strategy with SCC, ESC, Wickham Market Parish Council and Leiston Town Council. <b>Chapter 4</b> of the <b>CTMP</b> [<a href="#">REP2-054</a>] broadly describes the proposed strategy. The signage strategy will be developed by SZC Co., including further detail of signage around the main development site. Permanent highway signage has been discussed with SCC (ref. HWY04) and captured in the <b>Initial Statement of Common Ground</b> [<a href="#">REP2-076</a>].</p>
TT.1.102	The Applicant, Network Rail	<p><b>Northern Park and Ride, Darsham</b></p> <p>Two RR's [RR-0244 and RR-0908] have raised the issue relating to the safety of the level crossing at the station. Their concern is based on Network Rail's classification of the crossing safety being exacerbated by the additional traffic. Has the impact of the proposed development on this level crossing safety been assessed and discussed with Network Rail?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The northern park and ride is located to the north of Darsham level crossing. The purpose of the park and ride is to intercept construction worker car trips and consolidate</p>

ExQ1	Question to:	Question:
		<p>construction workers onto buses for the onward journey to the main development site. The majority of the Sizewell C traffic travelling through the level crossing would therefore be HGVs and buses. Drivers of HGVs and buses will undergo an induction and adhere to Driver Rules to ensure that they are fully aware of the potential dangers, prepared to stop at crossings and understand the warnings.</p> <p>Discussions are ongoing with Network Rail regarding the level of increased risk at this crossing and whether an intervention is required.</p>
	<b>Response by Network Rail for Deadline 2</b>	<p>As part of the high level review of level crossing impacts and risk analysis Darsham Park &amp; Ride was identified as requiring intervention. This discussion is currently ongoing with options for mitigation including relocation of the station car park into the new facility or additional Full barrier installation. A Full barrier solution has interdependencies in terms of timeframe for delivery and cost of installation which need to be further reviewed and agreed between the parties.</p> <p>(See answer to Question HW.1.19)</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.109	The Applicant	<p><b>Freight Management Facility (FMF)</b></p> <p>Several Relevant Representations comment that closure of the A14 Orwell Bridge is a regular occurrence and this site would be severely affected by such a closure. Explain how this was considered in the analysis of the suitability of this site?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Refer to response to <b>TT.1.17</b> with regards to the proposed two functions of the freight management facility. SZC Co. has needed to balance the requirements of the two functions of the freight management facility when selecting a preferred location.</p> <p>Given the primary day to day function of the freight management facility is to manage the release of HGVs onto the local highway network and undertaken compliance checks, the freight management facility has been located at the start of the local highway network where the A14 and A12 meet and to the south of Martlesham and Woodbridge, which are known to suffer from localised congestion. Any further north towards Sizewell and the facility would be less effective in responding to sensitivities on the A12. The freight management facility is already over 40km away from the main development site and</p>

ExQ1	Question to:	Question:
		<p>locating it even further away from the site (i.e. west of the Orwell bridge) would impact on the operational ability of the facility to so closely control HGV arrivals at the main development site.</p> <p>The secondary, and far less frequent function of the freight management facility, is to enable HGVs to be held in the event of an incident on the highway network, which forms part of the management measures included in the <b>Traffic Incident Management Plan (TIMP)</b> (Doc Ref 8.6(A)). The <b>TIMP</b> (Doc Ref 8.6(A)) sets out the protocols to be followed by SZC Co. and relevant stakeholders in the event of an incident on the highway network. The closure of the Orwell bridge is just one of these scenarios.</p> <p>Orwell Bridge closure would only prevent inbound HGV traffic reaching the freight management facility. In the event of a bridge closure, SZC Co. would contact any deliveries en-route to the freight management facility through the DMS and the drivers would be required to park and wait until the bridge is reopened before continuing their journey. SZC Co. is in discussions with Highways England to agree suitable locations west of the Orwell bridge for HGVs to be required to wait. It is also important to note that from discussions with Highways England the frequency of bridge closures should be less as they have recently implemented management measures.</p> <p>Given the freight management facility is best placed for its primary function east of the Orwell Bridge, and the DMS controls the flow and movement of HGVs to the west of the Orwell Bridge, no alternatives west of the bridge were considered in detail. The <b>Site Selection Report</b> [<a href="#">APP-591</a>] and <b>Volume 8, Chapter 3</b> (Alternatives and Design Evolution) of the <b>ES</b> [<a href="#">APP-514</a>] for the FMF in the original DCO Application explain the site selection process in more detail.</p>
	<b>Response by Highways England for Deadline 2</b>	Highways England awaits the applicant's response to ExA and will comment/respond if necessary by the 24th June deadline.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.110	The Applicant	<p><b>Freight Management Facility (FMF)</b></p> <p>Also, in relation to the FMF provide:</p> <ul style="list-style-type: none"> <li>(i) The peak times of activity for HGVs entering and leaving the site; and</li> <li>(ii) The anticipated direction of travel of the vehicles entering and leaving the site.</li> </ul>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Between 6-8 am are expected to be the busiest hours of arrivals at the freight management facility, and 7-9am for departures (i.e. heading on to the main development site).</p> <p>(ii) The assumed distribution of HGVs at the main development site is 85% from the A12 south / 15% from the A12 north. HGVs arriving from the south would use the freight management facility en-route to the main development site. HGVs arriving from the north would not route via the freight management facility due to the extent of the diversion on their route to the main development site. However, all HGVs to/from the main development site will be tracked via GPS to monitor compliance with the HGV routes.</p> <p>The 85% from A12 south is made up of 15% from Felixstowe Port, 10% from Ipswich Port and 60% from London/the South East. These HGVs would be required to stop at the freight management facility prior to arrival at the main development site, which equates to 17.6% of HGVs approaching from the Felixstowe area (15/85) via A14 east/Seven Hills/A1156 and turning left into the freight management facility, and 82.4% (70/85) approaching from the A14 west/Seven Hills/A1156 and turning left into the freight management facility. All HGVs leaving the freight management facility would exit right onto the A1156 and straight across Seven Hills to the A12.</p>
	<b>Response by Highways England for Deadline 2</b>	Highways England awaits the applicant's response to ExA and will comment/respond if necessary by the 24th June deadline.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.111	The Applicant	<p><b>Freight Management Facility (FMF) – Temporary Construction Access</b></p> <p>Paragraph 2.4.11 [APP-511] states that "It is anticipated that a temporary construction access point would be provided to the site off the A12 until construction of the site access road is completed." This infers that there will be two accesses created, one for the main road and a more temporary construction access. The Schedule of Accesses submitted [AS-297] identifies only one access for the FMF. Explain:</p> <p>(i) This anomaly and if necessary, update the Schedule and any related plans; and</p>



ExQ1	Question to:	Question:
	<p><b>Response by SZC Co. for Deadline 2</b></p>	<p>(ii) Confirm whether similar temporary site access arrangements will be in place at other Associated Development Sites and if so, identify the sites and amend the Schedule of Accesses and relevant plans.</p> <p>(i) There is no proposed construction access to the freight management facility from the A12. The construction access would be from the existing Felixstowe Road. Therefore, "A12" should read "Felixstowe Road" in para 2.4.11 of <a href="#">[APP-511]</a> and the description of Work no 13 in Schedule 1 of the <b>draft DCO</b> (Doc. Ref. 3.1(C)) is correct. The proposed access point for the freight management facility (A13/1) is shown on Freight Management Facility – Rights of Way Plans Sheet 23 of 28. Updated <b>Access and Rights of Way Plans</b> (Doc Ref. 2.4(C)) have been submitted at Deadline 2.</p> <p>(ii) The proposed site access points are shown on the <b>Access and Rights of Way Plans</b> and listed in the <b>Schedule of Accesses</b> <a href="#">[AS-294]</a>.</p> <p>With regards to temporary construction accesses however, please see the article 19(1)(b) power in the <b>draft DCO</b> (Doc. Ref. 3.1(C)) and the justification for its inclusion as set out in the Applicant's latest response to question 8(1) of the ES/DCO clarification questions submitted at Deadline 1 <a href="#">[REP1-015]</a>.</p> <p>Article 19(1)(b) authorises the undertaker to form and lay out means of access or improve existing means of access "at such other locations within the Order limits as the undertaker reasonably requires". The use of this power, however, is subject to the need for the undertaker first to obtain the agreement of the street authority after consultation with the highway authority. That additional requirement reflects the fact that the access points that may be created pursuant to this second limb of Article 19(1) are not yet known and identified, though they must be located within the Order Limits.</p> <p>Article 19(1)(b) is intended to cater for the subsequent identification of the need to create or improve an additional access, i.e. in addition to those which were anticipated and thus identified at the application stage and therefore included within the scope of Article 19(1)(a). As such it is not possible at this stage to identify those accesses to be authorised pursuant to Article 19(1)(b) so that they may be added to the accesses already identified in the <b>Schedule of Accesses</b> <a href="#">[AS-294]</a>.</p> <p>The degree of flexibility afforded by Article 19(1)(b) is appropriate and necessary for a project of this size, complexity and likely duration. This is reflected in the widespread inclusion of such a power in other DCOs (for example, the Southampton to London</p>

ExQ1	Question to:	Question:
		Pipeline, Riverside Energy Park and Wylfa DCOs). Indeed, it is not unusual even on smaller (non-DCO) projects for details of construction accesses to be submitted post-consent as part of a construction management strategy or construction logistics plan in consultation with the relevant local and/or highway authority. The effect of Article 19(1)(b) is to afford a similar level of flexibility to the Applicant subject to the agreement of the street authority following consultation with the highway authority.
	<b>Response by Highways England for Deadline 2</b>	Highways England awaits the applicant's response to ExA and will comment/respond if necessary by the 24th June deadline.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2.
TT.1.119	SCC, ESC	<b>ES CHAPTER 10 [APP-198] – TRANSPORT</b> Do the Council's agree with the Applicant's assessment of the early years environmental traffic effects along the B1122 in the early years of construction? If so please explain the details of any concerns you have about the assessment.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC disagrees with the Applicant's statement that: "There are no pedestrian footways provided on the majority of classified roads within the eastern part of the study area as there is negligible pedestrian demand for these sections of road. Footways are provided along sections of road where there may be pedestrian demand from the surrounding villages (i.e. on B1122 and A1094 at Aldeburgh, B1121 and B1119 at Saxmundham, A1120 at Yoxford and B1069 and B1119 at Leiston)."  It is not accurate to represent there being little demand particularly on the B1122, ESC is working hard to promote a cycling strategy in East Suffolk and one of the links it is hoped can be achieved through this development is pedestrian and cyclist improvements to the B1122.  In addition, the Applicant references Link no. 66 (B1122 west of B1125) 363% increase (major adverse) but this is not considered significant (negligible pedestrian demand and

ExQ1	Question to:	Question:
		<p>limited or no footway provision as a result of this). ESC cannot agree with this assessment.</p> <p>SCC as local highway authority will be able to provide further commentary. The joint LIR [REP1-045 ] provides detail of mitigating measures sought by ESC in relation to the B1122. The Applicant has proven themselves open to discussing such measures further.</p>
	<p><b>Response by Suffolk County Council at Deadline 2</b></p>	<p>Please refer to paragraphs 16.75/76 and 36.20 in the LIR [REP1-045] identifying the B1122 in early years as a matter of concern to SCC.</p> <p>The methodology of assessment as set out in Chapter 10 of the ES [APP-198] and the ES Addendum [AS-181] is still to be agreed and therefore the conclusions drawn cannot be considered acceptable at this stage. Further discussions are ongoing.</p> <p>Based on current conclusions in ES and ES Addendum for the early year impacts on B1122, there are significant impacts (moderate to major) in relation to amenity which are dismissed i.e. 'albeit this effect would be of a temporary nature and last until the Sizewell link road is operational.' These are noted as short term impacts but are related to Heavy Duty Vehicles (HDVs) increases. The definition of short term impacts is a matter of professional judgment and must consider the extent of impacts. From Plate 5.1 of the Planning Statement (Original DCO Document) it has been calculated that the impacts on the B1122 would last for 2.5 years (from 2022 to midway to 2024). Of the total 12-year construction period, 2.5 years could be considered short term, though this does equate to 20% of the construction period. 2.5 years of impacts occurring is for local residents a significant time period, especially as it relates to increases in HDVs (24hr Annual Average Weekly Traffic and in the representative hour 0700-0800) which would have more negative impacts than an increase in cars.</p> <p>As an example (from Table 1.19 in ES Addendum [AS-181]), the 24-hour AAWT increases on the B1122 through Theberton in 2023 increase by 278%, 600 HDVs across the day (216 HDVs in base year increasing to 816 HDVs). In 2023 in the representative hour (0700-0800) (Table 1.20 in ES Addendum [AS-181]) on the B1122 through Theberton, the increase is 440%, 44 HDVs within the hour (10 HDVs in base year increasing to 54 HDVs). This is considered to a significant increase during this hour (an additional HDV almost every 1 minute).</p> <p>The Applicant's proposed mitigation for B1122 includes driver education as part of the tertiary mitigation with the ES stating that there is limited scope for secondary mitigation</p>

ExQ1	Question to:	Question:
		<p>to reduce the short-term adverse effects on the B1122. Funding of road maintenance is also proposed by the Applicant to mitigate amenity effects. SCC considers that these measures do not mitigate the effects and the impacts are still considered significant. A CTMP is proposed to be implemented by the Applicant to monitor these impacts, especially in unsociable hours, with mitigation proposed where impacts exceed the threshold identified in the CTMP.</p> <p>SCC considers that there are three options to mitigate this impact and these would be:</p> <ul style="list-style-type: none"> <li>• To deliver the Sizewell Link Road prior to construction.</li> <li>• To control HGV movements on the B1122 to a level that is deemed acceptable prior to delivery of the Sizewell Link Road.</li> <li>• To provide adequate short-term mitigation on the B1122 to sufficiently mitigate these effects. At the Stage 2 Consultation for the development, and prior to the introduction of the proposed Sizewell Link Road, a number of highway schemes were suggested to mitigate impacts on the B1122. The proposals included speed limit changes, Mill Street junction improvements, improvements for vulnerable road users within Theberton, and some minor carriageway alignment works. The proposals were put forward by the applicant for a scenario with an average day of 450 HGV movements and a peak day of 900 movements (which compare with the 600 HDVs assessed in the Early Years scenario). These proposals, depending on considerable further detail and assessment, might be considered applicable and acceptable to mitigate the stated early years impacts.</li> </ul>
	<p><b>Response by SZC Co. for Deadline 3</b></p>	<p>SZC Co. is continuing to work with SCC and ESC to agree the Environmental Assessment Transport Effects and discussions are on-going. The <b>Initial Statement of Common Ground</b> <a href="#">[REP2-076]</a>, items ET01 to ET12 set out the current position in relation to the methodology of assessment and assessed effects. SZC Co. will provide an updated summary of environmental transport effects once agreed with SCC and ESC.</p> <p>Section 4.4 of the <b>Construction Traffic Management Plan</b> <a href="#">[REP2-054]</a> sets out peak hour and daily HGV limits in the early years (i.e. before the Sizewell Link Road and two-village bypass are available). Time restrictions will also be in place for the first and last arrival and departure of HGVs at the main development site. Separate HGV limits are prescribed for weekend deliveries and the peak construction period. <b>Chapter 8</b> of the</p>

ExQ1	Question to:	Question:
		<p><b>CTMP</b> [REP2-054] describes the monitoring strategy and Chapter 9 describes the enforcement measures proposed to ensure compliance with these limits.</p> <p>SZC Co. has reviewed the schemes on the B1122 which were put forward as part of Stage 2 Consultation. As indicated in SCC's response, some of these measures may be considered appropriate and acceptable. Initial work by SZC Co. has determined a number of improvements within Theberton to mitigate early years effects. Potential improvements include a new crossing and gateway features in Theberton. Other measures may be appropriate along the B1122, but are subject to further development and discussion with SCC and ESC.</p>
TT.1.122	SCC, ESC	<p><b>ES ADDENDUM [AS-181] – Severance 2023 Early Years</b></p> <p>Table 2.10 Link 11 B1125 Westleton, this changes from minor adverse to major adverse, but significance is dismissed due to absolute traffic volumes. Given this represents a 61% rise in traffic volumes in the representative hour do the Councils agree with this assessment?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p><b>Table 2.10 of Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181] provides the assessment of severance in the 2023 early years construction phase for the representative hour (i.e. hour of greatest change).</p> <p><b>Table 1.2 in Volume 3, Appendix 2.5.B</b> of the <b>ES Addendum</b> [AS-203] shows that in the representative hour the traffic flows on Link 11, B1125 through Westleton, are forecast to increase from 235 two-way vehicles to 378 two-way vehicles, which is a 61% increase in traffic. This would be a medium magnitude on a high sensitivity receptor (due to the playground), which has been assessed to be major adverse.</p> <p>However, consideration of absolute levels of traffic is important when considering environmental effects. For example, if there was 1 vehicle currently travelling on along a road and a development added another 1 vehicles to the road, it would equate to a 100% increase in traffic and a high magnitude of effect on severance but the actual effect on severance would be very low. DMRB LA112 'Population and Human Health'<sup>10</sup>, which supersedes previous guidance in DMRB Volume 11, Section 3, Part 8 (Pedestrians, Cyclists, Equestrians and Community Effects), recognises this. Table 3.11 of DMRB</p>

<sup>10</sup> DMRB (2020) LA112 'Population and Human Health'. Available at: <https://www.standardsforhighways.co.uk/prod/attachments/1e13d6ac-755e-4d60-9735-f976bf64580a>

ExQ1	Question to:	Question:
		LA112 <sup>11</sup> provides thresholds for the magnitude of severance effects based on absolute traffic volumes. It states that there would be a low magnitude of impact for changes in daily traffic flow of <4000 vehicles per day. <b>Table 1.1</b> of <b>Volume 3, Appendix 2.5.B</b> of the <b>ES Addendum</b> [AS-203] shows that the change in traffic on Link 11 would be 538 vehicles per day (i.e. 3,262 – 2,724 vehicles). Therefore, it is considered that there would be a very low magnitude of impact, which would result in a minor adverse impact, which would be not significant. The conclusions provided within <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181] are valid and the effect on severance on Link 11 in the representative hour would be not significant.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC does not agree with this assessment. Severance in Westleton is likely to be impacted by Sizewell C traffic. Reference to the maximum flow being between 7am-8am when the playground is “unlikely” to be used is difficult to accept. Children and parents still need to be able to move around between the hours of 7am – 8am and 1 vehicle every 10 seconds will result in a severance problem. We defer to SCC as local highway authority to provide a fuller response.
	<b>Response by Suffolk County Council at Deadline 2</b>	In the ES Addendum [AS-181], the assessment indicates that Link 11 B1125 Westleton results in an increase of 143 vehicles from 235 to 378 in the representative hour (0700-0800). This is considered to be a significant increase in vehicular trips given the village location. The conclusions drawn that mitigation is not required are not accepted at this stage. Further discussions with the Applicant's consultants are ongoing. In the LIR, paragraph 15.74 [REP1-045] we noted that the B1125 was a location where the conclusions were not agreed for the reasons stated at paragraph 15.73. SCC will continue to work with the Applicant to reach agreement. SCC notes that the methodology of assessment as set out in Chapter 10 of the ES (Volume 2 Main Development Site) [App-198] and the ES Addendum (Volume 1: Chapter 2 Main Development Site) [AS-181] are still to be agreed and this is another reason why the conclusions drawn cannot be considered acceptable or final at this stage.

<sup>11</sup> DMRB (2020) LA112 'Population and Human Health'. Available at: <https://www.standardsforhighways.co.uk/prod/attachments/1e13d6ac-755e-4d60-9735-f976bf64580a>

ExQ1	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is continuing to work with SCC and ESC to agree the Environmental Assessment Transport Effects and discussions are on-going. The <b>Initial Statement of Common Ground</b> [REP2-076], notes in particular that discussions are continuing in relation to the B1125 through Westleton (MI07) and ET05 describes the current position in relation to environmental effects on severance. As noted in Deadline 3 response to <b>TT.1.119</b> , SZC Co. will provide an updated summary of environmental transport effects once agreed with SCC and ESC.
TT.1.133	SCC	<b>Cumulative Transport Impacts [AS-189] [ES-201]</b> Explain any issues the Council has with respect to how cumulative impact has been assessed and also any areas where the Council considered mitigation is required and the reasons for any such mitigation.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC and ESC have provided comments on the transport environmental assessment included in <b>Volume 1, Chapter 2</b> of the <b>ES Addendum</b> [AS-181]. Further work is ongoing by SZC Co. to address SCC's and ESC's comments on the assessment. A technical note will be submitted to the Examination summarising the further assessment that is being undertaken as part of the Statement of Common Ground discussions with the local authorities.
	<b>Response by Suffolk County Council at Deadline 2</b>	It is important to note that, the methodology of assessment as set out in Chapter 10 of the ES (Volume 2 Main Development Site) [APP-198] and the ES Addendum (Volume 1: Chapter 2 Main Development Site) [AS-181] are still to be agreed and therefore the conclusions drawn in relation to the cumulative transport impacts [AS-189] cannot be considered acceptable or final at this stage. A response to this is given in the LIR [REP1-045] section 32, Table 15 and 16 identify the additional highway mitigation that is considered necessary for Sizewell C
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co. is continuing to work with SCC and ESC to agree the Environmental Assessment Transport Effects and discussions are on-going. The <b>Initial Statement of Common Ground</b> [REP2-076], ref. ET01 to ET12 set out the current position in relation to assessment of environmental effects. Ref. MI05 to MI18 describe the position in relation to mitigation in addition to that proposed by SZC Co.
<b>Chapter 25 - W.1 Waste (conventional) and material resource</b>		

ExQ1	Question to:	Question:
W.1.2	Essex and Suffolk Water Company	<b>Water Supply Strategy Appendix 2.2D [AS-202]</b> Provide an update on the delivery of water supply to the Proposed Development and the expected delivery timescales.
	<b>Response by SZC Co. for Deadline 2</b>	No response from SZC Co. is required.
	<b>Response by Northumbrian Water Limited (NWL) (Trading as Essex and Suffolk at Deadline 2</b>	<p>Extract from the Response by Northumbrian Water Limited (NWL) (Trading as Essex and Suffolk:</p> <p><i>"In summary:</i></p> <p><i>i. We are currently undertaking work to understand how a mains water supply solution to SZC would be configured and delivered;</i></p> <p><i>ii. There are a number of considerations including: a. the timely delivery of NWL's own capital programme; and b. the outcomes of our WINEP abstraction sustainability investigations.</i></p> <p><i>iii. We are working with SZC Co to understand how the timing of the supply of mains water to SZC would interrelate with our capital programmes.</i></p> <p><i>iv. On an indicative basis only, NWL consider that it may be possible to deliver the scheme by September 2024 at the earliest. This projection is however subject to additional ongoing work.</i></p> <p><i>v. We are currently preparing a supply profile to confirm what water we might be able to supply between April 2022 and September 2024. Further work streams are expected to be available in June and August 2021 in this respect."</i></p> <p>Please refer to <a href="#">[REP2-158]</a> for full response.</p>
	<b>Response by SZC Co. for Deadline 3</b>	SZC Co is continuing to work closely with NWL both in relation to resource availability and proposed water transfer scheme, including timescales for making the necessary connections. The outcome of the above studies will inform the Water Supply Strategy for the Sizewell C Project that SZC Co will submit into the examination at Deadline 5.



