

The Sizewell C Project, Ref. EN010012

Suffolk County Council Written Submission

Procedural Deadline B

7 April 2021

GLOSSARY OF ACRONYMS

<i>AONB</i>	<i>Suffolk Coast and Heaths Area of Outstanding Natural Beauty</i>
<i>DCO</i>	<i>Development Consent Order</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>HGV</i>	<i>Heavy Goods Vehicle</i>
<i>ISH</i>	<i>Issues Specific Hearings</i>
<i>LVIA</i>	<i>Landscape and Visual Impact Assessment</i>
<i>PROW</i>	<i>Public Rights of Way</i>
<i>SSSI</i>	<i>Site of Special Scientific Interest</i>
<i>SZC Co.</i>	<i>The applicant</i>

“The Council” refers to Suffolk County Council.

“The Councils” refers to Suffolk County Council together with East Suffolk Council

PREAMBLE

1. This submission provides further detail on issues and queries raised at the Preliminary Meeting Part 1. This submission should be read in conjunction with Suffolk County Council's ("the Council's") [Written Submission for Procedural Deadline A](#), the points of which are not repeated here.
2. The Council wishes to confirm that it requests to be heard orally at the Preliminary Meeting Part 2. The Council will require log-ins for Michael Bedford QC (michaelb@cornerstonebarristers.com), Michael Moll, Programme Director Sizewell C (michael.moll@suffolk.gov.uk) and Emyr Thomas, Solicitor (ethomas@sharpepritchard.co.uk). The Council will be available to assist the Panel and to respond to any points made by the Panel at that meeting, including any clarification on our statements at Deadline B.

THE COUNCIL’S COMMENTS ON THE PRELIMINARY MEETING PART 1, 23 AND 24 MARCH 2021

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and responses	References
Agenda Item 1 – Welcome and introductions		
	No comments	
Agenda Item 2 – ExA’s remarks about the virtual Preliminary Meeting		
	No comments	
Agenda Item 3 – ExA’s remarks about the Examination process		
	No comments	
Agenda Item 4 – Initial Assessment of Principal Issues		
	<ul style="list-style-type: none"> i. The Council welcomes the ExA including Coastal Geomorphology and Community Impacts as Principal Issues. ii. Further comments on this topic raised at the meeting were included in the Council’s Written Submission for Procedural Deadline A. iii. In relation to the treatment of the effects on the AONB, the Council also referred to the fact that both of the host authorities (the Council and East Suffolk Council) and Natural England, all of which have statutory responsibilities with regard to the AONB under the Countryside & Rights of Way Act 2000, considered that the topic should be given greater prominence to ensure that all aspects of the designation were adequately considered, and the Council remains of the view that it should be a separate principal issue (which is also the view of Natural England). The Council also considered that including the AONB within a composite topic of ‘Landscape impact, visual effects, and design’ runs the risk of that topic becoming unwieldy if all matters relating to the effects on the AONB (which are not limited to landscape matters as explained in the Written Submission) are to be adequately explored (especially as regards any Issue Specific Hearings). 	

	<p>iv. The Council has discussed this matter with East Suffolk Council and has agreed that, subject to it being acceptable to the ExA, it would be appropriate for impacts on the relevant characteristics of the AONB to be discussed throughout appropriate Issue Specific Hearings. Towards the end of the Examination, it is suggested that an Issue Specific Hearing that specifically draws together all AONB issues be scheduled, to ensure it is given appropriate priority in the process.</p>	
<p>Agenda Item 5 – Applicant’s proposed changes to the application</p>		
	<p>i. A summary of the comments on this topic raised at the meeting were included in the Council’s Written Submission for Procedural Deadline A.</p> <p>ii. The Council referred at the Hearing to the source of its statement that the amount of material required for the Sizewell C construction is now assumed to be increased by 20% compared to the original DCO application. For reference, this is described in the change submission in Environmental Statement Addendum Volume 3 Chapter 2 Appendix 2.2.A, paragraph 3.3.18 [AS-202]. This refers to a change from around 10.1 to 12.1 million tonnes of material, i.e. around 20%, to be imported to the main development site during the construction period.</p>	<p>AS-202 para 3.3.18</p>
<p>Agenda Item 6 – Draft Examination Timetable</p>		
<p>The ExA agreed at the Hearing that it would welcome a perspective from the Councils on potential focus topics for ISHs.</p>	<p><i>ISH topics</i></p> <p>i. The Councils offered at the Hearing to provide their joint perspective on potential focus topics for ISHs, and any phasing considerations, including in the light of still evolving evidence on impacts and deliverability of proposed measures. Appendix 1 to this submission provides a list jointly developed by the two Councils setting out their views on potential ISH topics for consideration by the ExA which we hope will be of help.</p>	<p>Appendix 1 of this submission</p>

