

The Sizewell C Project, Ref. EN010012

**Issue Specific Hearing 12 (15 September 2021)
– (ISH12) Community.**

Suffolk County Council Registration ID Number: 20026012

Deadline 8

24 September 2021

Issue Specific Hearing 12 (15 September 2021) - (ISH12) Community.

Post Hearing Submissions including written summary of Suffolk County Council's Oral Case

Note: These Post Hearing Submissions include a written summary of the Oral Case presented by Suffolk County Council (SCC). They also include SCC's submissions on all relevant Agenda Items, not all of which were rehearsed orally at the ISH due to the need to keep oral presentations succinct. The structure of the Submissions follows the order of the Agenda Items but within each Agenda Item, the Submissions begin by identifying the main points of concern to SCC and then turn to more detailed matters.

Examining Authority's Agenda Item / Question	Suffolk County Council's Response	References
Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearings		
Agenda Item 2 – Community, Amenity and Recreational Impacts		
i) Community Safety – Policing of development through construction and operation of the proposed development.		
ii) Progress on Community Cohesion and Community Safety identified in the Local Impact Report and Statement of Common Ground	Following discussion between SCC and the Applicant, we have reached agreement as to the potential level of impact, and an appropriate scale of mitigation, which would allow for preventative, as well as if required reactive activities. This principle is reflected in the draft Deed of Obligation, the detailed wording still being subject to agreement.	[REP5-175] SCC Post Hearing Submissions for ISH4

	<p>We set out in detail in our Post-Hearing Submission for ISH 4 [REP5-175] the community safety impacts expected by SCC from the development.</p> <p>The mitigation measures agreed with the Applicant through the draft Deed of Obligation relates to impacts/increases of activity of criminal exploitation, including county lines and modern slavery, as well as domestic abuse and sexual violence. The funding is proposed for preventative work, as this is key to avoiding as much as possible such impacts. It will also cover a reasonable and proportionate level of contribution towards support services related to domestic abuse.</p>	
<p>iii) Timing of provision of accommodation campus, associated health and welfare facilities and caravan park</p>	<p>As LHA there is a concern that late delivery of the site campus will delay compliance with the mode share targets proposed in figure 3.1 of the CTWP resulting in additional non assessed worker trips on the highway network. The proposed 28% modal split for workers walking or cycling to the main site can only be achieved with the site campus in operation. SCC welcomes the applicant's intended proposals (as indicated at ISH14) to provide more certainty as to the delivery of the accommodation campus and will comment further when it has reviewed the detail of those proposals.</p>	
<p>iv) Assessment of displacement of visitors and additional visitors to amenity and recreational areas including the AONB</p>	<p>The Council defers to Natural England, as the Government's Statutory Advisor on this matter, notwithstanding the provisions made in the DoO and elsewhere, to address these adverse impacts</p>	<p>For more background information on concerns of NE RSPB and NT see REP07-87</p>

v) Assessment of amenity and recreational effects on the AONB	We consider, subject to finalising the relevant obligations, that with all of the provisions and funds that are anticipated to be in place, adequate mitigation for the amenity and recreational impact on the Area of Outstanding Natural Beauty will be achieved.	
Agenda Item 3 – Potential Adverse effects on Human Health and Living Conditions of Residents through construction and operation		
i) Night-time rail operation	We defer to East Suffolk Council on these matters. Note that Air Quality, Noise and vibration discussed in ISH8 [REP7-162] and addressed in the relevant sections of the SoCG to be submitted at D8.	[REP7-162]
ii) Saturday working at the Associated Development Sites		
iii) Whether extent of construction period and rural nature of the location has properly assessed health impacts of construction and associated activities including traffic		
iv) How has regard been paid to the protection of residential gardens from construction activities, and the subsequent operation of the site		
Agenda Item 4 – Effects on Public Rights of Way and Non Motorised Users and understanding of implications for people with protected characteristics		