Chapter 26 - SA.1. Section 106 Agreements	
Question to:	Question:
SA.1.0	<p>All the questions below are addressed to the Applicant. In addition, many are addressed to East Suffolk Council (ESC), Suffolk County Council (SCC) and West Suffolk Council (WSC). One question is also addressed to Natural England.</p> <p>If ESC, SCC or WSC wish to respond or comment on questions not addressed to them, they are free to do so.</p> <p>Please will the Applicant, ESC, SCC and WSC note the following which is important on terminology and in relation to the law.</p> <p>In this questionnaire the ExA uses the term planning obligation by reference to the tests for a planning obligation in s.106(1).</p> <p>Planning obligations are entered into using a s.106 agreement. Consequently, planning obligations are <u>contained</u> in a s.106 agreement, and a s.106 agreement is <u>not</u> a planning obligation.</p> <p>It is possible for a planning agreement to be made not only under s.106 but under other powers.</p> <p>A s.106 agreement may include promises not made under s.106, which are therefore not planning obligations. Such promises may be enforceable as a matter of contract law, or as a result of the agreement also being made under other powers. However, those promises will not run with the land (except in the highly unusual event of them being restrictive covenants). They will not be enforceable under s.106.</p>

Chapter 26 - SA.1. Section 106 Agreements	
Question to:	Question:
	<p>The ExA uses the term Sizewell Special Arrangements to refer to the arrangements under a modified s.106 TCPA 1990 suggested by the Applicant in the draft 106EM [<a href="#">PDB-009</a>].</p> <p>Abbreviations and terms defined in the ExQ1, Introduction and Navigation Document [PD-016] are used in this questionnaire. In addition: WSC is used as an abbreviation for West Suffolk Council and draft s.106EM for the draft s.106 Explanatory Memorandum, currently document [<a href="#">PDB-009</a>].</p> <p>The ExA does not consider that the term development consent obligation adds anything as s.106(14) TCPA 1990 simply states that it means a planning obligation entered into in connection with an application for a DCO. Accordingly, it follows from s.106(14) that the s.106 agreement is not a development consent obligation and that only promises which are planning obligations can be development consent obligations.</p> <p>Please will the Applicant, ESC, SCC and WSC adopt the same approach to terminology in the interests of avoiding confusion between what are planning obligations and what is a s.106 agreement.</p>
<b>Response by SZC Co. for Deadline 2</b>	<p>All noted.</p> <p>As a preliminary point, please note that following consideration of the ExA's questions the Applicant is putting forward an alternative proposed approach to securing mitigations and benefits contractually.</p> <p>This new approach is referred to as the 'Evolving Approach'. It is explained in 'Response paper – SA.1 Questions: Approach to contractual commitments to mitigation' (<b>Appendix 26A - SA.1 Response Paper</b>).</p>

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		<p>Reference is made to that <b>Appendix 26A - SA.1 Response Paper</b> in responding to a number of the Questions below.</p> <p>The contract which would secure the commitments under the Evolving Approach is referred to as a 'Deed of Obligation' and the version submitted at this Deadline 2 submission is the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p>
SA.1.1	Applicant ESC, SCC, WSC	<p>The ExA reminds the Applicant, ESC, SCC, WSC and other IPs that s.106 TCPA 1990 makes promises which would not normally bind the land run with that land, provided the criteria in s.106(1) are met, and gives the planning authorities the power to enter the land so as to enforce the obligations which require operations to be carried out, by carrying out the obligations at the cost of the person against whom the obligation is enforceable. See section 106(3) and (12).</p> <p>Please will the Applicant, ESC and SCC say whether they accept that and whether they consider there are any other legal purposes for s.106.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Noted and agreed.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC:</p> <ul style="list-style-type: none"> <li>• ESC agrees with the ExA's statement in respect of s.106 where it is not modified using the Sizewell Special Arrangements (to the extent those arrangements fall within the scope of section 120 of the Planning Act 2008). However, it is understood that Regulations which may provide for the charging of land under s.106(12) have yet to be made.</li> <li>• s.106(5) also clarifies that a restriction or requirement imposed under a planning obligation is enforceable by injunction.</li> <li>• s.106(7) provides a mechanism requiring prior notification to be given of an intention to use the powers in s.106(6) to enter land to enforce obligations which</li> </ul>

Chapter 26 - SA.1. Section 106 Agreements	
Question to:	Question:
	<p>require operations to be carried out in, on, under or over the land to which a planning obligation requests.</p> <ul style="list-style-type: none"> <li>• Although not the focus of the ExA's question, SCC also notes that s.106A(1) of the TCPA 1990 sets out the only two ways in which a planning obligation may be modified or discharged</li> <li>• Obligations secured pursuant to section 106(1) (a)-(d) allow for other enforcement procedures, in the form of injunction, specific performance, payment of sum/debt, damages etc. and can also require a Bond to be paid to secure the obligations</li> </ul>
<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC agrees with the ExA's statement in respect of s.106 where it is not modified using the Sizewell Special Arrangements (to the extent those arrangements fall within the scope of section 120 of the Planning Act 2008). However, it is understood that Regulations which may provide for the charging of land under s.106(12) have yet to be made.</p> <p>SCC would also highlight that s.106(5) also clarifies that a restriction or requirement imposed under a planning obligation is enforceable by injunction.</p> <p>SCC also notes that s.106(7) provides a mechanism requiring prior notification to be given of an intention to use the powers in s.106(6) to enter land to enforce obligations which require operations to be carried out in, on, under or over the land to which a planning obligation requests.</p> <p>Although not the focus of the ExA's question, SCC also notes that s.106A(1) of the TCPA 1990 sets out the only two ways in which a planning obligation may be modified or discharged, and this could also be considered relevant to the legal purposes of s.106 in providing certainty as to how planning obligations may be modified or discharged.</p> <p>In practical terms there will be health &amp; safety issues to consider in respect of the planning authorities entering certain land i.e., the nuclear power station plant area. It might be more appropriate to secure Bonds against non-compliance.</p>

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	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A).
SA.1.2	Applicant	Please will the Applicant submit a plan showing the land within the Order Limits which it (a) owns, and (b) otherwise controls, for example by contract or option, showing which is which and which is freehold and which is leasehold.
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 26B – SZC Co Land Plan</b> .
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC would also welcome early sight of these plans.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from the Applicant is required as the plans have been provided.
SA.1.3	Applicant	Please will the Applicant show which of that land it can bind by a s.106 planning obligation whether or not the Applicant currently proposes to bind such land in that way. If there is land it cannot bind, please state why.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant currently owns only a very small parcel of land within the main development site, and for reasons explained in <b>Appendix 26A - SA.1 Response Paper</b> does not propose that a s106 agreement is entered into which would bind the land.  Rather, the 'Evolving Approach' would bind the 'undertaking' to the contractual commitments necessary to mitigate the impacts of the project and secure its benefits via a Deed of Obligation. The DCO would provide that all of the contractual commitments in the Deed of Obligation bind any transferee of the primary undertaking (the undertaking of NNB Generation Company (SZC) Limited).
	<b>Response by East Suffolk Council at Deadline 2</b>	The fundamental point to be made is that only where a signatory to the s106 agreement has a proprietary interest in the land will the obligations automatically

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	<p>run with the land (and only then, if such obligations fall within s106(1)(a) – (d)). The generally accepted position is that an interest for the purposes of s106(1) must be a proprietary interest (Southampton City Council v Halyard Ltd [2009] 1 P. &amp; C.R. 5) and as such ESC would as standard require such persons to be party to the s106 agreement.</p> <p>Having the benefit of the DCO is not an interest in land for the purposes of s106(1) and therefore s106(3) will not apply as the obligations are not provided as planning obligations pursuant to s106 (1) TCPA in the absence of a proprietary interest in the development site. Questions therefore arise regarding the legitimacy of providing mitigation through an alternative means to a s106 agreement.</p> <p>Where the signatory has no proprietary interest in land, any agreement could not be entered into pursuant to s106 and any such agreement would not automatically run with the land. In such circumstances other powers will need to be considered, such as s1 of the Localism Act 2001 in conjunction with s111 of the Local Government Act 1972 (s111 is an ancillary power that must be used with a primary power), provided that the signatory is not released upon disposal of its interest until the transferee has entered into mirror covenants with the councils . However, such alternative powers/provisions should only be considered where there is a legitimate reason why the landowner cannot sign a s106 agreement.</p> <p>We are concerned that DCO article 9(6) is no guarantee that ESC and SCC will be able to enforce the s106 agreement against a successor in the benefit of the DCO. As such ESC would require provisions in the s106 agreement so that if SZC Co. were to transfer all or part of its interest in the DCO, the transferee of the interest in the DCO would be required to enter into a deed of covenant with ESC, and SCC to ensure the obligations in the s106 agreement remain enforceable by the Councils. This deed of covenant would be required prior to SZC Co being released from liability under the s106 agreement. A completed deed of covenant should be a pre-condition of the transfer of the benefit of the DCO.</p>

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	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC would expect most, if not all, land to be bound by the s.106 agreement and SCC would welcome a clearer explanation of why the Applicant does not consider that possible in this case.</p> <p>SCC is concerned that DCO article 9(6) is no guarantee that ESC and SCC will be able to enforce the s106 agreement against a successor to the benefit of the DCO. As such, SCC would require provisions in the s106 agreement so that if SZC Co. were to transfer all or part of its interest in the DCO, the transferee of the interest in the DCO would be required to enter into a deed of covenant with SCC, and ESC, to ensure the obligations in the s106 agreement remain enforceable by the Councils. This deed of covenant would be required prior to SZC Co being released from liability under the s106 agreement. A completed deed of covenant should be a pre-condition of the transfer of the benefit of the DCO.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Please see the amended <b>draft Deed of Obligation</b> (Doc Ref. 8.17(D)) which provides that the agreement is made under the Localism Act 2011 and s.111 of the LGA 1972.</p> <p>Please see the <b>Obligations Enforcement Paper</b>, provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), which provides for the entry into a Deed of Adherence by potential transferees prior to a transfer under Article 9.</p>
SA.1.4	Applicant	The Applicant states in the draft s.106EM (para 2.2) that it does not own all of the land within the main development site. It is not unusual for an applicant for planning permission or a DCO not to own the whole application site. In such circumstances the landowner usually enters into the s.106 agreement. Please will the Applicant explain why that cannot be done in this case.
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 26A - SA.1 Response Paper</b> , and in particular the explanation under the heading 'Deed of Adherence Approach'.
	<b>Response by East Suffolk Council at Deadline 2</b>	See SA.1.3 above.

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	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC awaits the comments from the Applicant and is particularly interested in what land may be bound into the s.106 before the grant of any DCO and what land may be bound in the s.106 before the commencement of development on a particular part of the Sites (which could perhaps allow an obligation in the DCO to not commence development on a part of the Site until that part of the Site is bound into the s.106 agreement).</p> <p>SCC would also welcome clarity on what the 'Main Development Site' is. This is referred to in the s.106 agreement. Can a plan be provided to show this?</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Please see <b>Appendix 26B – SZC Co Land Plan</b> in respect of the land in which the Applicant has a proprietary interest.</p> <p>The references to the 'Main Development Site' have been amended to read 'SZC Development Site', and references to the 'Associated Development Sites' have been amended to reference "other Sites". Plan 1A in <b>draft Deed of Obligation Appendix A – Plans</b> (Doc Ref. 8.17A (C)) shows this land.</p>
SA.1.5	Applicant	If the consent of third parties to bind the land is also necessary, please identify the land so affected and explain the nature of the consent (e.g. that of a mortgagee).
	<b>Response by SZC Co. for Deadline 2</b>	No such consent would be required under the 'Evolving Approach' now being put forward by the Applicant, as explained in <b>Appendix 26A - SA.1 Response Paper</b> .
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC would also welcome clarity on this issue.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co. is required as such consent would not be required under the 'Evolving Approach'.
SA.1.6	Applicant ESC, SCC, WSC	Has title to any land yet been deduced to ESC, SCC or ESC? What are the current conclusions of ESC, SCC and WSC on their title investigations?



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	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	Title has not been deduced to ESC, SCC or WSC. It would not be necessary for ESC, SCC or WSC to investigate title if the Evolving Approach is adopted.
	<b>Response by East Suffolk Council at Deadline 2</b>	No title has been provided by the Applicant. Ownership needs to be established to ascertain who is to be party to the s106 agreement, see SA1.3 above
	<b>Response by Suffolk County Council at Deadline 2</b>	No title has yet been deduced to SCC in respect of the draft s.106.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from SZC Co is required, as an investigation of title is not necessary under the 'Evolving Approach'.
SA.1.7	Applicant ESC, SCC, WSC	What consents would the Applicant need to obtain in order to enter into the modified s.106 arrangements it describes in its draft s.106EM [PDB-009]? What consideration and conclusions have been given or reached by ESC, WSC and SCC on this issue?
	<b>Response by SZC Co. for Deadline 2</b>	For the reasons given in <b>Appendix 26A - SA.1 Response Paper</b> , the Applicant no longer proposes to enter into the modified s.106 arrangements described in the draft s.106 Explanatory Memorandum [ <a href="#">PDB-009</a> ] (i.e. the Sizewell Special Arrangements). The Evolving Approach as set out in <b>Appendix 26A - SA.1 Response Paper</b> is under discussion with ESC and SCC.
	<b>Response by East Suffolk Council at Deadline 2</b>	We are unsure what consents are referred to here. Please can this question be clarified.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC would welcome clarity from the ExA on the consents referred to in this question. Subject to this clarification, SCC's response is set out below.

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	<p>No conclusions have been reached by SCC as to the acceptability of the proposed Sizewell Special Arrangements and SCC requires further explanation of why this approach is necessary in this case.</p> <p>At present, SCC is not aware of the ownership position of all of the redline land proposed for the s.106 and requests that the Applicant deduces title. In the first instance this should relate to any land owned or controlled by the Applicant and any land owned or controlled by any associated or linked company or other corporate entity so as to better inform consideration of what parts of the site could be readily made subject to a conventional s.106 agreement.</p> <p>For the Applicant's proposed deeming provision (set out at paragraph 2.6.1 of the Applicant's draft EM as "For the purpose only of Section 106 (1) of the Act the undertaker shall be deemed to be a person interested in the Order land or any part of it and for the avoidance of doubt Section 106(3)(a) shall include any transferee under Article 8 of this Order") to operate this will require the Secretary of State to rely on section 120(5) of the Planning Act 2008. SCC would welcome any precedent, further explanation or comfort the Applicant can provide that such modification is within the powers of s.120(5) PA 2008. SCC has concerns that the deeming for the purposes of s.106(1) only will not address the operation of s.106(3)(b), s.106(4), s.106(9)(b), or s.106(9)(c) Town &amp; Country Planning Act 1990, all of which require an actual interest in land in order to function. SCC is also concerned that the deeming could create confusion as to whether the enforcing authority could rely on s.106(6) or the offence in s.106(8), and how any such offence would be compatible with s.120(8) of the Planning Act 2008.</p> <p>The Sizewell Special Arrangements also appear to rely on the Applicant (or any entity that is transferred the benefits or rights of the DCO pursuant to Article) being the only entity that may construct and subsequently carry on the operations authorised by the DCO within the Order Limits to ensure that there will always be an entity against which ESC and SCC may enforce (e.g. so the Applicant/transferee as a corporate entity is not simply wound down to make enforcement of the obligations impossible). SCC note that Article 7 of the DCO "authorises" the</p>

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	<p>Applicant to operate and use the authorised development (presumably relying on section 140 of the PA 2008). SCC considers that this Article 7 is permissive rather than expressly preventing any other entity from carrying on such activities and SCC questions whether consideration should be given to amending Article 7 in light of this.</p> <p>SCC also have concerns (separate and in addition to those expressed above and in the event the Applicant's proposed deemed amendment to s.106(1) was considered acceptable) that the Applicant's proposed wording in Article 9 (i.e. <i>"subject to the same restrictions, liabilities and obligations (including development consent obligations within the meaning of section 106 of the 1990 Act (Planning obligations)) as would apply under this Order if those benefits or rights were exercised by the undertaker"</i>) would mean that enforcement of a breach of the s.106 would be possible pursuant to s.106(3) and there would be no privity of contract between the transferee and SCC/ESC. SCC consider this could prevent enforcement of the s.106 under any other local government powers. SCC's view is that a pre-requisite of any transfer under Article 9 of the DCO should be that a transferee must enter into a Deed of Adherence to the s.106 and provide an executed copy of the same to SCC and ESC. This would give greater comfort on this point and also have the practical effect of ensuring that any transferee would then clearly demonstrate that they are aware of its obligations under the s.106, particularly if only part of the benefit of the DCO is transferred under Article 9. It is also considered that Article 9 should include a requirement to notify the Councils prior to any intended transfer (e.g., 28 days' notice) and also to provide a copy of the completed s.106 agreement to any proposed transferee.</p> <p>SCC also consider particular care should be taken with regards to transfers of the benefit of the DCO which may take place before commencement (i.e., before the time that the s.106 may be entered into by the Applicant). SCC note that the "Undertaker" is defined in the DCO as being the Applicant or any person having the benefit of the DCO after a transfer under Article 9. Notwithstanding the s.111 agreement proposed as part of the Sizewell Special Arrangements (which would</p>

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		<p>only enforceable against the Applicant), if the Applicant transferred some of the obligations before commencement and then entered into the s.106 then SCC question whether the transferee would then also be required to enter into the s.106 before commencement too.</p> <p>SCC also consider that the new Article proposed for the s.106 to be entered into before the development beings pursuant to s.155 of the 2008 Act is too broad. The s.106 should be in place before any works whatsoever are carried out under the DCO as the s.106 itself has its own carve outs for the definition of "Commencement".</p>
	<b>Response by SZC Co. for Deadline 3</b>	Under the 'Evolving Approach', the Deed of Obligation would be entered into prior to the grant of the DCO. Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of enforcement of the obligations.
SA.1.8	Applicant ESC, SCC, WSC	How will the Sizewell Special Arrangements be enforced in the event of a breach, whether by the Applicant or a subsequent Undertaker?
	<b>Response by SZC Co. for Deadline 2</b>	Section 6 of the <b>Appendix 26A - SA.1 Response Paper</b> sets out how breaches of the Deed of Obligation would be addressed under the Evolving Approach.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC does not have a specific enforcement policy with regards to breach of Section 106. We would rely on Section 106(5) of the Town &amp; Country Planning Act 1990 which provides that "[a] restriction or requirement imposed under a planning obligation is enforceable by injunction". Pursuant to s106(3), a s106 obligation is enforceable by the local planning authority that is identified in the obligation. It is enforceable against the person entering into the obligation and any person deriving title from them, unless the s106 obligation itself provides that a person shall not be bound in respect of any period during which they no longer have an interest in the land.</p> <p>We may choose to apply to the County Court for an injunction preventing being proceeded with or we could take formal proceedings (debt recovery action) with</p>

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		the aim of securing an order from the Court requiring the developer to take specific positive action to meet the requirements of a Section 106 Agreement.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The approach to enforcement in the event of a breach would need to be considered on the circumstances relating to that breach at the time of the breach.</p> <p>Depending on the nature of the breach SCC may consider it appropriate to engage in discussions with the Applicant (or subsequent Undertaker) outside of any formal enforcement procedure and as a precursor to enforcement action in the event that a breach cannot be resolved informally.</p> <p>SCC also notes that the draft s.106 includes a clause (Clause 6) relating to the resolution of disputes. It is understood that this clause may be subject to further amendment by the Applicant in due course but in principle it may be appropriate for the parties to any alleged breach to engage in the procedure set out in such a clause.</p> <p>If the s.111 agreement is breached by the Applicant, it is expected that this would require enforcement using contractual remedies which may also include seeking a mandatory injunction. Subject to the points raised in SCC's response to SA.1.7, failure to adhere to the s.111 by not entering into the s.106 before the commencement of development under the DCO may also be enforced under the proposed new article in the DCO that the s.106 must be entered into before commencement.</p> <p>Depending on the nature of the breach (e.g. whether it relates to a failure to pay monies, failure to submit a scheme/specification for approval or a failure physically to deliver certain mitigation/compensation works/measures on land) then SCC may consider enforcing the s.106 by way of an injunction, contractual remedies for payment of monies or by entering the land to carry out the operations required on that land and recovering the expenses of doing so from the Applicant under s.106(6).</p>

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	<p>SCC request that the Applicant confirm its views on whether not binding any landowners of land within the Order Limits would affect the ability of SCC and ESC to enforce against breaches of the s.106 using the provisions in s.106(6).</p> <p>Whilst it is understood that bonded obligations were not required for Hinkley Point C, SCC consider that in light of the Sizewell Special Arrangements that the Applicant again considers the provision of providing bonds to guarantee the performance of obligations in the s.106 and also considers when such bonds could be provided. In addition, SCC (and ESC) have no control over the entity that may receive a transfer of the benefit of the DCO and that entity may not be an owner of any of the land within the Order Limits. If bonds can be provided against the performance of obligations this would provide SCC (and ESC) with a clear mechanism under which the obligations could be enforced.</p> <p>A further approach which may be considered by the Applicant where appropriate is for an obligation to procure the transfer (which would need to be negatively worded and restrictive to prevent e.g. Commencement until such a transfer has taken place to ensure this is enforceable) of land on which mitigation is to be delivered to SCC for £1 which would then ensure that SCC had access to that land in order to step in and carry out the works on that land if the Applicant defaulted. The transfer arrangements would need to include provisions obliging the Applicant to carry out such works (and SCC's consent for this) and arrangements (if appropriate) about the transfer of this land back to the Applicant once the relevant obligations are discharged.</p>
<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant is grateful for SCC's confirmation that in principle it may be appropriate for the parties to any alleged breach to engage in a dispute resolution procedure. The dispute resolution clause remains subject to further consideration by the Applicant.</p> <p>Please see the <b>Obligations Enforcement Paper</b>, provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of the Applicant's Evolving Approach to enforcement.</p>

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SA.1.9	Applicant, ESC, SCC, WSC	<p>What will be the enforcement position under the Sizewell Special Arrangements in the event that the Applicant or a subsequent Undertaker becomes insolvent?</p> <p>Please include what will happen if the Applicant becomes insolvent and the SoS were to make the DCO without knowing that.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>Section 6 of the of the <b>Appendix 26A - SA.1 Response Paper</b> addresses enforcement in circumstances of insolvency.</p> <p>The Applicant's financial status and its proposed means of funding the project are set out in the <b>Funding Statement</b> [<a href="#">APP-066</a>]; [<a href="#">AS-011</a>]; [<a href="#">AS-150</a>] and are a matter which the Applicant assumes will be further scrutinised through the examination and reported to the Secretary of State prior to determination.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>With those with a proprietary interest in the site party to the s106 Agreement, insolvency is not an issue as the obligations would run with the land and SCC and ESC would be able to exercise powers of entry under s106(6) as required.</p> <p>Additionally, a deed of covenant signed by the transferee of an interest in the DCO would ensure enforceability against any person acquiring the benefit of the DCO if SZC Co went insolvent</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The approach to enforcement in the event of a breach would need to be considered on the circumstances relating to that breach at the time of the breach. This remains the case if the Applicant or a subsequent Undertaker became insolvent and indeed that insolvency may have implications on whether construction/operation of the scheme would continue in the same way.</p> <p>Consideration should be given to this risk when setting trigger points in the s.106 and SCC are aware of this issue when considering the provisions of the draft s.106. For example, payments of monies may be required before the commencement of development which may then be held and applied by SCC and ESC. Save for the input of any governance arrangements into the distribution of those funds (which</p>