<p>Specifically, the ExA requested at the Hearing for the Councils to indicate in the writing the topic areas where they are awaiting further information, and how, in their view, this may affect the timetable of when they would be able to respond in full to these topic areas.</p>	<p><i>Comments on phasing</i></p> <ul style="list-style-type: none"> ii. Appendix 1 is offering, in column 3, the Council’s considerations on phasing of topics. iii. The Council notes that, where it has requested additional information and evidence from the Applicant in a number of topic areas, in most cases (but subject to the further points below), the unavailability of this additional information would, in the Council’s view, not be an undue impediment to efficiently conduct a hearing on those matters, albeit that updated positions may need to be explained at subsequent deadlines once such information has been made available. However, the Council would defer also to the views of Natural England and Environment Agency in respect of matters within their responsibilities. iv. The Council identifies that, for the Freight Management Strategy (particularly with regard the deliverability of rail proposals and beach landing facilities proposed in the change application) and Coastal Geomorphology, further evidence on impacts and / or deliverability remains outstanding. v. On rail, the Council understands that more conclusive evidence on the deliverability of the rail proposals from Network Rail and an updated Statements of Common Ground between Network Rail and the Applicant may not become available until July 2021. If insufficient progress has been made to confirm or otherwise that the rail transport proposals are deliverable by the time of the first set of Issue Specific Hearings, the Council could not come to a conclusive position on the freight management proposals, their acceptability and the appropriateness of other transport mitigation measures at that time. vi. On coastal geomorphology matters, the Council refers to and supports the views of East Suffolk Council, who are leading on this matter for the Councils. vii. The Council considers that there may be a risk of late submissions on these issues hampering the effectiveness of the hearing; however, the 	<p>Appendix 1 of this submission</p>
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<p>The ExA noted that it would welcome a submission of the Council on its approach to the pre- and post-election periods.</p> <p>Dates and format for hearings</p>	<p>Council believes that, due to their importance, these topics should be considered in the first set of ISHs, but expects that they will have to be revisited in later ISHs if fuller information became available too late for proper discussion to take place at the first set of ISHs.</p> <p><i>The Council's approach to the pre- and post-election periods</i></p> <p>viii. A number of Interested Parties at the Preliminary Meeting Part 1 raised concerns of the impact of County Council and other elections on the effectiveness of full participation of the Council and other parties. The ExA indicated that it would welcome a written note on governance arrangements that Suffolk County Council as a local authority will put in place in relation to this examination during both the pre-election period and the immediate aftermath of the post-election period. This is included in Appendix 2.</p> <p><i>Timing of Deadline 1</i></p> <p>ix. Some Interested Parties at the Preliminary Meeting Part 1 suggested that they would wish to see Deadline 1 moved forward, so that Local Impact Reports and Statements of Common Ground would be available earlier for review by other Interested Parties. The Council would have strong concerns about moving forward Deadline 1, as it would impact on the internal programming of drafting these important documents together.</p> <p><i>Setting of detailed timetable</i></p> <p>x. The Council notes that this area of Suffolk is a popular location for tourism. There is a concern that if meetings are to be held in person with no virtual option, that there may be challenges to find available accommodation for our consultants who live further afield, particularly if insufficient advance notice of topics and agendas is provided.</p>	<p>Appendix 2 of this submission</p>
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	<p><i>Overlaps with the extended Examination of East Anglia One North and East Anglia Two</i></p> <p>xi. The Council notes that, since the Preliminary Meeting Part 1, the Examination into East Anglia One North and East Anglia Two has been extended to 6 July 2021. While it is accepted that the Examining Authority for those projects has sought to ensure that there is no direct clash with key dates in the draft timetable for the Sizewell C Examination, it should be recognised that in many cases the same expert advisers will be working for the Councils in preparing submissions on both matters.</p> <p>xii. The Council will of course work to meet the ExA's deadlines, and will inform them promptly if any issues do occur. However, the Council is aware that there are resourcing concerns amongst other Interested Parties, including East Suffolk Council and a number of Town and Parish Councils. While the Council itself is content that it should be able to meet the deadlines set by the ExA, the ExA may wish to consider whether there is a case of revising the timetable to address concerns put forward by others.</p>	
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Agenda Item 7 – Procedural Decisions taken by the ExA		
<p>The ExA invited further comments and views on preferences and concerns of Interested Parties as to whether hearings can take place virtually, blended or in-person, or any combination thereof.</p>	<p><i>Virtual, blended and in-person hearings</i></p> <ul style="list-style-type: none"> i. The Council recognises that there remains uncertainty in relation to the easing of COVID restrictions and considers that flexibility on the approach will be essential to respond to the restrictions expected at the time. ii. The Council confirms that it expects to be able to participate effectively in any of the proposed approaches, and wishes to make the following observation with regard to its preferences, subject to COVID restrictions: <ul style="list-style-type: none"> a. In-person hearings: As explained in the Council’s Deadline A submission, particularly for hearings with strong community involvement such as the Open Floor Hearings, providing Interested Parties with the opportunity of attending Hearings in person is important to make them feel appropriately engaged. b. Blended hearings: If it is considered that meetings should be held in person, the Council asks that Interested Parties should still be able to participate virtually for safety or practical reasons if they wish to do so. Practical reasons include that some of the consultants instructed by the Council are based in other parts of the UK, including Northern England, Wales and Scotland, so virtual attendance for these consultants would be more practical and resource efficient. <p>The Council stresses that attending a “blended” hearing remotely should be an option for Interested Parties if they so wish; it should be based on the choice of the Interested Party and not be imposed.</p> c. Virtual hearings: The Council sees some merit in continuing to have some virtual hearings in any event, as these can be more resource effective. In this case, it needs to be ensured that the technicalities, video resolution and live screening is of a suitable quality. 	
Agenda Item 8 – Any other matters		
	No comments	