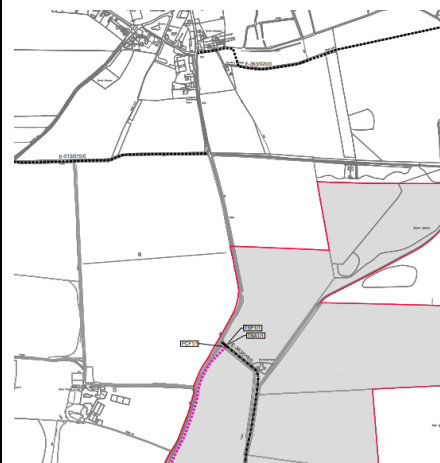
<p>Summary</p>	<p>SCC has reached agreement with the Applicant with regard to an appropriate scale and principle scope of a Public Rights of Way Fund secured through the Deed of Obligation. A number of issues related to PRow and large parts of the ROW & Access Strategy [REP3-013] have been resolved as reflected in the recent version of the Statement of Common Ground. However, a number of important issues remain unresolved, i.e.:</p> <ul style="list-style-type: none"> • Location of the Suffolk Coast Paths – SCC is seeking for this to be on top of the coastal sea defence • Bridleway 19 – off-road connection between Bridleway 19 and East bridge (note that SZC Co have agreed inclusion of funding in PRow Fund, but we consider this as a backstop agreement as, due to land ownership, this would increase the risk not to be able to deliver this) • Sandlings Way (Goose Hill/Kenton Hills) – SCC seeks that this should become a PRow rather than permissive path. It is understood that this has now been agreed with the Applicant, subject to confirmation of wording in the DoO. <p>In addition, SCC is concerned that there are many anomalies and errors in the DCO Schedules and Access and Rights of Way Plans. This has been raised for some months with the Applicant, but has not been resolved, and would put us into a position which would make changes to the highway network difficult to enact. This refers to all highways – roads and PRow.</p>	
<p>i) Suffolk Coastal Path</p>	<p>Suffolk Coast Path. This is also FP21, which is a public highway (PRow). As the highway authority, SCC wants to ensure as far as possible its asset is protected against future threats and changes, and that where a developer or other</p>	


	<p>agency wishes to change the route or nature of a highway, it is future proofed against threats which might compromise the highway and involve SCC in unnecessary expense.</p> <p>In the case of the coast path, SCC's main interest is in FP21, and to achieve the optimal route for it, acknowledging a major development the scale of SZC will inevitably mean change. The optimal route is considered to be on top of the coastal defence, on a properly constructed and maintained surface of suitable width. This will also give the best views and coastal experience by reason of its elevated position, and SCC considers the proposed route for FP21, on the seaward side of the defence, could serve as a suitable alternative permissive route for those seeking refuge/respice from the SZC construction works, or wanting a less exposed route.</p> <p>Whilst SCC understands from the Applicant's submission at ISH12 that the Applicant considers the threat for the route as currently proposed is not great, SCC notes that the technical work relied on to support that position [REP5-059] includes various caveats regarding the uncertainties of longer term coastal processes (e.g. at sections 7.5 and 7.7), and recognises that "a finite risk will remain that the HCDF could be temporarily exposed (in the case that an extreme storm or storm sequence occurs in the interval between the trigger being activated and conduction of mitigation being possible" (section 7.7), and in any event SCC has not seen a cogent explanation from SZC Co why FP21 cannot be on top of the defence.</p>	
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<p>ii) Bridleway 19 - missing link on Eastbridge Road</p>	<p>Bridleway 19. SCC acknowledges the progress which has been made in securing an off road alternative for those occasions when the coast path is closed. Nevertheless the route is a significant deviation for those seeking a coastal experience on their walk, possibly of greater significance for elderly or disabled users. SCC also acknowledges the need for BR19 to be closed during the construction period.</p> <p>The main outstanding matter of concern is the proposal that at the northern end of the BR19 diversion users will have to walk in the road on the final 750m or so into Eastbridge near The Round House. The road is narrow, lacking in opportunities to step off the carriageway, and the county council considers that to properly deliver the mitigation offered by the BR19 off road diversion there is a need to ‘finish off’ this final section. The Applicant contends overall usage of the road will reduce as users go elsewhere to walk or ride and this justifies the non provision. SCC believes this may turn out not to be so, especially with an influx of temporary residents associated with SZC, and in any case does not cover the point the off road link should be completed.</p> <p>This issue has been raised by SCC as a concern with the Applicant throughout the DCO application process. SCC’s preference is that the Applicant is required to deliver the off road link as part of the DCO, and discussions with them as recently as 26/8/21 covered this point. We acknowledge that the Applicant has agreed to include the provision of an off road link as a potential project within the draft list for DoO ROW & Access</p>	
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Fund, but SCC has made clear that it considers this as a backstop arrangement, as this requires creation either by agreement or order, neither of which guarantees a successful outcome (an order would be subject to objection).