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	<p>may include the Applicant or subsequent Undertaker) that would ensure that SCC and ESC would not need to deal with the issues of taking action against an insolvent entity.</p> <p>SCC's response to S.1.7 is also relevant here. The Sizewell Special Arrangements also appear to rely on the Applicant (or any entity that is transferred the benefits or rights of the DCO pursuant to Article) being the only entity that may construct and subsequently carry on the operations authorised by the DCO within the Order Limits to ensure that there will always be an entity against which ESC and SCC may enforce (e.g., so the Applicant/transferee as a corporate entity is not simply wound down to make enforcement of the obligations impossible). SCC note that Article 7 of the DCO "authorises" the Applicant to operate and use the authorised development (presumably relying on section 140 of the PA 2008). SCC considers that this Article 7 is permissive rather than expressly preventing any other entity from carrying on such activities and SCC questions whether consideration should be given to amending Article 7 in light of this – including who could construct and carry on the project in the event of the insolvency of an Undertaker.</p> <p>SCC reiterates that bonded obligations should be considered by the Applicant in order to ensure that SCC (and ESC) have a mechanism by which to enforce obligations in the event of insolvency by the Applicant or subsequent Undertaker.</p> <p>If the Applicant became insolvent before the SoS made the DCO SCC notes that under the Sizewell Special Arrangements the Applicant would still be required to enter into the s.106 before the development commenced. Depending on the nature of the insolvency it may not be possible for the Applicant to then enter into the s.106 in its certified form before commencement.</p> <p>The Applicant may perhaps consider whether it could agree to a requirement under the s.111 agreement (and an article of the DCO) to provide a clear bankruptcy search immediately before the completion of the s.106 and that this is also a prerequisite of commencement of the development under the DCO.</p>



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		Seeking bonded obligations (as per SCC's point above) is key here. If SCC is concerned by the Applicant company's financial position (and this concern can be explained and justified), it could also consider seeking bonds for (say) site restoration works and for early decommissioning in the event the Applicant becomes insolvent post grant of DCO or in the event the project ceases or is abandoned before the end of its proposed lifespan.
	<b>Response by SZC Co. for Deadline 3</b>	<p>Please see the Response to SA.1.3 in respect of the proposal that Deeds of Covenant are required prior to any transfer of the undertaking.</p> <p>The Evolving Approach provides that the Deed of Obligation would be completed prior to the grant of the DCO, such that the concern in respect of the gap between entry into the s.111 and the s.106 agreements under the Sizewell Special Arrangements does not arise.</p> <p>Please see the <b>Obligations Enforcement Paper</b>, provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of the "Evolving Approach" to enforcement.</p>
SA.1.10	Applicant	Please will the Applicant supply copies of the Thames Tideway Tunnel and Aquind s.106 agreements as executed and their DCOs. Please point the ExA to the relevant parts and any corresponding provisions in the DCO (or final draft DCO in the case of Aquind).
	<b>Response by SZC Co. for Deadline 2</b>	<p>Please see the copies of these documents provided in <b>Appendices 26C to 26G</b> to the written responses noting that the Section 106 Agreements entered into between Thames Water Utilities Limited and the London Borough of Newham and London Borough of Tower Hamlets have been provided as examples of the Thames Tideway Tunnel approach) and in particular:</p> <ul style="list-style-type: none"> <li>- Articles 8(4) and 55 of the draft Aquind DCO (<b>Appendix 26C</b>);</li> <li>- Recital (D), Clause 1.1, and Clause 2.2 of the Aquind Section 106 Agreements (<b>Appendices 26D</b> and <b>26E</b>);</li> </ul>

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		<ul style="list-style-type: none"> <li>- Schedule 3, Paragraphs 15 to 24 and Schedule 19, Paragraph 9 of the Thames Tideway Tunnel DCO (<b>Appendix 26F</b>); and</li> <li>- Clause 1.2 and Clause 3.1 of the Thames Tideway Tunnel Section 106 Agreements (<b>Appendix 26G</b>).</li> </ul> <p>Please note, however, that the Evolving Approach has moved away from the approach for those two projects.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>This question is similar to DCO.1.135 where the Applicant is asked to take account of any comments made by the Wylfa ExA when preparing the next drafts of the DCO and the Explanatory Memorandum and to explain why it proposes or rejects them.</p> <p>SCC will see what the Applicant comes back with and then (if necessary) comment on any significant omissions / departures at Deadline 3. It would be sensible to follow the same approach in respect of SA1.10.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No response required from the Applicant.
<i>Arrangements requiring third party involvement</i>		
SA.1.11	Applicant, ESC, SCC, WSC	<p>There are many proposals in the schedules which require the participation and involvement of third parties. Take for example the Economic Review Group in Sch 7 para 2.9. It is to have seven members. Whilst three are drawn from persons who are parties to the s.106 agreement, three are not. They are to be nominated by the New Anglia LEP, the Tier 1 Contractors and the Suffolk Chamber of Commerce. There is no requirement on those three parties to nominate members though presumably an obligation on the Councils to do so could be incorporated in the Sizewell Special Arrangements and with careful drafting a planning obligation to secure participation by the Applicant could be imposed.</p> <p>(i) What is to happen if the third parties fail to nominate, or later do not contribute to the group?</p>

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Question to:	Question:
	<p>(ii) The group is given various tasks by para 2.9.3 such as meeting quarterly. What is to happen if the Group fails to do so? What enforcement is envisaged?</p> <p>(iii) The group is not quorate unless five members are present. It cannot therefore function without the participation of the third party members. How are they to be compelled to participate?</p> <p>(iv) Can the group fulfil the functions and address the issues for which it is required if the third parties do not participate as envisaged?</p> <p>Other examples of these types of issues include:</p> <ul style="list-style-type: none"> <li>• the Community Safety Working Group (Sch 4 para 5) which needs the participation of Suffolk Constabulary, Suffolk Fire and Rescue Service and East of England Ambulance Service Trust;</li> <li>• the Health Working Group (Sch 6 para 4) which needs the participation of Public Health Suffolk and the Ipswich and East Suffolk Clinical Commissioning Group;</li> <li>• the Environment Review Group (Sch 11 para 9.2) requires participation of the Environment Agency and Natural England;</li> <li>• the Natural Environment Awards Panel (Sch 11, para 12.2) requires participation of Natural England and the Area of Outstanding Natural Beauty Partnership;</li> <li>• Sch 14, para 1.1 - Suffolk Community Foundation (a registered charity) to appoint a Community Fund Project Officer;</li> <li>• the Tourism Working Group (Sch 15, para 12.2) requires The Suffolk Coast Ltd, Visit Suffolk, Suffolk Coast and Heaths AONB Partnership (is this the same as the Area of Outstanding Natural Beauty Partnership referred to at para 12.2 of Sch 15) and the New Anglia Local Enterprise Partnership to appoint representatives;</li> <li>• Sch 16, para 1.1 envisages Marlesford and Little Glemham Parish Councils (sic) and Wickham Market Parish Council to participate in working groups; and</li> </ul>

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Question to:		Question:
		<ul style="list-style-type: none"> <li>Sch 16, para 3.1.3 also requires third party involvement - Highways England to nominate a representative to the Transport Review Group.</li> </ul> <p>(v) Please will the Applicant explain in relation to all of these how the promises it makes and the involvement of the third parties is secured and delivered</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant is engaged in ongoing discussions with the Councils and relevant third parties in respect of the appropriate governance arrangements for the obligations in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(i) The Applicant has updated the drafting of the governance arrangements in the <b>draft Deed of Obligation</b> to ensure that each group is quorate without the participation of the third parties. Only the Health Working Group is proposed to be chartered by a third party (being the Director of Public Health). However, as set out in Paragraph 4.4 of Schedule 6 of the <b>draft Deed of Obligation</b>, a different chair may be chosen by the members of the Health Working Group in the event that the Director of Public Health did not participate. In this way, each group will be able to function without reliance upon the third parties.</p> <p>However, the Applicant does not expect that the third parties will fail to contribute appropriately. The majority of these groups are already established, albeit to a less formalised extent. Each group has helped shape the approach to and outputs of the assessments and continue to help shape the mitigation and other relevant commitments and controls.</p> <p>In many instances comparable groups were established in the Hinkley Point C Section 106 Agreement. This experience shows us that these groups recognise the importance of their role throughout the different stages of the Project and remain committed to the successful delivery of the funds.</p> <p>The Applicant notes that many of the third parties are statutory bodies who may be expected to participate in accordance with their statutory function. Others, such as the Suffolk Community Foundation and the Tier 1 Contractors, will have separate contractual relationships with the Applicant.</p>

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Question to:	Question:
	<p>The Applicant is willing to consider including a mechanism for requiring such third parties to enter into a Deed of Covenant to participate in the governance groups, please see the updated Clause 15 and Deed of Covenant annexed to the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)). This revised approach is subject to further discussion with the Councils and the third parties.</p> <p>(ii) Please see Schedule 17 of the updated <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) which provides for the participation of SZC Co. and the Councils in the governance arrangements. A failure to meet in accordance with the terms of the relevant group would be a breach of the Deed of Obligation.</p> <p>Section 6 of <b>Appendix 26A - SA.1 Response Paper</b> sets out how breaches of the Deed of Obligation would be addressed under the Evolving Approach.</p> <p>(iii) See Responses to (i) and (v).</p> <p>(iv) As set out in the Response to (i), the Applicant expects that the third parties will engage with the relevant governance groups. Please see Clause 15.3.3, which provides for the replacement of a particular third party that does not enter into the Deed of Covenant in the event that the Applicant and the Councils consider the participation of a third party to be required for the delivery of the mitigation.</p> <p>(v) Please see the updated Clause 15 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) and the covenant in the Deed of Covenant annexed to the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) which secures the participation of third parties in the governance groups. This revised approach is subject to further discussion with the Councils and the third parties.</p> <p>The involvement of the Suffolk Community Foundation in the Sizewell C Community Fund will be controlled through the Administration Agreement which must be entered into prior to Commencement.</p>
<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC: Further detailed discussions are required with the Applicant to agree the governance arrangements. It is suggested that terms of reference for each group are agreed and included in the Deed.</p>

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Question to:		Question:
		<p>(i) If third parties fail to nominate then SCC/ESC would nominate suitable alternative representatives to sit on the groups. Similarly, if nominated representatives don't turn up and/or fail to contribute to the groups then SCC/ESC would nominate suitable alternative representatives.</p> <p>(ii) The Applicant, SCC and ESC will be parties to the s106 agreement, so are legally bound by the terms. Enforcement could be secured in various ways e.g., trigger payment of contributions by the Applicant.</p> <p>(iii) SCC/ESC nominate suitable alternative representatives.</p> <p>It is for the Applicant to ensure that the working group functions as required by the s106 agreement or face enforcement action and in the event of a breach SZC Co could be obliged to pay a lump sum to be administered by ESC/SCC in its sole discretion for the purposes set out in the s106 agreement.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Further detailed discussions are required with the Applicant to agree the governance arrangements. It is suggested that terms of reference for each group are agreed and included in the Deed.</p> <p>(i) If third parties fail to nominate then SCC/ESC would nominate suitable alternative representatives to sit on the groups. Similarly, if nominated representatives do not turn up and/or fail to contribute to the groups then SCC/ESC would nominate suitable alternative representatives. [See below comments regarding the Deeds of Covenant]</p> <p>(ii) The Applicant, SCC and ESC will be parties to the Deed, so are legally bound by the terms. Enforcement could be secured in various ways e.g., trigger payment of contributions by the Applicant. Reference to Arbitration. [See below regarding Deeds of Covenant. Some of these arrangements would not make the payment of contributions or reference to arbitration a suitable remedy – e.g., the Applicant might not be responsible for the failure of the Environment Agency to engage or be able to compel them to do so.]</p>

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Question to:	Question:
	<p>(iii) Quorate – SCC/ESC nominate suitable alternative representatives. Participation by proxy arrangements may also be considered. See also answer to ExQ TT.1.23 regarding Transport Review Group: “SCC also proposes a proxy voting arrangement in the group’s constitutional arrangements, so that if one of the “other stakeholders” (not appointed by the Applicant) referred to in the question above does not attend a meeting, one of the attendees can vote as a proxy.”</p> <p>(iv) SCC/ESC would step in to fulfil these roles. However, it would be sensible to seek the input of those with different statutory responsibilities e.g., Highways England for trunk roads etc.</p> <p>(v) It is proposed to have a Deed of Covenant with third parties – ideally agreed with the third parties prior to the completion of the Deed. Deed of Covenant format to be attached to the Deed. However, currently this Deed of Covenant relates to payment of monies to third parties and not the working group arrangements. It would be sensible to consider a requirement that third parties participating in working groups need to also sign up to a Deed of Covenant (required precommencement) to agree to the terms of the working group and allow direct enforcement if they fail to perform. SCC consider that any funds relevant to the operation of the working groups and to be administered by the working groups should be deposited with SCC/ESC as appropriate and fall-back arrangements could be put in place which oblige the relevant Host Authority to step in and deliver the works should the working group arrangements fail to operate as envisaged.</p>
<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant agrees that further detailed discussions are required to agree the governance arrangements. It is proposed that where appropriate the relevant Governance Groups shall be entitled to make further administrative arrangements from time to time (e.g. Schedule 4 Paragraph 5.7).</p> <p>Please see the response to TT.1.23 in respect of proxy arrangements for the Transport Review Group. Under the draft <b>Deed of Obligation</b>, where a named representative is unable to attend a meeting, it may nominate an alternate to attend on their behalf.</p>

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Question to:		Question:
		The Applicant does not consider that it is necessary or appropriate to provide contingency funds in respect of potential breaches of the governance arrangements. The payment of monies from a contingency fund would not address the nature of the breach and it is unclear what such monies could be used for (save acting as a penalty).
<i>Allocating tasks / functions to bodies which are not legal persons</i>		
SA.1.12	Applicant, ESC, SCC, WSC	<p>By Sch 7 para 2.2.1 and 2.5.5 respectively the Regional Skills Coordination Function is to submit a draft Annual Workforce Delivery Implementation Plan and to allocate funds. The "Regional Skills Coordination Function" does not appear to be a legal entity. What happens if the task is not performed?</p> <p>Similarly, at Sch 17 the Governance schedule, various groups are required to do various things. For example the Delivery Steering Group is to consider reports submitted to it, monitor Groups, assist them, identify risks, and facilitate communication. This group is made up of representatives of ESC, SCC and SZC Co. Where is the obligation on those bodies to nominate and perform? Presumably this can easily be rectified by a covenant from each of them in the s.106 to do so.</p> <p>The same goes for the Oversight Partnership (to be established by ESC and SCC). But what obligations will there be on the members of that Partnership?</p> <p>There are also to be a Planning Group and a Social Review Group – see Sch 17 and the visual representation of the governance structure on p.100 (electronic page 103) of the draft s.106.</p>



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Question to:		Question:
		<p>Please will the Applicant explain in relation to all cases where tasks are allocated to bodies which are not legal persons how the delivery of the tasks is secured and delivered</p> <p>Again, ESC, SCC and WSC may also wish to respond.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant has noted these comments and updated the drafting of the Deed of Obligation to secure the delivery of these tasks.</p> <p>Please see the updated Schedule 7 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) which confirms that SCC shall host the Regional Skills Coordination Function and be responsible for procuring that all tasks allocated to that function are carried out.</p> <p>Please see Paragraph 2 Schedule 17 of the <b>draft Deed of Obligation</b> in respect of the general obligation upon the Applicant and the Councils to attend and participate in the governance arrangements.</p> <p>Please also see Paragraph 4 Schedule 17 of the <b>draft Deed of Obligation</b> in respect of the Oversight Partnership.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC: The Applicant would be required to provide a Deed of Covenant in favour of the councils from the relevant groups(in substantially the form annexed to the s106 agreement) prior to commencement of development.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>It is proposed to have a Deed of Covenant with third parties – ideally agreed with the third parties prior to the completion of the Deed. Deed of Covenant format to be attached to the Deed. However, currently this Deed of Covenant relates to payment of monies to third parties and is not currently proposed to deal with participation in working groups etc. It would be sensible to consider a Deed of Covenant (required pre-commencement) from these third parties to perform tasks. This will need to cover the costs of those parties attending meetings and performing. As a fallback, SCC/ESC could stand in as proxy.</p>

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Question to:		Question:
		With regard to the Regional Skills Coordination Function, SCC agrees that the s.106 should provide more clarity, and requests, aligned with discussions with the Applicant, that that Regional Skills Coordination Function would be hosted by SCC who would be responsible to submit a draft Annual Workforce Delivery Implementation Plan and to allocate funds.
	<b>Response by SZC Co. for Deadline 3</b>	<p>The delivery of these tasks is secured through the draft Deed of Obligation as set out in the previous response to this Question.</p> <p>Clause 15 and the revised Deed of Covenant provides for Deeds of Covenant to be entered into between third parties, the Applicant and the Councils where necessary.</p> <p>The Applicant proposes that reasonable endeavours should be used to enter into such Deeds of Covenant prior to the first meeting of the Governance Group, with the Councils and Applicant to meet to determine whether an alternative third party should participate in the relevant Governance Group in the event that the Deed of Covenant is not completed in due course. Where a third party's costs are to be paid by the Applicant, this will be set out in the Deed of Obligation. The Applicant agrees with SCC that ideally these Deeds of Covenant shall be in agreed form prior to the completion of the Deed of Obligation.</p>
<i>Giving tasks to individuals</i>		
SA.1.13	Applicant, ESC, SCC, WSC	<p>Accommodation Co-ordinator(s). Their tasks are set out at Sch 3 para 1.1. But there is no mechanism for enforcing performance by the Accommodation Co-ordinator(s). They are not parties to the agreement. The Accommodation Co-ordinator(s) are appointed by SZC. Would a solution be to give the tasks to SZC who can then find an employee or contractor to discharge their promise? If not, how are any failures to deliver the tasks set out at para 1.1 enforced?</p> <p>There are similar issues at for example Sch 11 para 12.5 (Natural Environment Improvement Project Officer to attend meetings of the Natural Environment</p>

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Question to:	Question:
	<p>Awards Panel); Sch 15 paras 1.1 and 4.1 (Tourism Programme Manager to prepare Annual Tourism Fund Implementation Plan and other duties set out in (a) to (d) of the definition in para 1.1); Sch 16, paras 3.5 and 4 (Transport Co-ordinator will carry out the eight functions listed at para 3.5 of Sch 16. Other functions are added, e.g. to attend the Community Safety Working Group at para 4.1 and other groups at para 4, with responsibility for making the meetings of those groups happen. There are other functions allocated to the Transport Co-ordinator in other schedules. The Transport Co-ordinator is a SZC Co appointee. Why not simply put the obligation straight on to SZC Co?)</p> <p>Please will the Applicant explain in relation to all cases where tasks are allocated to individuals how the delivery of the tasks is secured and delivered.</p> <p>Again, ESC, SCC and WSC may also wish to respond.</p>
<b>Response by SZC Co. for Deadline 2</b>	<p>The comments in respect of binding individuals are noted and agreed. Please see the updated drafting in this respect in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)):</p> <ul style="list-style-type: none"> <li>• Schedule 3 Paragraph 4 in respect of the Accommodation Co-ordinator(s).</li> <li>• Schedule 11, Paragraph 4 in respect of the Natural Environment Improvement Officer.</li> <li>• Schedule 15, Paragraph 2 in respect of the Tourism Programme Manager.</li> <li>• Schedule 16 Paragraphs 3.3 and 4 in respect of the Transport Co-ordinator.</li> </ul>
<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC:</p> <p>The Applicant would be required to provide a Deed of Covenant in favour of the councils from third parties (in substantially the form annexed to the s106 agreement) prior to commencement of development.</p> <p>It is considered that where tasks are placed on individuals in the s.106 that there should be an obligation on the Applicant to procure that such a person performs</p>

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Question to:		Question:
		against these obligations. In addition, consideration should also be given to a mechanism requiring an alternative arrangement (e.g. the Applicant stepping in to perform) if that individual does not perform.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>It is proposed to have a Deed of Covenant with third parties – ideally agreed with the third parties prior to the completion of the Deed. Deed of Covenant format attached to the Deed. Need to review each function. However, currently this Deed of Covenant relates to payment of monies to third parties and is not currently proposed to deal with participation in working groups etc. It would be sensible to consider a Deed of Covenant (required pre-commencement) from these third parties to perform tasks. This will need to cover the costs of those parties attending meetings and performing. As a fallback, SCC/ESC could stand in as proxy.</p> <p>It is considered that where tasks are placed on individuals in the s.106 that there should be an obligation on the Applicant to procure that such a person performs against these obligations. In addition, consideration should also be given to a mechanism requiring an alternative arrangement (e.g., the Applicant stepping in to perform) if that individual does not perform.</p>
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant's revised draft Deed of Obligation submitted at Deadline 2 addresses this comment and provides the requested alternative that, where the individual is appointed by a party, the relevant party shall be required to fulfil the obligation if this is not carried out by the named individual.
<i>The s.111 agreement</i>		
SA.1.14	Applicant, ESC, SCC, WSC	<p>Definition of Development Consent Obligation.</p> <p>(i) This terms the s.106 agreement as a Development Consent Obligation. As the Applicant, ESC, SCC and WSC will realise from the opening remarks above, this is a misnomer. Please, for clarity, could a different term be found? Please carry this</p>

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Question to:	Question:
	<p>through to other occasions when the phrase is used to describe the agreement whether in the s.111 agreement or the s.106 agreement.</p> <p>(ii) The s.106 agreement is to be in the Certified Form "subject only to such minor changes to references etc. as are necessary to reflect the Development Consent Order as granted". This creates uncertainty notwithstanding the short timescale for execution by the Applicant and dispute resolution procedure.</p> <p>In a normal situation where an applicant is prepared to enter into a s.106 agreement in connection with a DCO application the s.106 would be executed before the end of the Examination. Is this provision for minor changes therefore justified in this case?</p>
<b>Response by SZC Co. for Deadline 2</b>	<p>(i) For the reasons given in <b>Appendix 26A - SA.1 Response Paper</b>, the Applicant no longer proposes to enter into the S.111 Agreement or the "Development Consent Obligation" (as defined therein). The agreement through which the Applicant proposes to secure the relevant mitigation will be named the "Deed of Obligation".</p> <p>(ii) As set out in <b>Appendix 26A - SA.1 Response Paper</b>, the Applicant proposes to enter into the Deed of Obligation before the end of the examination.</p>
<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) The term "Deed of Development Consent Obligations" should be used.</p> <p>(ii) ESC anticipates that there should be no need for changes to be made (as the final form should be annexed to the s.111) but if they are required they should only be as agreed first in writing with SCC and ESC e.g. "subject only to minor changes to references as may be necessary to reflect the Development Consent</p> <p>(iii) Section 111 is not a "stand alone" power, and it can only be exercised for purposes which are "ancillary" to the discharge of some other function. ESC does not agree that a s111 agreement can be lawfully relied upon without reference to the statutory function to which it is ancillary.</p>

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	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	(i) SCC suggest the following term is used: "Deed of development consent obligations" (which is actually the title of this document anyway). (ii) SCC anticipate that there should be no need for changes to be made (as the final form should be annexed to the s.111) but if they are required they should only be as agreed first in writing with SCC and ESC e.g. "subject only to minor changes to references as may be necessary to reflect the Development Consent Order as granted and as first agreed in writing with both East Suffolk Council and Suffolk County Council"
	<b>Response by SZC Co. for Deadline 3</b>	No further response from the Applicant required.
SA.1.15	Applicant	Definition of Implementation. Please will the Applicant explain how the exception for the Relocated Facilities Works is intended to operate and the result it is intended to achieve. How does this interact with the definition of Commencement in the s.111 agreement and the s.106 agreement?  In recital F might it be better to say that by virtue of Art [x] the Undertaker will be prohibited from Commencing the Project?
	<b>Response by SZC Co. for Deadline 2</b>	For the reasons given in <b>Appendix 26A - SA.1 Response Paper</b> , the Applicant no longer proposes to enter into the S.111 Agreement. Therefore, this definition is no longer required. The Applicant will enter into the Deed of Obligation before the end of the examination. Please see the response to <b>SA.1.24</b> in respect of the approach to the Relocated Facilities Works.
	<b>Response by Suffolk County Council at Deadline 2</b>	If the Relocated Facilities Works are an integral part of this application and Work No. 1D and/or Work No. 1E do not cover precisely the same works as under planning permissions DC/19/1637/FUL and DC/20/4646/FUL then carrying out these works ought to constitute Commencement under the s.106 agreement.

