

**The Sizewell C Project, Ref. EN010012**

## **Suffolk County Council Deadline 3 submissions - overview**

**Suffolk County Council Registration ID Number: 20026012**

**Deadline 3**

**24 June 2021**

Dear Sir/Madam

As requested in the Examining Authority's Rule 8 letter, Suffolk County Council ('SCC') has submitted separate documents according to the different 'drop down' submission items.

With this letter, the Council wishes to summarise all its submissions made under Deadline 3, and comment on other items.

### **1. Comments on the draft Deed of Obligation**

A summary of the submission is as follows:

- 1.1 SCC is seeking clarity on the powers that the Applicant intends to utilise to enter into the Deed of Obligation (e.g., whether section 1 of the Localism Act 2011 would also be used) and the advantages of circumventing the legal requirements of section 106 of the 1990 Act are questioned.
- 1.2 Given no land (or land owners) is proposed to be bound into the Deed of Obligation, SCC raise questions as to how confident we can be that it may only be the undertaker who may construct, take the benefit of and also subsequently carry out and use the authorised development permitted under the DCO (so no other entity should be bound) and what action may be taken in the event others who have the benefit of the DCO breach such a Deed of Obligation.
- 1.3 SCC has yet to see the Applicants drafting which the Applicant considers might incorporate some of the enforcement options that would be open to SCC under a section 106 agreement, and this is highlighted.
- 1.4 Concerns about the mechanism for transferring the benefit of some or all of the DCO provisions and the liability of a transferee under any Deed of Obligation are raised. A deed of adherence from any such transferee is sought before such a

transfer may take effect to provide comfort that a transferee will be bound by the provisions in such a Deed of Obligation (and which provisions they would be bound by).

- 1.5 SCC reiterates concerns with the Applicants proposed deemed approval mechanism in the document and requirements to only use “reasonable endeavours” to comply with certain obligations.
- 1.6 SCC is also considering the evolving inter-relationship between the DCO and the Deed of Obligation.
- 1.7 SCC has reviewed the draft Deed of Obligation document submitted by the Applicant to the ExA at Deadline 2 and provided further comments.

## **2. Comments on the draft DCO**

The provisions of the draft Development Consent Order Revision 4 [REP2-015] have been examined and comments made on these with recommended changes to the wording where appropriate.

## **3. Comments on additional submissions received at Deadline 2**

The submission includes commentary on the updated Implementation Plan, Construction Traffic Management Plan (CTMP), Transport Incident Management Plan (TIMP) and Construction Worker Travel Plan (CWTP). Key topics raised include the enforceability of the Implementation Plan, and a review of the proposed caps and controls within the CTMP.

The submission also provides comments on the Rights of Way and Access Strategy and the Updated Access and Rights of Way Plans. The comments are particularly focussed on impacts on and location of the coastal public right of way.

The submission references the Consolidated Transport Assessment and the Outline Drainage Strategy, which are not being commented on at this stage.

Finally, the submission provides brief commentary on the Applicant’s Second Notification of Proposed Project Changes.

## **4. Comments on SoCG**

We note that the Applicant has submitted at D2 the draft Statement of Common Ground which was agreed with SCC and East Suffolk Council. We confirm that matters are still being discussed by SCC with the Applicant in areas where there is still no agreement.

## **5. Comments on responses to ExQ1 by other parties**

SCC has provided comments on a number of responses to ExQ1; with a focus on the responses provided by the Applicant, but also touching on responses by Network Rail and by East Suffolk Council.

## **6. Information requested by the ExA at the Accompanied Site Inspections (ASI)**

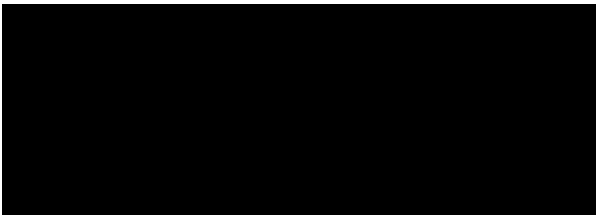
At the ASIs, SCC committed to providing further information to the ExA on the subject of Sandy Stiltball. A brief paper on this rare fungus is being submitted. Additionally, in the same document we have provided a plan showing the County Wildlife Site at Foxburrow Wood, as offered at the ASI.

## **7. Request to speak at Issue Specific Hearings (ISH)**

SCC requests to participate at the Issue Specific Hearings. In this submission, SCC sets out its attendees to participate in the ISH, as well as a request as to which local authority, between SCC and East Suffolk Council, will lead off in each subject area i.e. be first invited to speak.

For any queries, please contact Michael Moll, Programme Director Sizewell C, Suffolk County Council, [REDACTED] [@suffolk.gov.uk](mailto:[REDACTED]@suffolk.gov.uk)

Yours faithfully



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