The images below are taken from the Access & ROW Plans, OS and Google respectively.



	 <p>SCC's firm view is the alternative route must be available before the closure of either the coast path or BR19.</p> <p>SCC notes the commitment given in the Rights of Way Strategy (REP7-024) 1.2.20 that the 'new off-road bridleway would be constructed prior to potential temporary closures of the Coast Path, temporary diversion of bridleway 19 and closure of bridleway E-363/013/0'. However, the authority notes that the Implementation Plan (REP2-044) shows the Lovers Lane works including the BW19 diversion would not be complete (Q3 2022 to Q4 2023) before construction of either beach landing facility commences (Q3 2023).</p>	
li) Bridleway – changes to layout	<p>The Applicant asked SCC to comment on the changes that have been proposed to BW19. It was unclear what changes were being referred to but the authority will respond to those it is aware of. For completeness this includes any link between King George Avenue up to and including its northern junction with Eastbridge Road.</p>	

	<p><u>SCC Response to Consultation on Change 16</u></p> <p>Note that fig 2.4 refers to the part of BW19 immediately north of King George Avenue / Lovers Lane</p> <p>Suffolk County Highways response to SZC DCO Changes 16, 17 and 18.</p> <p>Change 16: Abbey Road / Lovers Lane</p> <p>i) <u>Abbey Road relocation of Pegasus Crossing on BW19 (fig 2.2)</u></p> <p>1.1 Subject to detailed design and road safety audits the LHA has no objection to the relocation of the Pegasus Crossing as shown in fig 2.2 and described in 2.2.1 to 2.2.3.</p> <p>ii) <u>Lovers Lane relocation of Pegasus Crossing on BW19 (fig 2.3)</u></p> <p>1.2 The LHA notes that issues have been raised during the design process regarding the visibility for motorists on Lovers Lane approaching the Pegasus crossing shown in fig 2.3 particularly from the west due to the crest between the HWRC and the crossing. Details of the layout showing that acceptable visibility can be provided before the authority can agree to these changes being acceptable.</p> <p>iii) <u>Removal of trees adjacent to BW19 (fig 2.4)</u></p> <p>1.3 In transport terms the LHA does not object to the removal of trees on the route of the proposed BW19 diversion subject to assessment of the environmental and ecological impacts. The authority would ask the applicant to confirm that consideration has been given to any drainage requirements including location of ditches, drains or soakaways associated with BW19 within this change.</p> <p><u>Revised alignment / crossing point adjacent to secondary site access</u></p> <p>The original alignment of BW19 adjacent to the secondary site access shown in the Rights of Way Plans SZC-SZ0204-XX-000-DRW-100344 did not include a safe pedestrian link to Kenton Hills [APP-013]. The applicant has subsequently revised the Rights of Way Plans SZC-SZ0204-XX-000-DRW-100344 Rev 5 to provide such a link [REP5-008]. This is acceptable to SCC.</p>	
iii) B1122 in the early years	<p>A number of public rights of way either cross the B1122 or terminate at this road which will be subject to increased traffic during the early years of SZC construction (pre completion of the SLR).</p>	