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Question to:		Question:
		<p>Need to be content that the Work No. 1D and/or Work No. 1E in Schedule 1 to the Development Consent Order covers the same works as under planning permissions DC/19/1637/FUL and DC/20/4646/FUL.</p> <p>As an aside, SCC considers it would be helpful for a requirement to notify SCC and ESC of the anticipated and actual commencement and completion of the Relocated Facilities Works. This is particularly so as SCC is not a party to the s.106s associated with those works.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Article 5 of the Development Consent Order requires the undertaker to serve notice on the local planning authority that it intends to commence Work No. 1D or Work No. 1E which the Applicant considers is appropriate notice.</p> <p>Please see Response by SZC Co. for Deadline 3 to <b>SA.1.24</b> in respect of the approach to the Relocated Facilities Works.</p>
SA.1.16	Applicant, ESC, SCC, WSC	<p>Interpretation – are there any EIA issues as a result of the deemed approval provisions in CI 1.2.7. The Applicant ESC, SCC and WSC are reminded of the litigation in Wells v. Secretary of State [2005] All E.R. (EC) 323 and other cases in relation to multi-stage consents and deemed approvals under the review of mineral planning permissions.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The inclusion of a deemed approval provision in the Deed of Obligation is considered appropriate to enable the Applicant to efficiently undertake the Project. The Applicant does not consider that the deemed approval provision would have the effect of creating a 'new consent' as was the case in Wells v Secretary of State [2005] All E.R. (EC) 323. This is because the approvals that will be subject to the deemed approval provision either do not engage the EIA Regulations or will have already been assessed as part of the envelope of the ES.</p> <p>In the unlikely event that the approval might go beyond the scope of the original ES, then under the EIA Regulations the Applicant would be required to submit further environmental information with its application and the deemed approval</p>

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Question to:	Question:
	<p>provisions would not override this. By the same token, if the discharging authority considers that it has not been provided with sufficient information (including any necessary assessments) to enable it to consider the application and reach an informed judgement on effects, it can request such information from the undertaker and/or refuse the application. Again, the deemed approval provisions do not override this.</p> <p>On this basis, the Applicant does not consider there to be any public interest justification for the deemed approval provision to be removed or limited in any way.</p>
<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC would also draw the ExA's attention to paragraph 6 of Schedule 1 in the s.106. ESC is not content with the proposed deemed approval provisions in Clause 1.2.7 (or paragraph 6 of Schedule 1 in the s.106). It is understood that the Applicant intends to discuss these further with SCC and ESC. Matters for approval under the s.106 are expected to be relevant to delivering mitigation set out in the EIA and automatic approval of schemes may undermine SCC's ability to control this. There may be some approvals which would not have such an effect but this will need to be considered when the Applicant has provided further detail about the substantive provisions.</p> <p>Substantive schemes will not be approved under the s.111 and it is not considered necessary to include Clause 1.2.7 in the s.111 as a result. The Applicant still would have the benefit of Clause 9.2 relating to not unreasonably withholding or delaying approvals (to the extent any are required under the s.111).</p>
<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC would also draw the ExA's attention to paragraph 6 of Schedule 1 in the s.106. SCC is not content with the proposed deemed approval provisions in Clause 1.2.7 (or paragraph 6 of Schedule 1 in the s.106). It is understood that the Applicant intends to discuss these further with SCC and ESC. Matters for approval under the s.106 are expected to be relevant to delivering mitigation set out in the EIA and automatic approval of schemes may undermine SCC's ability to control this. There may be some approvals which would not have such an effect, but this</p>



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	Question to:	Question:
		<p>will need to be considered when the Applicant has provided further detail about the substantive provisions.</p> <p>Substantive schemes will not be approved under the s.111 and it is not considered necessary to include Clause 1.2.7 in the s.111 as a result. The Applicant still would have the benefit of Clause 9.2 relating to not unreasonably withholding or delaying approvals (to the extent any are required under the s.111).</p>
	<b>Response by SZC Co. for Deadline 3</b>	For the reasons previously given in response to this SA.1.16, the inclusion of a deemed approval provision in the Deed of Obligation is considered appropriate to enable the Applicant to efficiently undertake the Project. However, the Applicant intends to discuss this further with SCC and ESC.
SA.1.17	Applicant, ESC, SCC, WSC	Conditionality – Cl 2 - when is it envisaged that the s.111 agreement will be dated?
	<b>Response by SZC Co. for Deadline 2</b>	For the reasons given in <b>Appendix 26A SA.1 Response Paper</b> , the Applicant no longer proposes to enter into the S.111 Agreement.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: Before the close of the examination (6 October 2021).
	<b>Response by Suffolk County Council at Deadline 2</b>	Before the close of the examination (06 October 2021)
	<b>Response by SZC Co. for Deadline 3</b>	No further response required from the Applicant.
SA.1.18	Applicant ESC, SCC, WSC	<p>Execution of the s.111 agreement – Cl 4</p> <p>(i) There does not appear to be any obligation by ESC, SCC or WSC actually to execute the s.111 agreement. Is this intentional? The obligation in Cl 4.1 is only on</p>

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Question to:		Question:
		<p>ESC and then it is an obligation to coordinate. It is also difficult to see how ESC can compel SCC and WSC to execute.</p> <p>(ii) Please comment on whether such an obligation would be a fetter on their discretion and therefore unlawful.</p> <p>(iii) Please comment on whether in the event for example of a change of control by any of ESC, SCC or WSC any of them could lawfully decline to enter into the s.106 agreement.</p> <p>(iv) Does not Cl 8 suggest that Cl 4, if it does require ESC, SCC and WSC to enter into the s.106 agreement, is indeed a fetter on their discretion?</p> <p>(v) Is it envisaged that Cl 1.2.7 applies to the execution by ESC, SCC and WSC?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>For the reasons given in <b>Appendix 26A SA.1 Response Paper</b>, the Applicant no longer proposes to enter into the S.111 Agreement.</p> <p>It is intended that the Applicant, ESC and SCC will enter into the Deed of Obligation before the end of the examination and as such there will be no fetter on the local authorities' discretion.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC:</p> <p>i) ESC would have agreed to the form of the s.106 to be entered into under these provisions</p> <p>ii) it is not considered that such an arrangements entered into under s.111 should be considered a fetter on discretion. ESC would not enter into the s.111 unless it was content with the form of s.106 to be appended to this and had authority to do so from the relevant committee. ESC has delegated authority to sign necessary legal agreements and so it would take weeks rather than months to arrange for execution. It is not considered that a change in the control of any of the Councils would affect the legal obligations that the Councils would have entered into under this document.</p> <p>iii) see (i)</p>

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Question to:		Question:
		iv) ESC does not consider that cl1.2.7 applies. The s106 is in an agreed form, not to be agreed.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The obligations in Clause 4 of the draft s.111 agreement relate to the execution of the s.106 agreement, not the s.111 agreement.</p> <p>(i) There should be an obligation on SCC to execute the s.111 agreement. WSC will be removed as a party. SCC can agree to an obligation to execute the s.106 on receipt of the S.106 duly executed by the Applicant. Timescales for doing this need to be discussed with ESC and the Applicant. Whilst subject to further discussion between SCC and WSC, it is envisaged that SCC may be able to agree to enforce the planning obligations relevant to WSC's administrative area and therefore WSC would not need to be a party to the s.111 or s.106. In addition, SCC note that there is no obligation on the Applicant to complete the s.106 on receipt (only authorisation to do so under Clause 4.3). SCC consider that either SCC or ESC should be the party completing the s.106 rather than this being left to the Applicant and that there should be an obligation in the s.111 that this must be in place before the commencement of development by the Applicant and within a certain time period following the grant of any DCO.</p> <p>(ii) SCC would have agreed to the form of the s.106 to be entered into under these provisions and it is not considered that such an arrangement entered into under s.111 should be considered a fetter on discretion. SCC would not enter into the s.111 unless it was content with the form of s.106 to be appended to this.</p> <p>(iii) The SCC Cabinet Report (dated 22 September 2020) granted the Executive Director of Growth, Highways and Infrastructure in consultation with the Leader and the Cabinet Member for Environment &amp; Public Protection the delegated authority "to fully engage with the Pre-examination and Examination stages of the Development Consent Order process" with specific reference to "Submit signed planning obligations if required."</p> <p>(iv) Yes, the provisions in Clause 4 are an exercise of the Councils discretion to agree to enter into the s.106 in due course.</p>

Chapter 26 - SA.1. Section 106 Agreements		
	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.19	Applicant ESC, SCC, WSC	Jurisdiction – CI 11. This states that English law applies and that the courts of England and Wales shall have exclusive jurisdiction. Will this not make enforcement in foreign jurisdictions difficult if not impossible? For that reason, was it not normal to give the courts of England and Wales non-exclusive jurisdiction?
	<b>Response by SZC Co. for Deadline 2</b>	For the reasons given in <b>Appendix 26A - SA.1 Response Paper</b> , the Applicant no longer proposes to enter into the S.111 Agreement. Please see the response to <b>SA.1.37</b> in respect of the jurisdiction clause to be included in the proposed Deed of Obligation.
	<b>Response by East Suffolk Council at Deadline 2</b>	It is not anticipated at this stage that enforcement in foreign jurisdictions would be necessary but ESC would be content with a non-exclusive jurisdiction clause. However, ESC in the event of a claim against ESC, ESC would not expect to agree to a clause which included the possibility of such a claim being brought in a jurisdiction outside of England and Wales and therefore ESC request the Applicant considers whether an asymmetrical jurisdiction clause reflecting this may be appropriate.
	<b>Response by Suffolk County Council at Deadline 2</b>	It is not anticipated at this stage that enforcement in foreign jurisdictions would be necessary, but SCC would be content with a non-exclusive jurisdiction clause. However, in the event of a claim against SCC, SCC would not expect to agree to a clause which included the possibility of such a claim being brought in a jurisdiction outside of England and Wales and therefore SCC request the Applicant considers whether an asymmetrical jurisdiction clause reflecting this may be appropriate.
	<b>Response by SZC Co. for Deadline 3</b>	SCC and ESC's request that claims should not be brought against them in jurisdictions outside of England and Wales is noted and agreed. For the reasons given in response to <b>SA.1.37</b> at Deadline 2, the Applicant proposes a symmetrical exclusive jurisdiction clause.

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
<i>The s.106 agreement</i>		
SA.1.20	Applicant, ESC, SCC, WSC	"Councils", CI 1.1 – should this not include WSC? There are a number of other places where the inclusion of WSC as a party suggests consequential amendments are necessary, for example CI 1.2 – successors to ESC and SCC are referred to but not successors to WSC.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant understands that WSC's enforcement duties in respect of the Pakenham Site will be carried out by SCC. Therefore, references to WSC have been removed from the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC understands the SCC is agreeable to taking on WSC's enforcement duties and so WSC can be removed from the s106 agreement.
	<b>Response by Suffolk County Council at Deadline 2</b>	The proposal is to remove WSC as a party, with SCC acting on their behalf. Whilst subject to further discussion between SCC and WSC, is envisaged that SCC may be able to agree to enforce the planning obligations relevant to WSC's administrative area and therefore WSC would not need to be a party to the s.111 or s.106.
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.21	Applicant ESC, SCC, WSC	"Qualifying Interest", CI 1.1 – this appears to include SZC's land ownership, whatever it is. That would be the norm for a s.106 agreement, is consistent with CI 2.2 and the ExA has not seen any reason why that should not be the case, notwithstanding the other provisions of the Sizewell Special Arrangements, if it is decided to go down the s.106 route. Please will the Applicant insert the necessary provision to comply with s.106(9)(c)?
	<b>Response by SZC Co. for Deadline 2</b>	The Evolving Approach no longer relies on the concept of a 'Qualifying Interest'. Please see <b>Appendix 26A - SA.1 Response Paper</b> .
	<b>Response by East Suffolk Council at Deadline 2</b>	The generally accepted position is that an interest for the purposes of s106(1) must be a proprietary interest (Southampton City Council v Halyard Ltd [2009] 1

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		<p>P. &amp; C.R. 5) and as such ESC would as standard require such persons to be party to the s106.</p> <p>Having the benefit of the DCO is not an interest in land for the purposes of s106(1) and therefore s106(3) will not apply as the obligations are not provided as planning obligations pursuant to s106 (1) TCPA in the absence of a proprietary interest in the development site. Questions therefore arise regarding the legitimacy of providing mitigation through an alternative means to a s106 agreement.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC understands that the Applicant's proposed Sizewell Special Arrangements are that the Applicant's "interest" in the land would be its interest as Undertaker under the DCO. SCC's views on this are set out in response to S.1.7.
	<b>Response by SZC Co. for Deadline 3</b>	Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), which sets out the Applicant's further comments on enforcement under the Evolving Approach, which the Applicant considers an appropriate alternative means to entry into a s.106 agreement.
SA.1.22	Applicant, ESC, SCC, WSC	<p>CI 1.2.16 - restriction on commencing certain activities prior to payments. The ExA is grateful for the Applicant's confirmation that this is intended to be a restriction under s.106(1)(a) (and its comment on the inevitability of the passage of time).</p> <p>Given that it is a s.106(1)(a) restriction might it not be better in a different part of the agreement, such as CI 4, rather than in the definitions and interpretation clause?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>As set out in <b>Appendix 26A SA.1 - Response Paper</b>, the Applicant proposes to secure the necessary mitigation through a Deed of Obligation which will not be entered into under section 106 of the Town and Country Planning Act 1990.</p> <p>Although the restriction on commencing activities prior to payments will not be made under section 106(1)(a), the Applicant notes the ExA's comment on the</p>

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		appropriate location of this restriction and has relocated it to Clause 4 in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC are happy with 1.2.16 where it is.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC has already informed the Applicant of its view that whilst helpful, this provision does not deal with triggers requiring actions based on time (e.g., payments on anniversary dates). SCC considers that this provision is an aid to interpretation of the triggers in the s.106 and is content for this to remain at Clause 1.2.16. Indeed, it is considered that its position at Clause 1.2.16 is helpful given that Clause 4 is conditional on the "Commencement Date" occurring (subject to the proviso of objections which must be complied with before the Commencement Date. As an aside, SCC would prefer covenants to be drafted as follows: "Not to Commence or allow Commencement unless and until...".
	<b>Response by SZC Co. for Deadline 3</b>	<p>As the passage of time cannot be controlled by the Applicant, no corresponding provision can be agreed in respect of actions based on time. Such obligations have been drafted positively, and any breach of them would be enforceable by the Councils.</p> <p>Clause 1.2.7 of the <b>draft Deed of Obligation</b> provides that where the Applicant is under a restriction not to Commence development, it is also under an obligation not to "cause, permit or suffer" Commencement.</p> <p>Although Clause 4 of the <b>draft Deed of Obligation</b> is conditional upon Commencement and so is Clause 4.2 which contains this prohibition, were the Applicant to Commence the Project without making the necessary payments, this would still be a breach of the Deed of Obligation against which the Councils could take enforcement action.</p>
SA.1.23	Applicant, ESC, SCC, WSC	Clause 2.2 Should the non-planning obligations also be stated to be enforceable?

Chapter 26 - SA.1. Section 106 Agreements		
	Question to:	Question:
	<b>Response by SZC Co. for Deadline 2</b>	The Evolving Approach set out in <b>Appendix 26A - SA.1 Response Paper</b> will not differentiate between planning and non-planning obligations. All obligations in the Deed of Obligation shall be enforceable. Please see the updated Clause 2 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	<b>Response by East Suffolk Council at Deadline 2</b>	Non planning obligations are not enforceable pursuant to s106(3) but as a matter of contract but will be enforceable under other powers recited in the agreement such as S1 of the Localism Act 2011 and s111 of the Local Government Act 1972
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC agree with this. However, the ExA's attention is drawn to the response at SA.1.7 above and the position of enforcement against transferees under the provisions of Article 9. Based on the proposed Sizewell Special Arrangements (and subject to SCC's other concerns about these), the s.106 would only be enforceable under s.106(3) as there would be no contractual relationship between SCC/ESC and the transferee outside of this.
	<b>Response by SZC Co. for Deadline 3</b>	Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A).
SA.1.24	Applicant, ESC, SCC	CI 2.3 "... the provisions of the Second Relocated Facilities Section 106 Agreement shall apply (save as modified by the Development Consent Order) as if ... " (i) Please will the Applicant enlarge on what is said in the draft 106EM about what this clause is seeking to achieve, and explain what the clause delivers and how? (ii) Please direct the ExA to the parts of the Second Relocated Facilities Section 106 Agreement which limit it to the works permitted by the Second Sizewell B relocated facilities permission. (iii) Is this a variation of the Second Relocated Facilities Section 106 Agreement which ought to be dealt with under s.106A TCPA 1990?



Chapter 26 - SA.1. Section 106 Agreements	
Question to:	Question:
<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Clause 2.2 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) (which replaces clause 2.3 in the draft Section 106 Agreement) ensures that the obligations comprised in Schedule 3 of the Second Relocated Facilities Section 106 Agreement remain extant notwithstanding that the works may be carried out pursuant to the Development Consent Order.</p> <p>(ii) Please see Recital (C) of the Second Relocated Facilities Section 106 Agreement which states that the agreement is entered into in order to facilitate the Development. "Development" is defined in Schedule 2 which is the development authorised by the Second Sizewell B relocated facilities permission.</p> <p>(iii) It is not intended that the Deed of Obligation would vary the Second Relocated Facilities Section 106 Agreement. Rather, the Second Relocated Facilities Section 106 Agreement anticipates that a development consent order would authorise the same or substantially similar development to that authorised by the Second Sizewell B relocated facilities permission and therefore provisions are included in both the draft Deed of Obligation and in the Second Relocated Facilities Section 106 Agreement to preserve the obligations in the Second Relocated Facilities Section 106 Agreement.</p>
<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC consider that these are points for the Applicant to provide a response on. SCC note that no similar provisions appear in connection with the First Relocated Facilities Section 106 Agreement and would welcome the Applicant's explanation of why such provisions are not relevant to that agreement too. The draft s.106 cannot vary the Second Relocated Facilities Section 106 Agreement.</p> <p>In any event, SCC are not a party to the Second Relocated Facilities Section 106 Agreement and consider that Clause 2.3 should be between ESC and the Applicant, not SCC.</p>
<b>Response by SZC Co. for Deadline 3</b>	<p>Clause 2.2 (formerly clause 2.3) has been revised to be between ESC and the Applicant and not SCC, as requested.</p>

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		<p>As stated in the Applicant's response to <b>DCO.1.141</b> at Deadline 2, the target is to deliver certain works pursuant to the Sizewell B relocated facilities permission 2 (reference DC/20/4646/FUL) by October 2021. However, the Applicant acknowledges it is possible to continue to build out under the Sizewell B relocated facilities permission 1 and then switch to Work No. 1D under the Development Consent Order, in which case it is conceivable that the obligations in the First Relocated Facilities Section 106 Agreement (which are triggered by reference to certain works carried out pursuant to the Sizewell B relocated facilities permission 1) would not be preserved upon the switch to the DCO.</p> <p>The Applicant will include appropriate provisions in an updated draft Deed of Obligation to ensure the relevant payments would still be required in this case.</p>
SA.1.25	Applicant, ESC, SCC, WSC	<p>CI 3.1.1 – drafting point; is not the effect with the words in square brackets [“with the exception of this clause 3 and clauses [●] and clause 4 insofar as it relates to obligations in the Schedules that must be complied with ... etc] circular? How can there be a requirement to comply if that requirement is in a part of the agreement which is conditional? It may be better to put this in the opening of CI 3.1.</p>
	<b>Response by SZC Co. for Deadline 2</b>	Please see the amended Clause 3 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is happy with the current wording, clause 3 takes effect from the date of the s106 agreement.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC would be agreeable to including this in the opening of Clause 3.1. However, SCC considers that the intention is that any obligations which need to be complied with before the Commencement Date would not be condition on the Commencement Date.
	<b>Response by SZC Co. for Deadline 3</b>	The pre-Commencement obligation to provide notice under Clause 12 of the Deed of Obligations is not conditional upon Commencement.

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		Please see <b>SA.1.22</b> in respect of the obligations in the Schedules which are to be complied with "on or before Commencement".
SA.1.26	Applicant, ESC, SCC, WSC	<p>CI 3, conditionality, legal proceedings and redetermination. The drafting for any agreement dealing with this often presents difficulties. Please will ESC, SCC, WSC all consider it carefully and ensure that however it is drafted, if a DCO is in place and implemented following the exhaustion of however many rounds of challenge and redetermination take place, brought by whomsoever, the development is bound by the s.106 agreement. The ExA would be grateful for the express confirmation of ESC, SCC and WSC prior to the conclusion of the examination that they are satisfied that this has been achieved in any s.106 agreement which is presented, whether under the Sizewell Special Arrangements or otherwise.</p> <p>The ExA is sure that the Applicant is fully aware that it is in its interest also to ensure this and the ExA expects that it has access to suitable precedents.</p> <p>In relation to CI 3.2.3 and 3.3 the ExA draws attention to the words "subject to any variations to its terms necessitated through the redetermination process". How would that work? Can the s.106 agreement be automatically amended? Is it necessary to use s.106A? If the Applicant is concerned that changes may be necessary is it not protected by not Commencing the Project until the variation has been agreed?</p> <p>Does Clause 3.4.1 cover the situation where there is a right of appeal against the refusal of permission to appeal?</p>
	<b>Response by SZC Co. for Deadline 2</b>	Section 106A of the Town and Country Planning Act 1990 is not relevant to the Evolving Approach set out in <b>Appendix 26A SA.1 Response Paper</b> .