APPENDIX 1: POTENTIAL GROUPING OF TOPICS FOR ISSUE SPECIFIC HEARINGS - SUFFOLK COUNTY COUNCIL AND EAST SUFFOLK COUNCIL'S PROPOSAL FOR CONSIDERATION BY THE EXA

Ref	Issue Specific Hearing (note that not all may require a full day)	Items to be covered	Phasing consideration in Timetable
1	Policy and need	Including: Need of the development Role and status of NPSs EN-1 and EN-6 Strategic consideration of ES approach to alternatives.	
2	Draft Development Consent Order	Including Section 106, draft DCO requirements, regulatory approvals, environmental permits etc.	To avoid repetition of arguments, discussions on the topic content of draft Section 106 agreements, other obligations and agreements, and draft DCO requirements may be best scheduled after hearings of topic specific areas.
3	Transport Strategy	<ul style="list-style-type: none"> # Transport modelling. # Freight Management Strategy incl. additional rail paths on East Suffolk Line, and impacts of both HGV and rail movements. # Workers transport strategy # Sustainability and carbon footprint # Cumulative transport impacts including road safety, road capacity, noise, air quality, vibration, impact on emergency services, community impacts, economic impacts, amenity impacts, impact of phasing. # Caps and controls, transport management plans. 	<p>Evidence on the deliverability of the freight management strategy is still evolving (in particular in relation to feasibility of train movements and required upgrades to East Suffolk Line, and deliverability / acceptability of beach landing facilities). It is not known how conclusive or otherwise the information to be provided before the ISHs in July will be.</p> <p>Due to its importance, this topic area should in the Councils' view be considered in any event in the first set of ISHs, preferably in the second week (13-16 July). However, the Councils expect that it will have to be revisited in later ISHs when fuller information becomes available and to address outstanding issues including those arising from related topic areas.</p>

4	Rail improvements: Green rail route, East Suffolk Line, Leiston Branch Line	LVIA, ecology, air quality, noise and vibration, PROW, heritage, archaeology, minerals, soils and agriculture, highway impacts, deliverability	This topic area relies on Network Rail assessments to be as advanced as possible, so may be advisable to be scheduled in full later during the examination.
5	Associated development: Park and Ride	North and South Park and Ride - Principle of need and alternatives, LVIA, ecology, air quality, noise, lighting, access, operation, archaeology, heritage, minerals, soils and agriculture, PROW, highway impacts	
6	Associated development: Freight Management Facility	Principle of need and alternatives, Highway impacts, LVIA, ecology, air quality, noise, drainage, lighting, access, archaeology, heritage, minerals, soils and agriculture, PROW	
7	Associated development (permanent): Two Village Bypass	Principle of need and alternatives, Highway impacts, LVIA, ecology, air quality, noise, drainage, lighting, access, archaeology, heritage, minerals, soils and agriculture, PROW	
8	Associated development (permanent): Sizewell Link Road and Yoxford roundabout	Principle of need and alternatives (during construction and operation of power station), Highway impacts, LVIA, ecology, air quality, noise, drainage, lighting, access, archaeology, heritage, minerals, soils and agriculture, PROW.	