	<p>These measures will be secured through the Deed of Obligations [REP7-040]. The scope of the B1122 Early Years Mitigation that would include the impacts on PRow is not defined but in [REP7-052] the Applicant indicates that it includes 'Village gateways at Theberton and Middleton Moor, pedestrian enhancements and formal pedestrian crossing in Theberton, road safety improvements'.</p> <p>SCC has been in correspondence with the Applicant on the matter of B1122 Early Years Mitigation of the construction traffic impacts on the B1122 including some specific rights of way (eg Middleton FW15, 16 and 17 and Theberton FW10). It was also a matter raised at a meeting between Theberton PC and the Applicant on the 8th September 2021. In the same meeting the residents drew attention to the local characteristics of the village particularly that both elderly residents and young children are required to cross the road and some residents live beyond the limits of the footways adjacent to the B1122 and the use of PRow for access. As the LHA, SCC will continue to work with the Applicant to secure a suitable package of mitigation and where possible increase legacy benefits to the highway network within the constraints of the highway boundary and physical restrictions.</p> <p>Discussions are also in progress regarding the re-purposing of the B1122 between Yoxford and the Main Site Entrance to improve walking and cycling along the corridor following the opening of the SLR and removal of all but local vehicular traffic. This will also be secured in the Deed of Obligation.</p>	
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<p>iv) Other Rights of Way</p>	<p>Sandlings Walk. The ROW & Access Strategy [REP3-013] proposes the Sandlings Walk is to be a “new formalised permissive footpath”. SCC has sought for some time for the path to be made a public highway (public footpath), reflecting the importance of the link and giving the long term security the public highway status secures. The current proposals to just retain the link from BR19 to the coast as a permissive path is not an improvement to access in the area and would not mitigate the development.</p> <p>The term ‘new formalised permissive footpath’ has no legal meaning and enjoys no legal protection against change or closure. It has been described as a legacy benefit by the applicant but as there is no permeance to the arrangement SCC considers this is not the case.</p> <p>Since ISH12, we understand that the Applicant is now proposing to create a bridleway route on the line of Sandlings Walk once construction is complete. This commitment is welcomed by SCC, and we will review the proposed obligation in the DoO once it is made available to us.</p> <p>DCO Schedules and Access and Rights of Way Plans. SCC is concerned Revision 5 of the DCO schedule [REP5-029] and Rights of Way Plans [REP5-007] still contained anomalies and errors which would make changes to the highway network difficult to enact. This refers to all highways – roads and PRow.</p> <p>Plans have been sampled and errors or anomalies noted. The Draft DCO – Tracked Changes Version Revision 5 was checked</p>	<p>REP3-044 and REP3-045 Appendices</p>
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	<p>against the Access and Rights of Way Plans Revision 5 and no corrections appear to have been made to the errors/anomalies identified in the previous versions and communicated back to SZC Co through the examination process.</p> <p>The term “footpath” is used repeatedly in the DCO to cover PRow in general. SCC has raised this as an issue in the drafting of the DCO as this term has a specific legal meaning and its use could be misinterpreted in relation to the status of a right of way. Work is ongoing with the Applicant to resolve this issue.</p> <p>It would not be acceptable for the DCO to be granted where changes to the highway network could not be implemented in the intended manner or which did not secure the integrity of the highway network for users.</p> <p>Footnote:</p> <p>The changes and improvements SCC seeks to the access network are justified because SZC will have a significant impact on PRow and other access users’ quiet enjoyment of the natural environment.</p> <p>Examples of the impact include:</p> <ol style="list-style-type: none">1. Direct impact on access from the main and associated sites, including the coast path2. Associated nuisances from noise, dust, visual intrusion...3. Increased traffic on local road works, which are also part of the access network	REP5-029 & REP5-007
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	<p>4. Over a 10 year period</p> <p>Sizewell Link Road: SCC notes that the SLR is considered in the Environmental Statement to cause a significant impact in terms of severance to the Rights of Way network. Acknowledging this SCC is working with the applicant to minimise this as far as possible through good design. In view of this impact the authority would support any measures that provide alternatives to crossing the SLR at grade subject to other considerations such as visual impact.(ie we would accept additional underpasses if they were to also permit use by the public – I would consider this a reasonable condition as SCC would be taking on the maintenance of these structures).</p> <p>Public Rights of Way Fund: SCC and the Applicant reached agreement about the scale and broad principles of the PRow Fund, to be secured through the Deed of Obligation.</p>	
Agenda Item 5 – Cumulative Impacts on Health and Well Being		
<p>i) Suitability of assessment and understanding of the broader effects on health and well being including any affects of economic displacement and provision of social care and community health provision</p>	<p>Following discussion between SCC and the Applicant, we have reached agreement as to the potential level of impact the provision of social care, and an appropriate scale of mitigation, which would allow for preventative, as well as if required reactive activities. This principle is reflected in the draft Deed of Obligation, the detailed wording still being subject to agreement.</p>	