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		Please see the amended Clause 3.4.1 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) which makes reference to such a situation.
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC:</p> <p>Any variations necessitated through the redetermination process should be dealt with under s106A, unless otherwise agreed by ESC.</p> <p>ESC are happy that 3.4.1 (A) &amp; (B) covers the scenario where there is a right to request a permission hearing and it is not used and where a hearing is requested and permission is refused</p> <p>SCC has previously raised with the Applicant whether the ability to reopen a final determination of any appeal under CPR 52.30 should be referred to or expressly excluded and would welcome the Applicant's further views on that</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC notes the ExA's request and will keep this under review as the drafting of the s.106 progresses.</p> <p>SCC's position is that any variations "necessitated through the redetermination process" would need to be dealt with under s.106A.</p> <p>SCC considers that Clause 3.4.1 can be clarified to include the disposal of a right of appeal against the refusal of permission to appeal but notes that Clause 3.4.1 does currently refer to "any appeal" and that "no further" appeal may be made.</p> <p>SCC has previously raised with the Applicant whether the ability to reopen a final determination of any appeal under CPR 52.30 should be referred to or expressly excluded and would welcome the Applicant's further views on that.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>Clauses 3.2 to 3.4 are only relevant to the period following the grant of the DCO but prior to Commencement and therefore not relevant to the operative effect of the obligations in the Schedules to the Deed of Obligation.</p> <p>CPR 52.30 is highly restrictive and only applicable in exceptional circumstances where the earlier litigation or appeal has been "critically undermined" and that not only is the injustice of not re-opening the appeal is "so grave as to overbear the</p>

Chapter 26 - SA.1. Section 106 Agreements		
	Question to:	Question:
		<p>pressing claim of finality in litigation" but "there is a powerful probability that [the decision [was wrong]]." (see R. (on the application of Goring-on-Thames Parish Council) v South Oxfordshire District Council v Goring and Streatley Community Energy Ltd ([2018] EWCA Civ 860)). Therefore, the Applicant considers that it is highly unlikely that a successful claim under CPR 52.30 would be brought during the relevant period, and therefore not a circumstance necessary or usual to draft provision for.</p> <p>Please see the amended Clause 3.4 of the <b>draft Deed of Obligation</b> (Doc Ref 8.17(D)) which excludes CPR 52.30 claims.</p>
SA.1.27	Applicant	CI 4.1 – please will the Applicant explain how the development consent obligations can bind the Sites when the Applicant owns only part of them?
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 26A SA.1 Response Paper</b> which explains the 'Evolving Approach', pursuant to which there would be no need to bind land.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: Clarification is required from the Applicant regarding is current and proposed ownership of the Sites
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC would welcome an explanation from the Applicant on this point and also clarification over which parts of the "Sites" it owns now, will own at the close of the examination, will own at the point any DCO is granted and will own before any works under the DCO are commenced on such parts of the Sites.
	<b>Response by SZC Co. for Deadline 3</b>	Please also see the response to <b>SA.1.2.</b>

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
SA.1.28	Applicant	<p>CI 5.1 – release. The ExA notes also para 2.8 of the draft 106EM which states that the release operates only on transfer of the whole benefit to another party pursuant to Art 9 of the DCO, and the response to Observation 17 set out at the Appendix to the draft 106EM. Those contemplate transfer to only one party. Art 9 on the other hand allows transfer of parts to different parties. Clause 5.1 is ambiguous on this. What is proposed? The ExA notes that the Applicant is not released until all the benefit of the DCO has been transferred, which is the correct position under s.106(4).</p> <p>The ExA notes in passing that in Art 9 of the DCO the word “undertaker” is used to describe both the transferor / lessor undertaker and the transferee / lessee undertaker. Thus under Art 9(6)(b) a transferred benefit of the DCO is not enforceable against the transferor because they are the undertaker nor against the transferee because they too are the undertaker by virtue of Art 9(5). Please will the Applicant tidy up Art 9?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>NNB Generation Company (SZC) Limited may transfer the benefit of the whole or part only of its DCO powers under article 9. Clause 5 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) provides that NNB Generation Company (SZC) Limited remains liable for commitments under that agreement unless and until it has transferred all of its obligations to another party (and no longer therefore has any benefit of the DCO powers itself). This appears to us to give maximum reassurance that the company will stay on the hook until it has no interest whatsoever in the project.</p> <p>The Rev 4.0 <b>dDCO</b> (Doc Ref. 3.1(C)) drafting provides in Art 9(6) that: ‘save to the extent agreed by the Secretary of State, the Deed of Obligation completed pursuant to this Order, and any variations to it at the date of transfer or grant, shall be enforceable against the transferee’.</p> <p>As explained in <b>Appendix 26A - SA.1 Response Paper</b>, this means that the Secretary of State may consider on a case by case basis whether any particular</p>

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		transferee should be bound. If a transferee is taking over all of NNB Generation Company (SZC) Limited's powers this will certainly be appropriate, but if a transfer of some more minor element of the DCO powers is to be made, it is unlikely to be appropriate to bind the transferee to the Deed of Obligation commitments. Therefore, the Applicant does not consider that any change to Clause 5 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) is necessary.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC would require the clause 5.1 to be amended to provide of a deed of covenant discussed in SA1.3
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC highlights its response to SA.1.7 on this question.
	<b>Response by SZC Co. for Deadline 3</b>	Please see the further responses to <b>SA.1.3</b> and <b>SA.1.7</b> .
SA.1.29	Applicant, ESC, SCC, WSC	<p>CI 8.2. The Applicant states in the Appendix to the draft 106EM, addressing Observation 19, that the dispute resolution procedure from CI 9.2 (now 8.2) onwards is permissive and therefore not compulsory. However, CI 8.2 does not appear to the ExA to be permissive. It allows any party to a dispute to serve notice referring the matter to binding expert determination. There is no option for the other parties to decline and, importantly, there does not appear to be the possibility thereafter to apply to the court for an injunction or other remedies. The expert's decision is final and binding – CI 8.6.</p> <p>How in these circumstances can the process be said to be permissive and how can the host authorities obtain injunctions pending the expert's determination?</p> <p>As the Applicant states that "SZC Co. does not consider that compliance with this Clause 9.1 would interfere with the Council's ability to enforce the obligations in</p>

Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		the s106 Agreement by injunction or a claim for payment, nor has this been raised in negotiations with the Councils” should that not be made clear in the drafting.
	<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 26A SA.1 Response Paper</b> in respect of enforcement of the obligations in the <b>Deed of Obligation</b> (Doc Ref. 8.17(C)). The Applicant considers that it is appropriate that the Deed of Obligation contains a dispute resolution procedure. However, the drafting of this clause is subject to further consideration.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: Notwithstanding clause 18 which confirms that nothing in the s106 agreement shall fetter the Council’s statutory rights, powers or duties, ESC would require the Dispute provision to be amended to address the ExA’s comment regarding clause 8.6.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC notes that the dispute resolution provisions are subject to further discussion. SCC also notes Clause 18 which states that nothing in the s.106 which states that nothing in the s.106 shall fetter the statutory rights, powers or duties of the Councils. SCC agrees with this suggestion by the ExA. Clause 9 (the dispute resolution clause, which is subject to further discussion) should be updated to reflect the ExA’s point that this does not interfere with the Councils’ ability to enforce by way of injunction or a claim for payment.
	<b>Response by SZC Co. for Deadline 3</b>	As set out in the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), the Applicant is continuing to consider enforcement under the Evolving Approach. The Applicant notes the comments of



Chapter 26 - SA.1. Section 106 Agreements		
Question to:		Question:
		ESC and SCC and intends to discuss the Dispute Resolution clause further in due course.
SA.1.30	Applicant, ESC, SCC, WSC	CI 9.2 and other instances of a requirement for reasonability or deemed approval (such as para 6 of Sch 1). Are there any EIA issues as a result of a requirement for reasonability the deemed approval provisions in CI 9.2? The Applicant ESC, SCC and WSC are reminded of the litigation in Wells v. Secretary of State and other cases in relation to deemed approvals under the review of mineral planning permissions.
	<b>Response by SZC Co. for Deadline 2</b>	Please refer to the response to <b>SA.1.16</b> .
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC is content with clause 9.2 given that it relates to the delivery of notices subject to the deemed approval provisions in Schedule 1 para 6 being deleted
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC refer the ExA to SCC's response to SA.1.16.</p> <p>SCC draws the ExA's attention to paragraph 6 of Schedule 1 in the s.106. SCC are not content with the proposed deemed approval provisions in Clause 1.2.7 (or paragraph 6 of Schedule 1 in the s.106). It is understood that the Applicant intends to discuss these further with SCC and ESC. Matters for approval under the s.106 are expected to be relevant to delivering mitigation set out in the EIA and automatic approval of schemes may undermine SCC's ability to control this. There may be some approvals which would not have such an effect, but this will need to be considered when the Applicant has provided further detail about the substantive provisions.</p> <p>Substantive schemes will not be approved under the s.111 and it is not considered necessary to include Clause 1.2.7 in the s.111 as a result. The Applicant still would have the benefit of Clause 9.2 relating to not unreasonably withholding or delaying approvals (to the extent any are required under the s.111).</p>

Chapter 26 - SA.1. Section 106 Agreements		
	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.31	Applicant, ESC, SCC	Cl 12.3, notice of disposal of the Pakenham site. Why is such notice only to be given to WSC? Is it not of significance to ESC and SCC in whose areas the fen meadow to be lost is situated?
	<b>Response by SZC Co. for Deadline 2</b>	The Pakenham Site is one of the Sites and so notice of its disposal would have been given to ESC and SCC under Clause 12.2 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC agrees that notice should also be served on ESC and SCC (and indeed that WSC may not be a party to the s.106 where it is agreed that SCC will enforce these obligations).
	<b>Response by Suffolk County Council at Deadline 2</b>	WSC have confirmed that they are content for SCC to deal with the Pakenham scheme on their behalf. It is therefore suggested that WSC are not a party to the s.106. SCC agree that notice should be served on ESC and SCC (and indeed that WSC may not be a party to the s.106 where it is agreed that SCC will enforce these obligations).
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.32	Applicant, ESC, SCC, WSC	Clauses 12.2 and 12.3. What is the purpose of these clauses?
	<b>Response by SZC Co. for Deadline 2</b>	These clauses were included to enable the Councils to remain up to date on the ownership of the Sites. As explained in <b>Appendix 26A SA.1 Response Paper</b> , the Evolving Approach is to bind the undertaker rather than the landowner. Therefore, these clauses have been deleted from the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).

Chapter 26 - SA.1. Section 106 Agreements		
	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: i) these clauses are useful for the Councils to remain aware of the ownership of land within the Order Limits but notes the current approach of the Sizewell Special Arrangements with regard to binding land and awaits the Applicant's response to SA.1.27. ii) What is the Applicant's interest in the Pakenham Site or the "Sites"?
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers that these clauses are useful for the Councils to remain aware of the ownership of land within the Order Limits but notes the current approach of the Sizewell Special Arrangements with regard to binding land and awaits the Applicant's response to SA.1.27.
	<b>Response by SZC Co. for Deadline 3</b>	Please see Sheet 28 of <b>Appendix 26B – SZC Co Land Plan</b> which shows that the Applicant has no interest in the Pakenham Site.
SA.1.33	Applicant, ESC, SCC, WSC	CI 12.4 – variation of trigger points. The proviso begins to address the EIA issue inherent in tailpieces; the ExA's questions in relation to that in the ExQs (DCO.1.73) apply here also.
	<b>Response by SZC Co. for Deadline 2</b>	Please see the response to <b>DCO.1.73 (Chapter 14)</b> of the responses to ExQ1). Suitable proposed amendments have been made to the draft <b>Deed of Obligation</b> (Doc Ref. 8.17(C)) to reflect those to the <b>dDCO</b> (Doc Ref. 3.1(C)).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: We refer to ESC's response to question DCO.1.73. (i) ESC considers that with this provision the Applicant is appropriately trying to limit the amount of changes that can be made to the authorised development once consented, however ESC agrees that the wording is perhaps not as clear as it could be. The provision is intended to mean that any approvals given can only be given to activities within the scope of the environmental assessment. ESC suggests the following wording would be more appropriate:

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Question to:	Question:
	<p>“(3) Where an approval of details or other document is required under the terms of any requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that giving such approval would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.”</p> <p>(ii) It is not considered appropriate for the authorised development to be subject to an ongoing assessment which compares any potential new effects to a changing baseline. The future changing baseline is taken into account in the ES: the ES assesses the likely significant effects of the authorised development and predicts the expected changes to the baseline in the cumulative effects section.</p> <p>(iii) ESC would welcome an approach to subsequent approvals similar to that set out in the Northampton Gateway Strategic Railfreight Interchange DCO, as made. In particular, Article 44 of that DCO gives clarity to the process for subsequent approval under the Requirements. It makes it abundantly clear what can and cannot be given approval, and it references an appropriate procedure within Schedule 2 ‘Requirements’ for applying for and obtaining such approval.</p> <p>ESC notes that Schedule 23 of the draft DCO appears to be an attempt on behalf of the Applicant to set out a similar procedure, but ESC would welcome the Applicant reviewing this procedure in light of the approach and the procedure in the Northampton Gateway Strategic Railfreight Interchange DCO.</p>
<b>Response by Suffolk County Council at Deadline 2</b>	<p>In respect of DCO 1.73</p> <ul style="list-style-type: none"> <li>- SCC considers the ExA’s proposal helpful under sub-para (iii) in particular. Similarly helpful is ESC’s request in their draft response for the inclusion of a provision like Article 44 of the Northampton Gateway DCO;</li> </ul>

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Question to:	Question:
	<p>- SCC waits to see the Applicant's response (and the revised drafting in the forthcoming draft DCO) and comments on the updated text at Deadline 3.</p> <p>SCC considers that with this provision the Applicant is appropriately trying to limit the amount of changes that can be made to the authorised development once consented, however SCC agrees that the wording is perhaps not as clear as it could be. The provision is intended to mean that any approvals given can only be given to activities within the scope of the environmental assessment. SCC suggests the following wording would be more appropriate:</p> <p>"(3) Where an approval of details or other document is required under the terms of any requirement or where compliance with a document contains the wording "unless otherwise agreed" by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that giving such approval would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement."</p> <p>(ii) It is not considered appropriate for the authorised development to be subject to an ongoing assessment which compares any potential new effects to a changing baseline. The future changing baseline is taken into account in the ES: the ES assesses the likely significant effects of the authorised development and predicts the expected changes to the baseline in the cumulative effects section.</p> <p>(iii) SCC would welcome an approach to subsequent approvals similar to that set out in the Northampton Gateway Strategic Railfreight Interchange DCO, as made. In particular, Article 44 of that DCO gives clarity to the process for subsequent approval under the Requirements. It makes it abundantly clear what can and cannot be given approval, and it references an appropriate procedure within Schedule 2 'Requirements' for applying for and obtaining such approval. SCC notes that Schedule 23 of the draft DCO appears to be an attempt on behalf of the</p>

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Question to:		Question:
		Applicant to set out a similar procedure, but SCC would welcome the Applicant reviewing this procedure in light of the approach and the procedure in the Northampton Gateway Strategic Railfreight Interchange DCO.
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant is grateful to the Councils acknowledgement that it is appropriately trying to limit the amount of changes that can be made to the authorised development once consented. The Applicant considers that the amended Clause provided at Deadline 2 provides appropriate clarity in this regard. Please see the further response to <b>DCO.1.73</b> (Doc. Ref. 9.30).
SA.1.34	Applicant, ESC, SCC, WSC	<p>Cl.14 – NPS policy tests for development obligations.</p> <p>Cl 14 only applies to obligations which are development consent obligations. However, the Applicant acknowledges that there are obligations in the s.106 agreement which are not development consent obligations. Although para 4.1.9 of EN-1 is expressed to apply only to development consent obligations, please will the Applicant consider whether the non-development consent obligations it has included in the s.106 comply with the policy and modify Cl 14 as necessary.</p> <p>Please will the Host Authorities state if there are any parts of the agreement, whether or not they are development consent obligations, which they consider are not policy compliant.</p> <p>Notwithstanding this declaration, the Applicant should address each of the obligations against the policy tests in the Certificate of Compliance, Execution and Enforceability which the ExA has requested in Observation 27. The declaration alone cannot make something which does not comply with the NPS policy tests compliant</p>
	<b>Response by SZC Co. for Deadline 2</b>	As explained in <b>Appendix 26A SA.1 Response Paper</b> , the Applicant no longer proposes to enter into development consent obligations. Therefore, Clause 14 of

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Question to:	Question:
	<p>the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) has been amended to remove reference to these.</p> <p>See Section 10 of <b>Appendix 26A SA.1 Response Paper</b> in respect of the relevance of the NPS policy tests in respect of non-development consent obligations.</p> <p>The Applicant agrees that the declaration at Clause 14 cannot itself create compliance with the NPS policy tests.</p> <p>The Applicant is continuing to develop the detailed scale and scope of the substantive obligations in the Schedules to the Deed of Obligation. These matters would impact upon the satisfaction of the policy tests and no definitive statement can be provided at this stage.</p> <p>The Applicant intends to set out its analysis of the satisfaction of the policy tests in the Explanatory Memorandum and has set out its proposed structure for doing so in the updated <b>draft Explanatory Memorandum</b> (Doc Ref. 3.2(B)). The Applicant further intends to keep Clause 14 under review.</p>
<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC:</p> <p>The detailed schedules of the section 106 agreement are still evolving, ESC is confident that they will meet the policy tests but the process of considering policy compliance of each individual element has not yet been carried out.</p>
<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC notes the request of the ExA and considers that at this stage it cannot provide a judgement as to whether any parts of the agreement are policy compliant or not. The sums payable and detail of schemes/works to be carried out have yet to be finalised or negotiated in detail with the Applicant and it simply is not possible to provide the statement requested at this point.</p>
<b>Response by SZC Co. for Deadline 3</b>	<p>No further response is required from the Applicant.</p>

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	Question to:	Question:
SA.1.35	Applicant, ESC, SCC, WSC	<p>CI 15. The ExA notes the changes made in response to Observation 22. However, in the event that the third party persists in refusing to enter the deed of covenant, the mitigation – payment of money to that third party for a particular purpose – will not be delivered and alternative mitigation is to be devised under CI 15.3.3 thereby raising a tailpiece-like issue. Please will the Applicant and the host authorities continue to work to address this issue satisfactorily.</p> <p>The ExA notes that the deed of covenant provides for the return of unspent contributions. Whilst the ExA is familiar with such provisions, if the money is not spent at the appropriate time the mitigation it secures will be lost. As the mitigation will be required, should there not be an obligation on the recipient to spend it on the mitigation?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant is continuing to engage with relevant third parties (being the emergency services providers, the SCHAONB, English Heritage, National Trust, Pro Corda Trust and the RSPB) in respect of the necessary mitigation. Certain of these payments, such as the reimbursement of costs relating to ambulance call-outs to the Sizewell C Development Site, will be payable retrospectively following delivery of the related service. However, the majority will be payable in advance of the mitigation being provided.</p> <p>Where the recipient is a statutory body, the provision of the mitigation falls within its statutory purpose. Other recipients are owners of land affected by the Project. The recipient is encouraged to carry out the mitigation promptly in order to avoid returning the payment.</p> <p>The Applicant will continue to work with the Councils and the third parties to address this issue.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC requires the Deed of Covenant be amended so that monies that have been allocated or committed but not spent do not have to be returned.</p>



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Question to:		Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>The contributions are to be spent on the intended purpose(s), albeit there must be reasonable flexibility in the agreement to cover suitable alternatives.</p> <p>SCC notes the ExA's request. Subject to considering the request on an obligation by obligation basis, SCC agree in principle that a mechanism to ensure sums paid are spent on the mitigation may be agreed. However, SCC observes that this would not guarantee that the monies would actually be spent by a certain time but just that the funds would continue to be available.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant does not agree to the proposed amendment that committed but unspent monies do not need to be returned after the relevant period has passed. The provision is required to encourage the prompt provision of the mitigation to be funded and this would be undermined by the ability to commit the funds for use at a future date. Where relevant, the Applicant has provided for the payment of contributions in instalments or on an annual basis such that an appropriate period is provided for the use of the monies prior to the repayment date.</p> <p>The Applicant intends to work with the Councils and the relevant third parties to ensure that the intended purposes of such contributions are suitably scoped.</p>
SA.1.36	Applicant, ESC, SCC, WSC	<p>CI 17. This new clause is a large carve out for potential breaches of data protection law.</p> <p>It also relieves the parties of any responsibility to do anything required by the s.106 agreement if that would be contrary to "any other applicable legal requirements" of whatever nature.</p> <p>The ExA questions the appropriateness of this clause. Its presence removes the incentive on the parties and their legal advisors to draft so as to ensure the obligations can be performed without infringing other laws.</p>

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Question to:		Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>Clause 17 records the position that the parties will be subject to all applicable data protection laws (and any other applicable legal requirements).</p> <p>As part of the monitoring and governance arrangements secured by the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)), the Applicant will be undertaking reporting of the workforce and other impacts which may involve personal data and other information. Whilst the relevant provisions in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) have been drafted to conform with all such legal requirements, the Applicant considers that this clause is required to ensure that the position is clear in the event that a party requests information which cannot legally be provided. The parties are incentivised to ensure the obligations are workable and can be lawfully performed.</p> <p>The drafting replicates paragraph 6.1 of Schedule 14 of the <b>Hinkley Point C Deed of Development Consent Obligations</b> [<a href="#">AS-038</a>] and [<a href="#">AS-039</a>], relating to monitoring obligations. Similar monitoring obligations are included in several schedules of the draft Deed of Obligation and it is therefore considered appropriate that clause 17 applies in respect of all such obligations.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: SCC has raised this point with the Applicant previously
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC has raised this point with the Applicant previously.
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.37	Applicant, ESC, SCC, WSC	<p>CI 21 – jurisdiction. Please see the ExA’s comments on the equivalent clause in the s.111 agreement.</p> <p>This point also applies to the jurisdiction clause in the deed of covenant (CI 9.2).</p>

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Question to:		Question:
	<b>Response by SZC Co. for Deadline 2</b>	An exclusive jurisdiction clause does not make enforcement against a non-English undertaker difficult. The Applicant considers that an exclusive jurisdiction clause provides certainty and will enable a simple and clear enforcement procedure. The purpose of the exclusive jurisdiction clause is to contractually bind the parties so that any dispute/claim is heard in the English Courts. The advantage over a non-exclusive jurisdiction clause is that it avoids the risk of parallel proceedings being brought in two different jurisdictions resulting in inconsistent judgements.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: See previous response to 1.19
	<b>Response by Suffolk County Council at Deadline 2</b>	Please see SCC response to SA.1.19. It is not anticipated at this stage that enforcement in foreign jurisdictions would be necessary, but SCC would be content with a non-exclusive jurisdiction clause. However, SCC in the event of a claim against SCC, SCC would not expect to agree to a clause which included the possibility of such a claim being brought in a jurisdiction outside of England and Wales and therefore SCC request the Applicant considers whether an asymmetrical jurisdiction clause reflecting this may be appropriate.
	<b>Response by SZC Co. for Deadline 3</b>	Please see response to <b>SA.1.19</b> .
SA.1.38	Applicant, ESC, SCC, WSC	Sch 1, para 4.1 – return of unspent contributions. Whilst the ExA is familiar with such provisions, if the money is not spent at the appropriate time the mitigation it secures will be lost. As the mitigation will be required, should there not be an obligation on the relevant host authority to spend it on the mitigation?
	<b>Response by SZC Co. for Deadline 2</b>	Please see updates to the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) placing obligations upon the relevant host authority to provide the mitigation.

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Question to:		Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC requires that Sch1 para 4.1 be amended so that monies allocated or committed within a reasonable time are not returned. If such monies cannot be spent, allocated or committed within a reasonable timeframe then it is reasonable to assume that mitigation is not required. ESC would be happy to increase the 5 year timeframe to 10 years to allow for more time for mitigation to be provided.
	<b>Response by Suffolk County Council at Deadline 2</b>	Contributions will be spent on the agreed mitigation measures – plus flexibility in the agreement. SCC would anticipate a minimum spend period of 10 years. In some instances, a longer spend period might be appropriate e.g., mitigation on the AONB. Please see SCC response to SA.1.35. Subject to considering the request on an obligation by obligation basis, SCC agree in principle that a mechanism to ensure sums paid are spent on the mitigation may be agreed.
	<b>Response by SZC Co. for Deadline 3</b>	Please see response to <b>SA.1.35</b> . The Applicant considers that the proposed five year timeframe is appropriate and notes that this runs from the date of payment, which is to be appropriately staggered through the use of instalments and annual payments during the Construction Period.
<i>General questions on the schedules:</i>		
SA.1.39	Applicant, ESC, SCC, WSC	Sch 4 generally. Please will the Applicant explain how the payments and provisions in this schedule are justified in both policy and legal terms. The ExA would appreciate it if the response would consider also the cases of Hall v. Shoreham UDC [1964] 1 WLR 240 and R v. Hillingdon ex p Royco [1974] Q.B. 720 and how they apply, or not. This question also applies to Schedules 5, 6, 7, 8, 10, 11, 12, 13, 14, 15.
	<b>Response by SZC Co. for Deadline 2</b>	The Evolving Approach does not require obligations to meet the tests in s106(1). See the response to <b>SA.1.34</b> in respect of the policy tests.

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Question to:	Question:
	<p>The cases of <i>Hall v. Shoreham UDC</i> [1964] 1 WLR 240 and <i>R v. Hillingdon ex p Royco</i> [1974] Q.B. 720 both related to the validity of planning conditions. In each case, a planning condition was held to interfere with the rights of ownership to such an extent that they were so unreasonable that no reasonable planning authority could have imposed them and therefore <i>ultra vires</i>.</p> <p>However, this limitation does not apply to obligations entered into by agreement (such as planning obligations) (see paragraphs 43 to 50 of the judgment of Lord Justice Lewison in <i>DB Symmetry Ltd v Swindon BC</i> [2020] EWCA Civ 1331<sup>1</sup>).</p> <p>Therefore, the Applicant does not consider them relevant to the obligations in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p>
<b>Response by East Suffolk Council at Deadline 2</b>	<p><i>Hall v Shoreham</i> dealt with a planning condition requiring the provision of a public road and held that such a condition would be invalid if its effect was to destroy private proprietary rights in this way as it would require dedication as a highway without compensation.</p> <p><i>R v. Hillingdon ex p Royco</i> held that a condition that is imposed solely or primarily to serve a non-planning purpose is invalid. This involved conditions requiring that dwellings should first be occupied by persons on the local authority's housing waiting list, and occupation limited for ten years to tenants having statutory security of tenure, held to have been imposed for the purpose or relieving the authority of the burden of their statutory duty as housing authority, and not for planning purposes</p> <p>These cases relate to planning conditions. The tests in relation to s106 agreements that must be passed before such obligations are taken into account in NPS EN-1, being "relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and</p>

<sup>1</sup> *DB Symmetry Ltd v Swindon BC* [2020] EWCA Civ 1331, [2020] 10 WLUK 164:  
<https://www.bailii.org/ew/cases/EWCA/Civ/2020/1331.html>.

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Question to:		Question:
		reasonable in all other respects.” ESC and SCC are continuing discussions with the Applicant as to the legal and policy justifications for the provisions in these schedules.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Hall v Shoreham dealt with a planning condition requiring the provision of a public road and held that such a condition would be invalid if its effect was to destroy private proprietary rights in this way as it would require dedication as a highway without compensation.</p> <p>R v. Hillingdon ex p Royco held that a condition that is imposed solely or primarily to serve a non-planning purpose is invalid. This involved conditions requiring that dwellings should first be occupied by persons on the local authority’s housing waiting list, and occupation limited for ten years to tenants having statutory security of tenure, held to have been imposed for the purpose or relieving the authority of the burden of their statutory duty as housing authority, and not for planning purposes. Subsequent case law has held that a condition or planning obligation can require the provision of affordable housing notwithstanding that this would to some extent be meeting a responsibility of a housing authority and whether such an approach is a legitimate planning requirement or an unreasonable demand shifting a public burden to a developer is a question of fact: see R v Tower Hamlets LBC ex parte Barratt Homes Ltd [2000] JPL 1050. However, the key point of distinction between Hall and Royco and the Schedules of the Sizewell Special Arrangements is that they related to planning conditions and not to obligations (or putative obligations, bearing in mind the separate issues as to nature of the Applicant’s Sizewell Special Arrangements). SCC does not therefore consider that Hall or Royco are applicable to the Sizewell Special Arrangements.</p> <p>SCC is continuing discussions with the Applicant as to the legal and policy justifications for the provisions in these schedules.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.

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Question to:		Question:
<i>Specific questions on the Schedules and remainder of the s.106 agreement</i>		
SA.1.40	Applicant, ESC, SCC, WSC	<p>Sch 1, para 5.1. – this imposes an obligation on the host authorities to register the deed as a local land charge.</p> <p>A development consent obligation is a local land charge – see s.106(11). The local authority will normally register it. But in addition, a local land charge binds persons acquiring the land, whether or not the charge is registered (s.10, Local Land Charges Act 1975).</p> <p>Please will the Applicant and Host Authorities reflect on the implications of this and respond.</p>
	<b>Response by SZC Co. for Deadline 2</b>	As set out in <b>Appendix 26A SA.1 Response Paper</b> , it would seem sufficient for the local planning authorities to enforce any failure to pay contributions under the Deed of Obligation as a breach of contract, for which the contribution could be enforced as a debt. However, the Applicant is willing to consider authorising the local planning authorities (via a DCO provision) to enforce such debts as land charges against land within the Order limits owned by the Applicant if considered preferable.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: To bind all of the land, the s106 agreement must be signed by persons with a proprietary interest in all of site and be registered as a local land charge
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC note the ExA's point and consider that binding those acquiring the land under the local land charge is useful. SCC awaits further comment from the Applicant as to the parts of the Sites it owns currently and will own before and after the commencement of the works under the DCO. SCC also notes that Schedule 1 paragraph 5.1 is solely an obligation on ESC, not SCC.

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	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A).
SA.1.41	Applicant, ESC, SCC, WSC	Sch 1 para 6 – please see the ExA’s earlier question on this paragraph and CI 9.2
	<b>Response by SZC Co. for Deadline 2</b>	See response to <b>SA.1.30</b> .
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC requires the deemed approval provisions in Sch1 para 6 to be deleted.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC refers the ExA to SCC’s response to SA.1.16.</p> <p>SCC draws the ExA’s attention to paragraph 6 of Schedule 1 in the s.106. SCC are not content with the proposed deemed approval provisions in Clause 1.2.7 (or paragraph 6 of Schedule 1 in the s.106). It is understood that the Applicant intends to discuss these further with SCC and ESC. Matters for approval under the s.106 are expected to be relevant to delivering mitigation set out in the EIA and automatic approval of schemes may undermine SCC’s ability to control this. There may be some approvals which would not have such an effect, but this will need to be considered when the Applicant has provided further detail about the substantive provisions.</p> <p>Substantive schemes will not be approved under the s.111 and it is not considered necessary to include Clause 1.2.7 in the s.111 as a result. The Applicant still would have the benefit of Clause 9.2 relating to not unreasonably withholding or delaying approvals (to the extent any are required under the s.111).</p>
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant does not consider there to be any public interest justification for the deemed approval provision to be removed or limited in any way.
SA.1.42	Applicant, ESC, SCC, WSC	Sch 2 – The ExA notes from the footnote 7 that Sch 2 is subject to further consideration and engagement with the Councils. The ExA would prefer to comment on a more settled draft



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	Question to:	Question:
	Response by SZC Co. for Deadline 2	Noted.
	Response by East Suffolk Council at Deadline 2	ESC: Agreed- Work in Progress
	Response by Suffolk County Council at Deadline 2	Agreed – work in progress.
	Response by SZC Co. for Deadline 3	No further response from the Applicant required.
SA.1.43	Applicant	Sch 3, para 2.1 – ambit of the Housing Fund. By whom is the promise at para 2.1 given?
	Response by SZC Co. for Deadline 2	This is a control on East Suffolk Council's use of the Housing Fund. Please see the revised <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).
	Response by Suffolk County Council at Deadline 2	Will need to include specialist and supported housing issues. Covenant is for benefit of ESC.
	Response by SZC Co. for Deadline 3	The Applicant considers that the ambit of the Housing Fund in the <b>draft Deed of Obligation (Doc Ref. 8.17(C))</b> is appropriate and addresses the relevant impacts of the Project.
SA.1.44	Applicant, ESC, SCC, WSC	Sch 3 – the Housing Fund – this seems to be a fund held by SZC Co and from which payments are made to ESC under e.g. paras 2.6.2, 2.7.2 and 2.7.1 (i) Please explain how payment is enforced. (ii) Please explain how the fund is held pending payments and what would happen on insolvency.

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Question to:		Question:
		(iii) The same questions arise in relation to other funds, e.g. the Emergency Services Contribution in Sch 4. Please will the Applicant address these issues in relation to each and every fund.
	<b>Response by SZC Co. for Deadline 2</b>	<p>Please see the response to <b>SA.1.40</b> and <b>Appendix 26A – SA.1 Response Paper</b>.</p> <p>Prior to being paid to the Council or other third party, the funds would be held by the Applicant.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC does not have a specific enforcement policy with regards to breach of Section 106. We would rely on Section 106(5) of the Town &amp; Country Planning Act 1990 which provides that “[a] restriction or requirement imposed under a planning obligation is enforceable by injunction”. Pursuant to s106(3), a s106 obligation is enforceable by the local planning authority that is identified in the obligation. It is enforceable against the person entering into the obligation and any person deriving title from them, unless the s106 obligation itself provides that a person shall not be bound in respect of any period during which they no longer have an interest in the land.</p> <p>We may choose to apply to the County Court for an injunction preventing being proceeded with or we could take formal proceedings (debt recovery action) with the aim of securing an order from the Court requiring the developer to take specific positive action to meet the requirements of a Section 106 Agreement.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	It is considered that ESC is the appropriate Host Authority to comment here.
	<b>Response by SZC Co. for Deadline 3</b>	Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of the Applicant's further comments on enforcement under the Evolving Approach.

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	Question to:	Question:
SA.1.45	Applicant, ESC, SCC, WSC	<p>Sch 3 – para 3.1 – this is an obligation to use reasonable endeavours to deliver the Accommodation Campus in accordance with the Implementation Plan?</p> <p>(i) Is reasonable endeavours an adequate obligation?</p> <p>(ii) In the event of failure, the relevant host authority would normally have a right of entry to do the work and recharge the person responsible. (a) Is the Accommodation Campus on land owned or controlled by the Applicant? (b) How does the Applicant propose that the obligation to deliver the Accommodation Campus is enforced?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Please see the response to <b>SA.1.52</b>.</p> <p>(ii)(a) Please see Sheets 1 and 2 of <b>Appendix 26B – SZC Co Land Plan</b>. The Applicant does not own or have an option in respect of the Accommodation Campus.</p> <p>(ii)(b) Please see <b>Appendix 26A – SA.1 Response Paper</b> in respect of the proposed methods of enforcement under the Evolving Approach.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC requires the Accommodation Campus to be provided unless otherwise agreed with the Council in writing, use of reasonable endeavours is not acceptable.</p> <p>With the proprietary interest in the Accommodation Campus bound by the s106 agreement, ESC would be able to rely on powers of entry</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>(i) Avoid use of 'reasonable endeavours'. SCC's position is that the obligation to use "reasonable endeavours" is not acceptable. This provides no certainty that this mitigation will be delivered and could make enforcement difficult.</p> <p>(ii) SCC await the Applicant's response to this question and SA.1.27 which SCC consider is linked to this question. One alternative method of enforcement may be for ESC/SCC to seek an injunction to stop works (depending on the content of the Implementation Plan) but again, note that the inclusion of the "reasonable endeavours" wording may make this more difficult.</p>

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	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	Please see response to <b>SA.1.52</b> , in respect of the use of "reasonable endeavours" in this obligation Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of the Applicant's further comments on enforcement under the Evolving Approach.
SA.1.46	Applicant	Sch 3 para 6.1. How is this promise to establish the Accommodation Working Group enforced? It does not appear to be a promise within s.106(1).
	<b>Response by SZC Co. for Deadline 2</b>	The Evolving Approach does not require obligations to meet the tests in s106(1).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC agrees with SCC's comment
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC has previously raised this with the Applicant. SCC's view is that the use of the land should be expressly restricted (i.e., commencement may not occur) until the AWG is established.
	<b>Response by SZC Co. for Deadline 3</b>	Please see the covenant in Clause 4.3, which provides that the Applicant may not Commence the Project until it has satisfied all obligations provided to be carried out "on or before Commencement". This includes the establishment of the AWG.
SA.1.47	Applicant	Sch 3 para 6.2. Monitoring of accommodation matters. How is this obligation to survey and to produce a report to be enforced?
	<b>Response by SZC Co. for Deadline 2</b>	Please see the updated paragraph 6.2 which provides for the submission of the monitoring report to the Accommodation Working Group (which includes the Councils). A failure to carry out the survey or submit the monitoring report would be a breach of an obligation on the Applicant. Please see <b>Appendix 26A SA.1 Response Paper</b> in respect of the proposed methods of enforcement under the Evolving Approach.

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	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>ESC does not have a specific enforcement policy with regards to breach of Section 106. We would rely on Section 106(5) of the Town &amp; Country Planning Act 1990 which provides that "[a] restriction or requirement imposed under a planning obligation is enforceable by injunction". Pursuant to s106(3), a s106 obligation is enforceable by the local planning authority that is identified in the obligation. It is enforceable against the person entering into the obligation and any person deriving title from them, unless the s106 obligation itself provides that a person shall not be bound in respect of any period during which they no longer have an interest in the land.</p> <p>We may choose to apply to the County Court for an injunction preventing being proceeded with or we could take formal proceedings (debt recovery action) with the aim of securing an order from the Court requiring the developer to take specific positive action to meet the requirements of a Section 106 Agreement.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	This is considered an ESC matter to comment on.
	<b>Response by SZC Co. for Deadline 3</b>	In addition to the previous response to this Question, please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of the Applicant's Evolving Approach to enforcement.
SA.1.48	Applicant	Sch 4 – para 2 and definitions. Where is the actual role and content of the On Site Security and On Site Fire and Rescue set out? How will it be known if it has been delivered and is performing?
	<b>Response by SZC Co. for Deadline 2</b>	The role of the On Site Security and On Site Fire and Rescue teams will be set out in the Strategic Relationship Protocols agreed with the emergency service providers. As set out in paragraph 5.2.10 of the <b>Community Safety Management Plan</b> [ <a href="#">APP-635</a> ], a redacted and simplified overview of these sensitive documents will be submitted to the examination in due course.

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Question to:		Question:
		The provision and performance of the On Site Emergency Response will be monitored through the Community Safety Working Group. Pursuant to paragraph 5.4 of Schedule 4, the Community Safety Working Group will determine a reporting protocol and shall report to the Social Review Group on the evidenced effects of the Project on community safety, the provision or emergency services and the provision of relevant public services in Suffolk. This would include evidence of incidents where the Emergency Co-ordinator contacted the emergency services because the incident could not be appropriately responded to by the On Site Emergency Response.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: the role and content needs to either be set now and annexed as a specification or be subject to approval (before commencement) in accordance with some parameters to be defined in the s.106.
	<b>Response by Suffolk County Council at Deadline 2</b>	It is suggested that the role and content needs to either be set now and annexed as a specification or be subject to approval (before commencement) in accordance with some parameters to be defined in the s.106. The Applicant needs to clarify how the performance of these services will be monitored, reviewed and enforced if necessary (e.g., will these provisions be directly enforceable against the Applicant?).
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant does not propose that the role and content of the On Site Security and On Site Fire and Rescue teams will be subject to a pre-Commencement approval under the Deed of Obligation. The role of these teams will be set out in the Strategic Relationship Protocols agreed with the emergency service providers.
SA.1.49	Applicant	Sch 5. This schedule requires "third sector support for specific issues which the County Council considers (acting reasonably) are required as a result of potential effects arising from the Project and the Sizewell C Construction Workforce. There are other instances of community benefits across the s.106 agreement.

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Question to:	Question:
	Please will the Applicant consider and explain how are they consistent with R (oao Wright) v. Forest of Dean [2016] EWHC 1349 (Admin) affirmed in the Court of Appeal ([2017] EWCA Civ 2102 and upheld in the Supreme Court at [2019] UKSC 53 and any subsequent relevant caselaw?
<b>Response by SZC Co. for Deadline 2</b>	<p>Please see <b>Appendix 26A SA.1 Response Paper</b> in respect of Wright v Forest of Dean case law.</p> <p>The "third sector support" which forms one of the types of initiatives to support Suffolk County Council's Adult Social Care and Children's Services in responding to effects on social care related to the Sizewell C Project.</p>
<b>Response by East Suffolk Council at Deadline 2</b>	ESC: We await the Applicant's response
<b>Response by Suffolk County Council at Deadline 2</b>	<p>This case was in the context of a conventional planning application (rather than a DCO) and the key principles can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• "Material" in s.70(2) TCPA 1990 and also in s.38(6) of the Planning and Compulsory Purchase Act 2004 means material to the development which is proposed.</li> <li>• To be material, the considerations must (a) serve a planning purpose and (b) fairly and reasonably relate to the development permitted (i.e the "Newbury criteria" from the case of Newbury District Council v Secretary of State for the Environment [1981] A.C. 578.</li> <li>• A planning purpose is one which relates to the character of the use of land • Whether a consideration is material or immaterial is a question of law. Local or national policies cannot make relevant what otherwise would be irrelevant.</li> <li>• The Supreme Court in Wright made the following point:  <i>"A principled approach to identifying material considerations in line with the Newbury criteria is important both as a protection for landowners and as a protection for the public interest. It prevents a planning authority from extracting</i> </li> </ul>

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Question to:		Question:
		<p><i>money or other benefits from a landowner as a condition for granting permission to develop its land, when such payment or the provision of such benefits has no sufficient connection with the proposed use of the land. It also prevents a developer from offering to make payments or provide benefits which have no sufficient connection with the proposed use of the land, as a way of buying a planning permission which it would be contrary to the public interest to grant according to the merits of the development itself."</i></p> <p>The contributions secured by Schedule 5 (and elsewhere in the Schedules to the Sizewell Special Arrangements) are all directed at addressing or offsetting impacts that the Application proposals will have on elements of the receiving environment (including the human population resident within that environment), and in the assessment of the Councils are part of the mitigation that would be necessary to make the development acceptable in planning terms. The Councils are satisfied that all of the contributions have a sufficient connection with the proposed development and its land use consequences for the receiving environment that they are material to any assessment of the acceptability of the proposals.</p>
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant is grateful for SCC's confirmation that it is satisfied that all of the proposed contributions in the <b>draft Deed of Obligation</b> are material to any assessment of the acceptability of the Project.
SA.1.50	Applicant	Sch 7, para 2.1 – this contains the phrase "On or before Commencement SZC Co shall ...". Is this intended to be a restriction in development contemplated by s.106(1)(a)? If so, should it not be expressed as a restriction? The phrase appears elsewhere in the s.106. Please will the Applicant address the question for all of them.
	<b>Response by SZC Co. for Deadline 2</b>	The Evolving Approach does not require obligations to meet the tests in s106(1). The phrase "On or before Commencement", wherever it appears, is intended to restrict the development. Please see the amendments to Clause 4 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).



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	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC agrees with the ExA and would prefer wording such as "Not to Commence or allow Commencement unless and until..."
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC agrees with the ExA and would prefer wording such as "Not to Commence or allow Commencement unless and until..."
	<b>Response by SZC Co. for Deadline 3</b>	Clause 4 of the <b>draft Deed of Obligation</b> includes the requested restriction.
SA.1.51	Applicant, ESC, SCC, WSC	Sch 7, para 3.2.1 - businesses based in a particular area, such as East of England. Please will the Applicant explain the test. For example, is a business with a registered office in Dublin and 95% of its workforce working in Lowestoft based in the East of England? Or the same scenario but only 10% of its workforce? Is an online business with a registered office at an accountant's office in Ipswich and 10,000 operatives, some salaried, some on zero-hours contracts and some on fixed term contracts, spread across Europe, Asia and Africa, based in the East of England?
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant is continuing to engage with the Councils and the other proposed members of the Supply Chain Working Group (including the Suffolk Chamber of Commerce) to develop the required monitoring to support the delivery of the <b>Supply Chain Strategy</b> [ <a href="#">APP-611</a> ]. Further details of this will be provided in due course.  Please see response to <b>SE.1.27</b> in <b>Chapter 23</b> of the written responses for further information about the monitoring data provided at Hinkley Point C which shall form the minimum level of information provided.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC: the most important metric is how much expenditure remains in the county, regardless of where the company is headquartered and we expect the applicant to be challenging their supply chain to demonstrate this and to monitor and report the outputs regularly through the Supply Chain Working Group.