	<p>From our Public Health services perspective, we consider that comprehensive occupational health service broadly mitigates the relevant impacts, but we are still in discussion with the Applicant on the detailed wording of the health provision within the draft Deed of Obligation. Beyond that, we support the CCG in their views on community health provision.</p> <p>We are aware of the CCG's concern of the impact of the Non-Home Based Workers on dentistry services in the locality. We note that at ISH12, Mr Buroni, for the Applicant, explained that he had phoned round dental surgeries in the locality and identified that there was indeed no spare capacity, so the Applicant is aware of the issue. SCC supports the CCG in their view, which we understand is set out in their D8 submission, that a contribution from the Applicant for dental care would be appropriate and reasonable to mitigate the impacts directly arising from the SZC workforce.</p> <p>We set out in detail in our Post-Hearing Submission for ISH 14 [REP5-175] the impacts on adult and childrens social care services expected by SCC from the development.</p> <p>The mitigation measures agreed with the Applicant through the draft Deed of Obligation relate to provision of adult home care, and increase of demand for adult and children's services.</p> <p>Whilst we are in agreement on the principle of the proposed funds, we are still in discussions about the mechanisms to release non-contingent and contingent funds. We consider that further changes need to be made to the provisions for accessing</p>	
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	funds and the governance to ensure certainty in respect of delivery of the mitigation measures secured, and to ensure that the Community Safety Working Group and Social Review Group can be effective in their roles.	
ii) Whether a sufficiently holistic view has been taken to bring together an understanding of the cross-topic concerns on health and well being and as such sufficient/appropriate mitigation has been identified	<p>We consider that, from a SCC service perspective, we have reached agreement as to the potential level of impact and an appropriate scale of mitigation, which would sufficiently deal with the health and wellbeing impact from an SCC perspective. This principle is reflected in the draft Deed of Obligation, the detailed wording still being subject to agreement.</p> <p>We are deferring to the CCG and other public sector partners for views on their responsibilities with regard to health and well-being, and will support their representation on these matters.</p>	
Agenda Item 6 – Monitoring and Controls		
i) Latest position on Community Fund, Public Services Resilience Fund and Natural Environment Fund	<p><u>Community Fund:</u> We have reached in-principle agreement with the Applicant about the Community Fund. We consider that the scale proposed in the Draft Deed of Obligation (£23m) is appropriate for the scale of the residual impact on our communities, and consider that the broad principles of eligibility and governance of the Fund are appropriate.</p> <p><u>Public Services Resilience Fund:</u> SCC is close to reaching an agreement with the Applicant on the Public Services Resilience Fund. We consider that the proposed scale of the fund is appropriate to allow for a combination of preventative and reactive measures to deal with impacts on social care, safeguarding, community safety and schools and early years provision. Whilst we are in agreement on the principle of the</p>	

	<p>proposed funds, we are still in discussions about the mechanisms to release non-contingent and contingent funds. We consider that further changes need to be made to the provisions for accessing funds and the governance to ensure certainty in respect of delivery of the mitigation measures secured, and to ensure that the Community Safety Working Group and Social Review Group can be effective in their roles.</p> <p><u>Natural Environment Funds:</u> SCC considers, subject to finalising discussion on the detail of the obligations, that with all of the provisions of funds that are anticipated to be in place, adequate mitigation and off-setting for the impact on the Area of Outstanding Natural Beauty and the wider landscape and natural environment can be achieved, with appropriate mechanisms and governance being proposed.</p>	
Agenda Item 7 – Any other matters relating to the agenda		