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	Question to:	Question:
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers a company to be "local" if it is based in Suffolk, and "regional" if it is based in Essex, Norfolk, Cambridgeshire, Bedfordshire, Hertfordshire. However, we consider the most important metric is how much expenditure remains in the county, regardless of where the company has its headquarters, and we seek the Applicant to be challenging the companies in their supply chain to demonstrate this and to monitor and report the outputs regularly through the Supply Chain Working Group.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from the Applicant required.
SA.1.52	Applicant, ESC, SCC, WSC	<p>Sch 9, para 2. Para 2.1 – this is an obligation to use reasonable endeavours to deliver the Key Environmental Mitigation.</p> <p>(i) Is reasonable endeavours an acceptable standard and if so, how?</p> <p>(ii) Please will the Applicant supply the Implementation Plan referred to.</p> <p>(iii) The ExA notes this includes the Fen Meadow Works which have a ten year timescale.</p> <p>Para 2.4. This provides for review of the Implementation Programme in the event of delays. Given that the mitigation is necessary, please will the Applicant say how changes to timescale are appropriate?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The Applicant considers that reasonable endeavours is an acceptable standard to secure the delivery of the Key Environmental Mitigation. The same standard was used to secure the delivery of the associated development in Schedule 11 of the <b>Hinkley Point C Section 106 Agreement</b> [<a href="#">AS-038</a>] and [<a href="#">AS-039</a>].</p> <p>(ii) Please see the <b>draft Implementation Plan</b> (Doc Ref 8.4I(A)).</p> <p>(iii) n/a</p> <p>(iv) The Sizewell Project will be one of the most complex and long-running construction projects in the UK, with a build period of 9-12 years, involving</p>

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Question to:		Question:
		management of the movement and accommodation of construction workers and their families, and the transportation of large volumes of freight. Given the complexity and construction period of the Sizewell project, the Applicant considers it appropriate to provide for the management of delays which may be experienced despite the reasonable endeavours of the Applicant. Paragraph 2.4 provides a reporting mechanism where such delays occur to ensure that the Councils are informed of this and to enable a review to be carried out. The review and any changes to the timescale must take into account the assessments in the <b>Environmental Statement</b> and the <b>Transport Assessment</b> (Doc Ref. 8.5(B)) (Para 2.5).
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC requires provision of the Key Environmental Mitigation to be an absolute obligation unless otherwise agreed with the ESC
	<b>Response by Suffolk County Council at Deadline 2</b>	(i) SCC's position is that the obligation to use "reasonable endeavours" is not acceptable. This provides no certainty that this mitigation will be delivered and could make enforcement difficult. (ii) SCC awaits a copy of the Implementation Plan. (iii) See paragraph 8 of Schedule 11 which deals with a contingency fund which may be payable after 10 years.
	<b>Response by SZC Co. for Deadline 3</b>	Please see paragraph 32.1.9 in <b>Comments on the Local Impact Report</b> (Doc Ref. 10.2) and section 5 of the <b>Comments on Written Representations</b> (Doc Ref. 10.1)
SA.1.53	Applicant, ESC, SCC, WSC	Sch 10, leisure etc. (i) Is the proviso in para 2.1.1 appropriate if the Leiston Sports Facilities are necessary? (ii) Design of the facilities is in the hands of ESC. Given that the design will presumably have to be approved under the DCO there appears to be a dual role. Whilst being mindful of the complexities of the General Regulations (SI

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Question to:	Question:
	<p>1992/1492) is there a need for separation in this case and if so how should it be achieved without complexity? Is this what para 2.2 is designed to achieve?</p> <p>(iii) What is the test for the "appropriate timescale" for delivery?</p> <p>(iv) Para 2.3.2 is a restriction on occupation of the sports facilities prior to ESC submitting a management plan to SZC Co for approval. Given that the facilities are necessary, how does this restriction incentivise the Applicant?</p> <p>(v) Para 2.3.4 then provides a further restriction on occupation whilst the Applicant decides whether or not to approve the management plan. Is this an appropriate control? If it is, what is the dispute resolution procedure?</p> <p>(vi) Para 2.4.2 this states the destination of part of the Annual Maintenance Payment. What is the destination of the rest?</p>
<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Please see the amended paragraph 2.1.1 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(ii) The Applicant notes the concern in respect of the dual role of East Suffolk Council in respect of the Leiston Sports Facilities. Paragraph 2.2 is intended to provide for the discharge of Requirement 12A such that the Leiston Sports Facilities may be developed pursuant to the development consent. The Applicant will continue to engage with East Suffolk Council in respect of this issue and make any amendments to paragraph 2.2 considered necessary.</p> <p>(iii) to (v) Please see the responses to <b>AR.1.0</b> and <b>AR.1.1</b> in <b>Chapter 6</b> of the written responses. These restrictions are considered appropriate by the Applicant. The Leiston Sports Facilities are proposed in order to contribute towards community integration and cohesion. Such integration and cohesion will require the implementation of a suitable management plan which should be in place prior to occupation of the facilities.</p> <p>The Clause 19 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) requires the Applicant to act reasonably and in good faith in the discharge of the obligations in the the deed. Any dispute in respect of the approval of the Management Plan</p>

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Question to:		Question:
		would be determined in accordance with the dispute resolution procedure is set out in Clause 8. (vi) The remainder of the Annual Maintenance Payment is to be placed in the sinking fund. It is intended that paragraphs 2.4.2 and 2.4.3 together set out the destination of 100% of the Annual Maintenance Payment.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC requires the proviso to be deleted and monies paid the Council prior to Commencement Seemingly, the only reference to what is presumably Leiston Sport Facilities in the draft DCO is through Work No. 5 which is: "Landscape works including open space, sports facilities and associated structures and plant." The Requirements do not refer to Work No.5 at all (or generally to the totality of the works) and it therefore seems that there is no control under the DCO for the design of these works to be approved by ESC. Please can the Applicant to explain this as the s.106 agreement does refer to this control as being under Requirement 12 but it doesn't appear to be. ESC requires 2.3.4 be deleted so Applicant is provided with management plan but cannot hold up occupation Percentages awaited but provided % in 2.4.2 and 2.4.3 equals 100% then all money is allocated
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC considers that ESC is the appropriate Host Authority to respond to this question. The understanding is that the sports facilities will be consented under the DCO.
	<b>Response by SZC Co. for Deadline 3</b>	ESC is correct that Leiston Sports Facilities is Work No. 5. As set out in the Applicant's previous response, Requirement 12A references Work. No. 5 and allows ESC to control the design of these works.

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Question to:		Question:
		The Applicant's approval of the management plan is considered necessary to ensure that the Leiston Sports Facilities contribute towards community integration and cohesion during the Construction Period.
SA.1.54	Applicant, ESC, SCC, WSC	<p>Sch 11 – Natural Environment.</p> <p>(i) Please will the Applicant supply the plan of the East Suffolk Natural Environment Improvement Area?</p> <p>(ii) "M22 fen meadow habitat". Would it be helpful to make the Rodwell document an examination document and have it certified in the DCO?</p> <p>(iii) Natural Environment Improvement Officer – this is defined as someone employed by SCHAONB. That is an area and a designation, not a person. Please will the Applicant provide the correct organisation and incorporate it in the next draft of the s.106 agreement. Please check other places where SCHAONB is used.</p> <p>(iv) The Natural Environment Improvement Fund. Please will the Applicant direct the ExA to where this is explained in the ES?</p> <p>(v) The East Suffolk Natural Environment Improvement Fund. Is this different from the Natural Environment Improvement Fund? Looking at para 2.5, is there a possibility that what is envisaged is a purpose trust? If so, what action is needed? The Applicant may wish to consider this also in the context of para 5 – review and long term management of the fund.</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) See Plan 2 of "<b>Draft Deed of Obligation Appendix A – Plans</b>" (Doc Ref. 8.17A(B)).</p> <p>(ii) Reference to the Rodwell document is included in the definition of "M22 fen meadow habitat" for clarity and certainty. The Rodwell document is a well known publication to ecologists and the Applicant does not consider it necessary to make it an examination document and have it certified in the DCO.</p> <p>(iii) See updated text in Schedule 11 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p>

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Question to:	Question:
	<p>(iv) The Natural Environment Improvement Fund replaces the AONB Fund proposed in the <b>Section 106 Heads of Terms</b> [<a href="#">APP-600</a>]. It is not directly referred to in the ES but has been established and included in the Draft Deed of Development Control in order to:</p> <ul style="list-style-type: none"> <li>a. provide mitigation for the residual landscape and visual effects of the Project,</li> <li>b. conserve and enhance landscape character,</li> <li>c. enhance ecology, biodiversity and wildlife,</li> <li>d. improve habitat connectivity and resilience, and</li> <li>e. conserve and enhance the natural beauty and special qualities of the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast and their setting.</li> </ul> <p>Funding will be available to projects addressing these areas of concern located within the administrative area of East Suffolk Council, with a specified minimum amount to be allocated to projects within the part of the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast located within East Suffolk.</p> <p>(v) See updated text in paragraph 2 of Schedule 11 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) which clarifies the position that there is one Natural Environment Improvement Fund, with a specified minimum amount to be allocated to projects within the part of the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast located within East Suffolk.</p> <p>It is not envisaged that a purpose trust would be created by virtue of paragraph 2.5 of Schedule 11. Rather, the Natural Environment Improvement Fund is a set sum of money that SZC Co. would make available to fund projects which meet the specified criteria set out in paragraph 2. Upon the Natural Environment Awards Panel's determination of projects which meet the specified criteria, SZC Co. would pay monies directly to Suffolk County Council who would arrange for onwards payment of those monies to the relevant to the successful applicant who would be a registered charity, a landowner or group of landowners, a community group,</p>

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	Question to:	Question:
		voluntary organisation, social enterprise or public body, or an individual(s) or business(es) responsible for carrying out the project. If the arrangements are extended beyond the Construction Period, SZC Co. will administer and implement the Natural Environment Improvement Fund in accordance with appropriate arrangements agreed with the Environment Review Group.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC awaits the Applicant's response
	<b>Response by Suffolk County Council at Deadline 2</b>	(iii) The SCH AONB staffing team are employed by Suffolk County Council on behalf of all the constituent AONB local authorities. The Natural Environment Improvement Officer would therefore be employed by SCC as part of this SCH AONB team. The staffing team is managed by an AONB Manager and operates independently of SCC, with governance through a Joint Advisory Committee (JAC) of the local authorities and a wider AONB Partnership of stakeholders in the management of the AONB.  (iv) and (v) of the updated S106 submission by the Applicant should answer these questions.
	<b>Response by SZC Co. for Deadline 3</b>	No further response from the Applicant required.
SA.1.55	Applicant, ESC, SCC, WSC, Natural England	Sch 11, para 8. (i) The Fen Meadow Contingency Fund. It appears that the fallback, if fen meadow is not successfully re-created, is the payment of money. (ii) How does this not disincentivise creation of replacement fen meadow? What other steps, incentives and sanctions are there to ensure that proper efforts are employed and implemented so that the Contingency Fund Payments do not have to be made? (iii) If the fen meadow is not successfully recreated by the Applicant is it realistic to suppose that others will have any greater success?



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Question to:		Question:
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Confirmed.</p> <p>(ii) The Applicant is under a positive obligation to use reasonable endeavours to complete the creation of the replacement fen meadow in accordance with the <b>Implementation Plan</b> (Doc Ref. 8.4I(A)). The amount of the Fen Meadow Contingency Fund is likely to be approximately double the estimated cost of the fen meadow works. There is therefore a strong financial incentive to ensure the creation of fen meadow is successful so that the Contingency Fund Payments do not have to be made in addition to the costs of fen meadow works that would have been incurred in any case.</p> <p>(iii) Paragraph 8.3 of Schedule 11 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) provides that the Fen Meadow Contingency Fund shall only be applied towards the creation of new fen meadow habitats in Suffolk and the improvement of existing fen meadow habitats in Suffolk. By allowing the Contingency Fund to support the enhancement and improvement of existing fen meadow, the Applicant considers that sufficient fen meadow habitat will be provided.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	Enforceability requires the approval of a suitably detailed implementation programme at para 2.2 of Schedule 9 to ensure delivery and enforceability
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC agrees with the concerns raised by the ExA in these questions. Our current position on this is set out in the LIR [REP1-045] para 8.31-8.36.
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant's response to para 8.31-8.36 of SCC's LIR [REP1-045] is set out in the Ecology and Biodiversity chapter of the <b>Comments on the Local Impact Report</b> (Doc Ref. 10.2).
SA.1.56	Applicant	Sch 13. Resilience funds for the National Trust, Pro-Corda and RSPB. No purposes for these payments are specified as yet. When is it expected they will be set out? Earlier questions in relation to Wright v. Forest of Dean are repeated here.

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Question to:		Question:
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant is engaged in ongoing discussions with the National Trust, Pro Corda Trust and the RSPB in respect of the proposed Funds and intends to provide an updated draft of this schedule of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) to the Examination in due course. Please see <b>Appendix 26A - SA.1 Response Paper</b> in respect of Wright v Forest of Dean.
	<b>Response by Suffolk County Council at Deadline 2</b>	ESC to hold funds. Agree that further clarification is required.
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.57	Applicant	Sch 14 – the Sizewell C Community Fund (i) Please will the Applicant explain whether the intention is that the fund is taken into account as an important and relevant matter and if so address the issues in Wright v. Forest of Dean and Resilient Energy and subsequent case law. (ii) Please will the Applicant set out how it intends the funds shall be held from time to time, and the relevance, functions and reasons for the various legal mechanisms. For example, where is the Fund actually held, what is the purpose of the Deed of Transfer? If para 2.8 is triggered because SZC Co in its absolute discretion no longer wishes it to be administered by Suffolk Community Foundation, in whose hands is the fund at this stage? If held by SCF, how do SZC get it back? If it is held by SZC, how much is it? (iii) Para 2.5. Must all 10 of the criteria be met for every application?
	<b>Response by SZC Co. for Deadline 2</b>	(i) As explained in Section 10.5 of the <b>Planning Statement</b> [ <a href="#">APP-590</a> ], the Applicant considers that the Sizewell C Community Fund is to be taken into account. Please see <b>Appendix 26A SA.1 Response Paper</b> in respect of Wright v Forest of Dean case law.

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Question to:		Question:
		<p>(ii) The Administration Agreement and Deed of Transfer provide that the sums paid by the Applicant to the Suffolk Community Foundation are to be held by that charity on trust for the benefit of the persons living in the administrative boundary of East Suffolk.</p> <p>The Administration Agreement with Suffolk Community Foundation will provide for the termination of the trust created and the return of the remaining funds to the Applicant. This would enable the Applicant to then transfer the remaining funds to the new trust.</p> <p>(iii) No. Please see amended drafting in paragraph 2.5 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Refer to the LIR [REP1-045] – chapter Quality of Life and Wellbeing.</p> <p>SCC considers that the Community Fund should be seen as an important and relevant matter to offset and compensate for the residual adverse impacts on the quality of life and wellbeing of individuals and their communities. This is set out in detail in the LIR [REP1-045] (section 30).</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant's response to SCC's LIR [REP1-045] chapter on Quality of Life and Wellbeing is set out in the <b>Comments on the Local Impact Report</b> (Doc Ref. 10.2).</p>

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	Question to:	Question:
SA.1.58	Applicant	<p>Sch 15 – Transport.</p> <p>At para 2.1 this schedule requires implementation of various travel plans. Whilst the ExA is aware that it is common for s.106 agreements to address travel plans it is difficult to see that they are actually within the terms of s.106(1) TCPA 1990. The ExA has noted that the draft s.106EM asserts that compliance is not necessary owing to the modifications in the Sizewell Special Arrangements. However, the Sizewell Special Arrangements and the draft s.106 agreement propose that the Applicant enters into it by virtue not only of its status as undertaker (if the DCO is granted) but also as landowner of at least some land and the current drafting for the modification of s.106 set out in the Sizewell Special Arrangements and the DCO do not remove the necessity for the promises to fall within s.106(1) in order (a) to be “development consent obligations” as defined in the draft s.106 agreement [PBD0-004] and (b) to run with such land as is bound</p> <p>How therefore is delivery of and compliance with the travel plans ensured?</p>
	<b>Response by SZC Co. for Deadline 2</b>	As explained in <b>Appendix 26A SA.1 Response Paper</b> , the Evolving Approach would ensure that all of the commitments in the Deed of Obligation bind the undertaker and its successors, and s106(1) will not be relevant.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>Travel plans could be required under the DCO and then any payment of travel plan monitoring fees / travel plan bonds/contributions (which are not in the s.106 at present) be in the s.106.</p> <p>SCC consider that an obligation to submit and secure approval to a travel plan before, say, commencement would fall within s.106(1)(a) and an obligation to adhere to a travel plan could fall within s.106(1)(b) as requiring specified operations or activities to be carried out in, on, under or over the land if the obligation was drafted to require the Applicant to procure any vehicles/persons attending the Sites adhered to the approved travel plan and that any supply contracts entered into by the Applicant should include an obligation to adhere with</p>

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Question to:		Question:
		the travel plan to be approved. Alternatively, performance reviews against the bond could be explored with suitable triggers which would fall within the provisions of s.106(1).
	<b>Response by SZC Co. for Deadline 3</b>	Please see the amended obligations in respect of the travel plans in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(D)), which include an obligation in respect of supply contracts and which the Applicant considers are appropriate. The Applicant does not consider that it is reasonable or necessary to provide a bond or contribution in respect the travel plans.
SA.1.59	Applicant	<p>Sch 15 – Transport</p> <p>(i) Para 3.3 – the transport review group. Para 3.3.5 contemplates a tied vote. Is the chair not to have a casting vote? Does this apply to all the other groups and committees created by the s.106 agreement and if so what is the resolution process in those cases?</p> <p>(ii) How is paragraph 3.5.2 (duty to promote objectives and benefits of the Transport Management Plans) and following (paras 3.5.3 – 3.5.8) enforced? Failure to perform is unlikely to sound in damages. Would an injunction be issued (leaving aside for the moment the fact that that person given the duties is not a person bound by the s.106 agreement).</p> <p>(iii) the ExA’s questions above in relation to third party involvement, the allocation of functions to persons who are not a party to the agreement and to groups, SA1.10 -1.12) are also relevant here.</p> <p>(iv) Paragraphs 4.4 and 4.9 (and potentially a paragraph in the section on Marlesford and Little Glemham – 4.13 – 4.17) have considerable discretion over the schemes to be implemented. Please will the Applicant explain how this meets the policy and legal tests?</p> <p>(v) Para 5.2 – SZC Co to check road condition “regularly”? Please will the Applicant state how regularly? For example is it to be weekly, monthly or some other interval?</p>

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Question to:		Question:
		(vi) How is para 6.1 and 6.2 a planning obligation?
	<b>Response by SZC Co. for Deadline 2</b>	<p>(i) The decision making arrangements are subject to further consideration by the Applicant. However, it is not proposed that the chairs of the governance groups created through the Deed of Obligation shall have a casting vote.</p> <p>As shown in Figure 1 of Schedule 17 (Governance) of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)), each group save for the Delivery Steering Group is part of a hierarchy and matters which are not agreed shall be escalated upwards for determination. In the event of a dispute between the members of the Delivery Steering Group, this would be determined in accordance with Clause 8.</p> <p>(ii) Please see <b>Appendix 26A SA.1 Response Paper</b> in respect of enforcement of the obligations in the Deed of Obligation.</p> <p>(iii) Noted. Please see responses to <b>SA.1.10 to 12.</b></p> <p>(iv) The scope of these schemes will be specified in the Deed of Obligation by reference to the description in Schedule 16 and the outline designs to be annexed to the Deed of Obligation.</p> <p>The Applicant considers that the discretion is appropriately limited. However, the Applicant intends to continue to progress the details of these schemes with the relevant parties.</p> <p>The Applicant's general approach to the commitments which the Secretary of State may take into account in his determination is set out in section 10 of <b>Appendix 26A SA.1 Response Paper.</b></p>

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Question to:		Question:
		(v) Please see amended <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)). (vi) The Evolving Approach does not rely on whether obligations meet the tests for planning obligations in s106(1). See the <b>Appendix 26A SA.1 Response Paper</b> .
	<b>Response by Suffolk County Council at Deadline 2</b>	(i) As set out in SCC's answer to ExQ TT1.23, SCC proposes for the Transport Review Group for Suffolk County Council (as the local Highway Authority) to chair the group, and that the Chair would have the casting vote. This is notwithstanding SCC's acceptance that the Transport Review Group would aim to reach consensus in its decision making as suggested by the Applicant, and that the arbitration route is seen as appropriate to resolve disputes. SCC has not yet fully considered whether the same approach is appropriate across all the other groups.
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant agrees that SCC would chair the Transport Review Group. It is not proposed that the chair would have a casting vote. This follows the approach at Hinkley Point C which the Applicant considers has worked well.
SA.1.60	Applicant, ESC, SCC, WSC	Sch 17 – Governance. (i) Definitions – para 1. Please will the Applicant explain where ESC and SCC covenant to form the Oversight Partnership. (ii) Para 2.1 – this may just be a drafting point, but the opening words read as though the covenant is not made until some point “on or before the Commencement Date”. Is that the intention or is it that the covenant is made on execution to establish the Delivery Steering Group on or before the Commencement Date? (iii) Para 2.5.1 – what happens if the DSG fails to do these things? How is it enforced? Similarly the obligations on the Oversight Partnership in para 3 and all the other groups contemplated by Sch 17. (iv) Para 5.1.3 quorum; in the phrase “at least one of whom is a member representing each of East Suffolk Council, Suffolk County Council and SZC Co ...”,

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Question to:	Question:
	<p>should “each of” be replaced by “any of”? The ExA is unclear what is meant by the current wording. A similar formulation is to be found elsewhere in the schedules.</p> <p>(vi) the visual representation of the governance structure. The Community Fund, Main Site Forum and Associated Development Fora are shown but not linked to anything. The sub-bodies below the Transport Review Group and Planning Group appear to be incomplete. What are the relationships between the Executive Level Steering Groups and Oversight Partnerships in boxes at the head of the figure and the other groups? Please explain the colour code.</p> <p>(vii) Footnote 42. “Executive Level Steering Group is already in existence and is not constituted in this Deed. It is shown in Figure 1 for informational purposes only.” Is not some provision to ensure it continues to exist necessary?</p>
<b>Response by SZC Co. for Deadline 2</b>	<p>(i) Please see Schedule 17, Paragraph 2 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)). It is intended that the form and administration of the Oversight Partnership is defined by the Councils. The Applicant has no role in the Oversight Partnership other than receiving advice from it on public sector concerns and priorities via the Delivery Steering Group. It is, therefore, not considered appropriate for such covenants to be included in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(ii) The intention is that the covenant is made upon completion and delivery of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)). Please see the amended text at paragraph 3.1 (which replaces paragraph 2.1 of the draft Section 106 Agreement) to address this.</p> <p>(iii) Please refer to section 6 of <b>Appendix 26A - SA.1 Response Paper</b> which sets out the position in respect of enforcement of obligations in the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)).</p> <p>(iv) The Applicant is engaged in ongoing discussions with the Councils and relevant third parties in respect of the appropriate governance arrangements for the obligations in the Deed of Obligation, including quorum requirements. Please see the amended text in the <b>draft Deed of Obligation</b> (Doc. Ref. 8.17(C)) which</p>



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Question to:		Question:
		<p>provides further clarity on the quorum requirements in respect of each formulation of this text.</p> <p>(v) The visual representation will be updated at Deadline 3.</p> <p>(vi) The Executive Level Steering Group operates outside of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(C)) and it is not considered necessary to include such provisions.</p>
	<b>Response by East Suffolk Council at Deadline 2</b>	<p>(i) . The Community Fund, Main Site Forum and Associated Development Fora sit outside of the main structure illustrated. The Community Fund will be constituted and run under agreement with Suffolk Community Foundation – that is not proposed to be part of the Section 106 agreement. The Main Site Forum and Associated Development Fora are proposed by the Applicant to be the conduit for the communities directly affected by either the main development site or any associated development site to have direct access to the Applicant during the construction phase. Therefore, these groups should be secured through the Section 106 agreement but do not need to be linked to any of the other groups illustrated.</p> <p>(ii) Similar terms for Executive Level Steering Group as there are for Oversight Partnership could be included</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>(ii) SCC consider this should read “SZC Co covenants with the Councils not to Commencement or permit Commencement unless and until the Delivery Steering Group has been established and SZC CO further covenants that the Delivery Steering Group shall remain in existence until the end of the [Construction] Period”. Consideration should be given to this group remaining in place beyond the construction period.</p> <p>(iii) SCC consider that a covenant needs to be included on ESC, SCC and the Applicant that the DSG (and Oversight Partnership) will perform its functions.</p> <p>(iv) The intention is that ESC, SCC and the Applicant will be at each meeting. Also, note our reference in TT1.23 which says: ‘The Council also proposes a proxy voting arrangement in the group’s constitutional arrangements, so that if one of the</p>

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Question to:	Question:
	<p>"other stakeholders" (not appointed by the Applicant) referred to in the question above does not attend a meeting, one of the attendees can vote as a proxy'.</p> <p>(vii) SCC agrees that some provision to ensure it continues to exist is necessary. SCC had advised the Applicant on 03 March that "this schedule should include reference to a commitment for regular meetings between the Council Leader and the Chief Executive with a senior executive from SZC Co., to have overall strategic oversight, ensuring senior ownership and being able to deal with top level escalations should there be any."</p>
<b>Response by SZC Co. for Deadline 3</b>	<p>ESC (i) The Applicant agrees that the proposed Main Site Forum and Associated Development Fora should be secured through the Deed of Obligation. The governance arrangements for these groups is being discussed with the Councils. There has been some delay in agreeing the arrangements for these groups due to county council elections but SZC expects to be able to include drafting in the draft Deed of Obligation to be submitted at Deadline 4 reflecting the agreed arrangements.</p> <p>ESC (ii) No further response required from the Applicant. The Executive Level Steering Group is shown in the visual representation illustratively and for completeness to show an existing informal working arrangement. It is not required to be formally included in the Deed.</p> <p>SCC (ii) Clause 4.3 of the <b>draft Deed of Obligation (Doc Ref. 8.17(C))</b> includes a SZC Co covenant not to Commence the Project until the relevant obligation has been satisfied. The Applicant considers that Clause 4.3 when taken together with paragraph 3.1 of Schedule 17 already provides the requested drafting.</p> <p>SCC (iii) The Applicant agrees and has included the requested covenant in new paragraph 2 of Schedule 17 of the <b>draft Deed of Obligation (Doc Ref. 8.17(C))</b> which covers all of the Governance Groups and the Oversight Partnership.</p> <p>SCC (iv) The Applicant agreed that that ESC, SCC and the Applicant will be at each meeting (in respect of all Review Groups) and the quorum provisions have been updated in the <b>draft Deed of Obligation (Doc Ref. 8.17(C))</b> to reflect this. For</p>

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		<p>clarity, there is a distinction in the quorum provisions relating to Working Groups and Review Groups. Unless otherwise set out in the Deed, Working Groups are quorate with 3 persons, one of which must be from the Councils (i.e. the attendance of only one representative from either Council is required to meet the Working Group quorum requirements). Whereas Review Groups are quorate with 3 persons, one of which must be from East Suffolk Council, one of which must be from Suffolk County Council and one of which must be from SZC Co (i.e. attendance from both Councils' representatives are required to meet the Review Group quorum requirements).</p> <p>See <b>SA.1.11</b> in relation to proxy voting.</p> <p>SCC (vii) No further response required from the Applicant. The Executive Level Steering Group is shown in the visual representation illustratively and for completeness to show an existing informal working arrangement. It is not required to be formally included in the Deed.</p>
SA.1.61	Applicant	List of plans and annexes. The ExA notes that many of these have yet to be provided. Please will the Applicant supply them or give a timetable for when they will be submitted to the Examination.
	<b>Response by SZC Co. for Deadline 2</b>	<p>Please see <b>Appendix A</b> to the <b>draft Deed of Obligation</b> (Doc Ref. 8.17 A(B)) which includes the relevant plans.</p> <p>Please also see copies of the <b>draft Implementation Plan</b> (Doc Ref 8.4I(B)) and draft Travel and Transport Plans (Doc Refs. 8.6(A), 8.7(A) and 8.8(A)).</p> <p>The other proposed annexes either relate to details of mitigation schemes to be provided, the format of monitoring reports, or governance arrangements. The Applicant is progressing these further details in discussion with the Councils and relevant third parties and will submit them to the examination in due course.</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC would also welcome early sight of these.

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Question to:		Question:
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to SZC Co. response for Deadline 2, save that an Aldhurst Farm Plan (Plan 3) and SZC Supply Chain Work Plan (Annex) have now been added to the list of Annexures.
<i>The following questions relate to the draft s.106EM</i>		
SA.1.62	Applicant	The ExA thanks the Applicant for providing the draft s.106EM. In relation to the legal underpinnings, the ExA is seeking a guide, much like an EM for a DCO, of the purpose, policy compliance and legal powers for each clause, schedule and paragraph. Especially given not only the limitations of s.106 TCPA 1990 but also the approach in the Sizewell Special Arrangements, the ExA would be particularly assisted by this, however the eventual s.106 agreement turns out. Please will the Applicant include the s.111 agreement in the draft s.106EM.
	<b>Response by SZC Co. for Deadline 2</b>	For the reasons given in <b>Appendix 26A SA.1 Response Paper</b> , the Applicant no longer proposes to enter into a s.111 agreement. The s.106EM has been updated in respect of the <b>draft Deed of Obligation</b> – refer to Doc Ref. 8.20(B).
	<b>Response by Suffolk County Council at Deadline 2</b>	Agree
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to the Applicant's response for Deadline 2.
SA.1.63	Applicant	Para 2.8. The current drafting of Art 9 of the DCO only makes planning obligations apply to a transferee. So, as things stand, it is necessary for the promises in the s.106 to meet the s.106(1) tests.
	<b>Response by SZC Co. for Deadline 2</b>	Please see the revised version of article 9 in Rev 4.0 <b>draft DCO</b> (Doc Ref. 3.1(C)), and the explanation in <b>Appendix 26A SA.1 Response Paper</b> setting out how article 9 ensures that transferees are bound.

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	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	Please see the comments regarding a deed of covenant being required by any transferee of the benefit of the DCO at SA1.3
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC draws the ExA's attention to its comment at SA.1.7 and the proposal for the transferee to provide a Deed of Covenant as a pre-requisite of any transfer under Article 9.
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant does not consider that a Deed of Covenant for transferees is necessary, as Article 9(4)(b) provides that ESC and SCC would be able to enforce the Deed of Obligation against a transferee as if it were the Applicant unless otherwise agreed by the Secretary of State. As explained in paragraphs 5.7 and 5.8 of <b>Appendix 26A SA.1 Response Paper</b> , the Applicant would not be released from the Deed of Obligation until the entire undertaking has been transferred pursuant to Article 9.
SA.1.64	Applicant, ESC, SCC, WSC	At para 4.8 the draft s.106EM states: "While it may be possible, in principle, for elements of the s106 Agreement as drafted to be pulled out into requirements, we consider that in most, if not all, cases there is considerable practical advantage and merit in placing the commitments to plans etc together with the governance arrangements for approvals or amendments, and procedures for resolution of disagreements, which relate to them and which it would not be appropriate to draft into the DCO."  Please will the Applicant explain further why it is advantageous to deal with these matters in the s.106 agreement rather than in the DCO.
	<b>Response by SZC Co. for Deadline 2</b>	Please refer to <b>Appendix 26A SA.1 Response Paper</b> , and in particular sections 8 and 9 of that paper.
	<b>Response by Suffolk County Council at Deadline 2</b>	By virtue of section 161 of the Planning Act 2008, a breach of a requirement is likely to be an offence –

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	Question to:	Question:
		<ul style="list-style-type: none"> <li>• by section 161(1)(a), it is an offence (without reasonable excuse) to carry out, or cause to be carried out, development in breach of the terms of the DCO, and</li> <li>• by section 161(1)(b), it is an offence (without reasonable excuse) to otherwise fail to comply with the DCO's terms.</li> </ul> <p>It is not an offence to breach the terms of a s.106 agreement (an aggrieved party can seek an injunction / sue under contract).</p> <p>SCC would welcome the Applicant's comments on the matters raised in the question. SCC can then respond at Deadline 3.</p>
	<b>Response by SZC Co. for Deadline 3</b>	No further response is required from the Applicant.
SA.1.65	Applicant	Response to Observation 6. The Observation was an open question. The ExA is aware of cases where only part of an application site is bound by a s.106 agreement and this can be made to work in some circumstances. They may turn out to be appropriate in this case.
	<b>Response by SZC Co. for Deadline 2</b>	The Applicant is also aware of the 'deed of adherence' approach used in some cases. However, for the reasons explained in <b>Appendix 26A SA.1 Response Paper</b> , that approach is not considered to be as suitable in this case as the Evolving Approach.
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC would deal with a request to only bind part of the site on a case by case basis. Where only part of a Site is bound, then it is appropriate to include restrictions on that part of the Site until obligations to be carried out on or in relation to the unbound part of the Site have been discharged, e.g, "Not to commence until....."
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC awaits further information about what land may be capable of being bound into the s.106 agreement.

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	Question to:	Question:
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant has provided plans showing land within its ownership ( <b>Appendix 26B – SZC Co Land Plan</b> ). However, as previously explained, the 'deed of adherence' approach (to bind in land as acquired) is not considered as suitable as the Evolving Approach which would bind successive undertakers.
SA.1.66	Applicant	Please will the Applicant say whether its response to Observation 25 on the effect of the Oxfordshire case (the ExA is grateful for the correction to the citation) has considered all other instances in the draft s.106 (e.g. Sch 3 para 2.3) where payments for administration, expenses and related costs are to be paid to any of ESC, SCC and WSC?
	<b>Response by SZC Co. for Deadline 2</b>	The approach and response to Observation 25 applies to all instances of payments for administration or expenses to be paid to the Councils. Such payments relate to the participation of the Councils in the governance arrangements and the administrations of bespoke funds to mitigate the impacts of the Sizewell C Project. These are equally additional duties over and above the Councils' normal statutory duties.
	<b>Response by Suffolk County Council at Deadline 2</b>	This reinforces the importance for SCC to secure sufficient resourcing that it will require to comply with its requirements under and monitor its performance of the s.106.
	<b>Response by SZC Co. for Deadline 3</b>	No further comments to add to the Applicant's response for Deadline 2
SA.1.67	Applicant, ESC, SCC, WSC	<p>Observation 27 and title investigation by the Host Authorities. The ExA notes that the SZC Co's solicitors are willing to provide the confirmation document sought by the ExA. The ExA looks forward to the submission of the draft at the earliest possible opportunity.</p> <p>In relation to title investigation, the ExA notes that the Applicant is discouraging the Host Authorities from carrying out title investigation. As the Applicant</p>

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Question to:	Question:
	<p>observes, the Sizewell Special Arrangements are a new approach. It is evidently evolving. In addition the final position on the s.106 agreement is not yet settled. The ExA will be asking the Host Authorities for their confirmation that they are satisfied with all of the provisions of any s.106 agreement, including its enforceability throughout the construction and operation of the Project, should the DCO be made. Therefore to allow and to carry out title investigation would seem prudent.</p>
<b>Response by SZC Co. for Deadline 2</b>	<p>The Applicant owns very limited property within the Order limits, and while it expects to obtain options over more of the land during the course of the examination, these options would not be exercised until some time after the DCO is granted and so would not be relevant to any s106 agreement which might be entered into during the Examination.</p> <p>Given that the Applicant's Evolving Approach does not rely upon land ownership or s106, it is not considered worthwhile for the Host Authorities to conduct title investigations at this time.</p> <p>In the event that the Applicant reverts to an approach of entering into a s106 agreement binding the small amount of land it owns on the main development site, title investigation would be a short and simple process.</p>
<b>Response by East Suffolk Council at Deadline 2</b>	Deed of covenant and land charge would assist with ensuring enforceability.
<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC draws the ExA's attention to the response to SA.1.7 and awaits title details from the Applicant.</p> <p>SCC also notes that it will not be possible for the Applicant to provide confirmation as to the execution and enforceability of the s.106 where that will not be entered into until after the grant of any DCO pursuant to the Sizewell Special Arrangements.</p>



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Question to:		Question:
	<b>Response by SZC Co. for Deadline 3</b>	<p>See <b>SA.1.3</b> in respect of enforcement against transferees and Article 9.</p> <p>See the <b>Obligations Enforcement Paper</b>, provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), in respect of the Applicants comments on enforcement of the Deed of Obligation.</p> <p>The Deed of Obligation would be entered into prior to the end of the Examination, which the Applicant hopes provides confidence that the requested Confirmation Document will be able to provide the requested confirmations as to execution and enforceability.</p>
SA.1.68	Applicant	<p>Please will the Applicant state how a future undertaker would know of the existence of this extensive s.106 agreement. Such an undertaker might only be a transferee of part of the benefit of the DCO and not acquire any land.</p> <p>How would a lender or an investor who is not an undertaker know of the existence of the s.106 agreement?</p>
	<b>Response by SZC Co. for Deadline 2</b>	<p>A transfer of the benefit of the DCO or any part of its powers cannot take place pursuant to art 9 of the <b>draft DCO</b> (Doc Ref. 3.1(C)) without the incoming undertaker being bound by the Deed of Obligation (save where the Secretary of State agrees otherwise). Any prospective transferee would reasonably be expected to undertake a thorough due diligence exercise, and would through this means be aware of the fact that art 9 binds them to comply with the Deed of Obligation.</p> <p>Mortgagees will not be bound by the Deed of Obligation, only the relevant undertaker. This is only reasonable as the mortgagee will not be able to exercise the DCO powers to build out the project. The position would be different with respect to a planning permission, which would not be personal to named parties and therefore could be implemented by a mortgagee in possession.</p>

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	Question to:	Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	Please see comments at SA1.3. Any transferee of the benefit of the DCO would be required to enter into a Deed of Covenant. The s106 agreement and DCO should be worded appropriately.
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC draws the ExA's attention to its comment at SA.1.7 and the proposal for the transferee to provide a Deed of Adherence as a pre-requisite of any transfer under Article 9.</p> <p>SCC also observes that it is proposed that the s.106 will be registered as a local land charge (which a lender/investor could then pick up, notwithstanding that these parties would not actually be bound under the Sizewell Special Arrangements unless they were a transferee under Article 9) and SCC question whether the s.111 should also be registered as a local land charge by ESC for the same reason and given the potential delay in entering into the s.106 post DCO but precommencement.</p>
	<b>Response by SZC Co. for Deadline 3</b>	See the response to <b>SA.1.67</b> .
SA.1.69	Applicant, ESC, SCC, WSC	The ExA draws attention to s.106(6) which, where there is a breach of a requirement in a development consent obligation, gives the authority by whom it is enforceable the right to enter the land to carry out the operations. The host authorities, on the scheme in the Sizewell Special Arrangements, are the enforcing authorities of a s.106 agreement which is expressly stated to bind the Sites, i.e. the Order lands (see clause 4.1). Will they be able to exercise this power in relation to all the Sites?
	<b>Response by SZC Co. for Deadline 2</b>	As set out in <b>Appendix 26A SA.1 Response Paper</b> , the Applicant is open to including such rights for the host authorities in the Deed of Obligation itself, or via drafting in the DCO.

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Question to:		Question:
	<b>Response by East Suffolk Council at Deadline 2</b>	ESC have general enforcement powers to enter onto land in the event of a breach of planning. SZC can only give the Council express permission for ESC to enter onto its own land.  Given the above, ESC would expect all persons with a proprietary interest in the Sites to be party to the agreement.
	<b>Response by Suffolk County Council at Deadline 2</b>	SCC awaits the Applicant's response to question SA.1.27 before finalising its position on this question. As set out in the SCC response to SA.1.8 there are other mechanisms of enforcement which could be utilised but in any event SCC has yet to receive suitable explanation as to why at least parts of the Sites could not be bound into the s.106 before the commencement of development on those parts of the Sites even if the Applicant does not own those Sites now. SCC also highlights its request to the Applicant to consider providing bonded obligations.
	<b>Response by SZC Co. for Deadline 3</b>	Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A).
SA.1.70	Applicant, ESC, SCC, WSC	Would execution of the s.106 agreement in escrow, with the making of a DCO pursuant to the Application being the escrow condition, be an appropriate alternative to the proposed s.111 route, or are there obstacles to that route? If so, please explain what they are.
	<b>Response by SZC Co. for Deadline 2</b>	The Evolving Approach would not require the two stage process envisaged by the Sizewell Special Arrangements.
	<b>Response by East Suffolk Council at Deadline 2</b>	If the owners of the site are party to the s106 agreement, it would be preferable to complete the s106 agreement prior to the end of the Examination (such s106 agreement would be conditional upon the DCO being Granted.  As per our response to SA1.3 above, where the signatory has no proprietary interest in land, any agreement could not be entered into pursuant to s106 In such circumstances other powers will need to be considered such as an agreement pursuant to s1 of the Localism Act 2011 and s111 of the Local Government Act

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		<p>1972, provided that the signatory is not released upon disposal of its interest until the transferee has entered into mirror covenants with the councils</p> <p>Such alternative powers/provisions should only be considered where there is a legitimate reason why the landowner cannot sign a s106 agreement</p>
	<b>Response by Suffolk County Council at Deadline 2</b>	<p>SCC would need to consider the detail of the form of any such escrow condition before a view could be finalised on this. SCC would have concerns that if the escrow was not to be satisfied until all relevant land was under the Applicant's control, then there would be a lengthy period before the s.106 agreement would be effective. Conversely, if the escrow only related to some portion of the relevant land this would leave unresolved the question of whether and how the s.106 agreement was to be enforced against the remainder of the land. The condition would need to be legally binding. Unlike the s.111 route this would not appear to involve a mechanism to allow disputes to be resolved informally (or at least outside of litigation as Clause 6 of the s.111 may facilitate) or clarify how notices may be served in respect of completing the s.106 (as Clause 7 of the s.111 may facilitate. It would also need to be agreed which party would deal with the completion of the s.106 should the escrow condition be fulfilled. SCC also observes that notwithstanding its present concerns with the Sizewell Special Arrangements, the s.111 document itself would perhaps be helpful in comprising a document which could be on the public record as clearly setting out the obligations of the parties and which could annex the agreed form of s.106.</p>
	<b>Response by SZC Co. for Deadline 3</b>	<p>The Applicant considers that one advantage of the Evolving Approach is the ability to enter into the Deed of Obligation prior to the end of the Examination, such that no escrow condition would be necessary. The obligations of all parties will be clearly set out in one Deed of Obligation which would become unconditional in accordance with Clause 3 of the <b>draft Deed of Obligation</b> such that all provisions would be equally enforceable at all times.</p> <p>Please see also <b>SA.1.68</b>.</p>

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	Question to:	Question:
SA.1.71	Applicant, ESC, SCC, WSC	<p>The ExA makes the following further observations:</p> <ol style="list-style-type: none"> <li>1. This s.106 agreement is expressed to bind all the Sites (see Cl 4.1 and Cl 2.1 where it is said to do this by virtue of the Applicant's Qualifying Interest, which is its status as undertaker if the DCO is made and its status as a person with an actual interest in parts of the Sites. The status as undertaker would deem the Applicant to be interested in the whole Order land – see the new article for the DCO set out at para 2.6.1 of the draft 106EM.</li> <li>2. The Sizewell Special Arrangements and s.106 agreement seek to create development consent obligations which are free floating and which do not bind the land.</li> <li>3. The ExA has drawn attention to s.106(6) which, where there is a breach of a requirement in a development consent obligation, gives the authority by whom it is enforceable the right to enter the land to carry out the operations. The host authorities, on the scheme in the Sizewell Special Arrangements, are the enforcing authorities. It is not clear that they would be able to exercise this power in relation to the s.106 agreement for Sizewell.</li> <li>4. The Applicant proposes that it enters into the s.106 both as undertaker with a deemed land interest and also as a landowner – see the definition of Qualifying Interest and clauses 4.1 and 4.2. Thus any promises which are development consent obligations because they fall within s.106(1) will run with the Applicant's title, whatever it is.</li> <li>5. The development consent obligations in the s.106 agreement bind the Sites, that is to say the Order land. That is clearly stated at clause 4.1.</li> <li>6. The s.106 agreement refers to development consent obligations and planning obligations. By Clause 2 they are expressly made to run with the Applicant's land.</li> </ol>

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	<p>7. The Applicant might propose further modifications to s.106, changing the extent of s.106(6) and changing s.106(11) so that its floating development consent obligation is not a local land charge.</p> <p>8. The Applicant states its intention for the s.106 agreement at para 4.3 of the draft s.106EM "... we do not intend the s106 Agreement to bind successors in title. It should be binding only upon SZC Co as the 'undertaker', being the only party who may lawfully implement the development authorised by the DCO, and anyone to whom the benefit of the DCO is transferred under article 9 of the DCO" (para 4.3).</p> <p>9. The ExA would summarise the aim as being to make the s.106 agreement run with the DCO rather than run with the land. To achieve this, major modifications are to be effected to s.106 TCPA 1990. But if the provisions were incorporated into the DCO they would run with it anyway.</p> <p>10. Given that the legal purpose of s.106 is to make promises run with the land it seems strange to choose that power but then to modify it so as to remove its legal purpose. The ExA does not understand the Applicant's apparent aversion to using the DCO.</p> <p>11. Of course there may still be a need for s.106 agreement if there are things which are needed which cannot be done in a DCO, in which case please will the Applicant explain which they are. That is something which could be looked at if it arises and conventional means of securing development consent obligations when only part of the land is controlled by an applicant could be explored.</p>
<b>Response by SZC Co. for Deadline 2</b>	Please see <b>Appendix 26A SA.1 Response Paper</b> , and the answers to questions in this table.
<b>Response by Suffolk County Council at Deadline 2</b>	SCC notes the observations made by the ExA and has already expressed its own reservations about the Applicant's current approach as set out in the Sizewell Special Arrangements. SCC is also familiar with the conventional approach of combining DCO requirements and a properly secured package of planning

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		obligations in a conventional s.106 agreement and that would be the default position in this case. However, SCC is also aware that the scale and duration of the proposals and the multiplicity of issues requiring mitigation and potentially affected parties could merit a bespoke approach; and is therefore content to continue further dialogue with the Applicant on such an approach with a view to seeing whether such an arrangement can deliver the required outcomes with the necessary degree of security and enforceability to be an acceptable alternative way forward.
	<b>Response by SZC Co. for Deadline 3</b>	The Applicant is grateful for SCC's willingness to continue further dialogue on a bespoke approach to securing mitigation. Please see the <b>Obligations Enforcement Paper</b> , provided in <b>Appendix 26A</b> of this document (Doc Ref. 9.30.A), which sets out the Applicant's further comments on its Evolving Approach and the enforceability of the Deed of Obligation.