9	Other highway improvements	Improvements proposed by the Applicant, and possible need for additional highway improvements across the affected network, to mitigate road safety, road capacity and amenity and severance impacts	This topic area has some dependency on the deliverability of the freight management strategy, as less materials being transported by rail or sea may exacerbate impacts on the highways network. Therefore, it may be helpful to schedule this topic area at a later ISH when hopefully further evidence on the deliverability is available.
10	Associated development: Accommodation campus	Principle of need and alternatives, LVIA, design including flexibility to sizing, ecology, air quality, noise, drainage, lighting, access, archaeology, heritage, minerals, soils and agriculture, PROW, Highway impacts,	It is suggested that this topic is best covered after Community Impacts covering housing impacts (item 16 on this list), so that it can focus on the campus proposals rather than the wider accommodation market.
11	Associated development: Land east of Eastlands Industrial Estate	Highway impacts, LVIA, ecology, air quality, noise, drainage, lighting, access, archaeology, heritage	Interrelationships of this item with housing strategy in respect of the proposed caravan site (proposed to be covered under Community Impacts - item 16 in this list) should be considered when scheduling.
12	Coastal Geomorphology	Associated development: beach landing facility - temporary and permanent. Permanent development: Hard and Soft Coastal Features (sea defences), temporary Combined Drainage Outfall (CDO), Flood Risk Report (FRR) etc - construction and operational, PROW. Also, in light of climate change and resilience.	Further information in respect of the Beach Landing Facilities is due to be provided by the Applicant at Deadline B and at later dates in respect of the sea defences. If this evidence is not conclusive or comprehensive, further detail may be required for a full assessment. Again, it may be required to revisit this topic at a later ISH when fuller information is available.

13	Natural Environment and Heritage Impacts (main development site)	<p>Focus on:</p> <ul style="list-style-type: none"> # Specific proposals and alternatives: Design, pylons, spoil heaps, borrow pits, SSSI crossing # Landscape and visual impacts (incl. Strategic LVIA, design of the power station, spoil heaps) # Biodiversity and ecology (incl. impacts on SSSI and adjacent protected sites, impacts on Habitats Regulation Assessment and Suffolk Priority Species, impacts of borrow pits) # Heritage/archaeology # AONB special qualities and AONB land take 	<p>Given the importance of this topic area, it is suggested that this should be prioritised in the first two weeks of ISH in July.</p>
14	Amenity impact (main development site)	Noise and vibration, PROW, recreational impacts	
15	Offshore issues	Marine ecology, fisheries, marine water quality and sediment, marine navigation	
16	Offsite ecological mitigation	<p>Fen meadows at Benhall, Halesworth and Pakenham</p> <p>Off site marsh harrier mitigation sites</p>	
17	Economic development, skills and education, tourism	<ul style="list-style-type: none"> # Impacts on and opportunities for local economy, local businesses, supply chain, employment impacts # required skills and education initiatives # tourism impacts and mitigation measures 	

18	Community impacts	To include demographic modelling (including gravity model), housing, public services, health, emergency services, sports and recreation, community safety, quality of life and wellbeing - including residual mitigation funding	This may have to be covered in two parts, as demographic/gravity modelling and housing impacts would be beneficial to be considered early in the process. Note that particularly health/emergency services may not be ready with their evidence at the time of the July hearings.
19	Waste and material resource management	Conventional waste management strategy, materials management including stockpiling and borrow pits	
20	Water supply	Supply of potable and non-potable water	
21	Flood risk - surface water and coastal, ground water	Flood risk assessments; effects on groundwater and surface water; compliance with Water Framework Directive	
22	Cumulative impacts	Cumulative impacts with other major planned developments in the area, including onshore infrastructure of offshore wind farms and interconnectors and other major non-energy projects	
23	Radiological considerations; and Major accidents and disasters	Provision of facilities for safe storage of Intermediate Level Waste and spent fuel rods. Longer term plans for this storage. Provision for responding to major accidents and disasters.	

24	Compliance with Habitats Regulation Assessment and Water Framework Directive, including Imperative Reasons of Overriding Public Importance	Whether the proposed development would comply with legal requirements including consideration of alternatives in respect of Habitats Regulation Assessment and Water Framework Directive, and whether Imperative Reasons of Overriding Public Importance have been appropriately applied.	
25	AONB Residual impacts	The Councils consider that it would be helpful, after hearings about the individual topic areas, to dedicate a hearing to bring together all aspects impacting the AONB (as the designation is wider than solely landscape issues) and natural environment. This should then also consider the need and scale for required mitigation for residual impacts on the natural environment (proposed to be through the Natural Environment Fund).	It is suggested that this hearing should take place after all elements of the natural environment, heritage and amenity topics have been considered, as the AONB designation is based on many of these elements.

APPENDIX 2: SUFFOLK COUNTY COUNCIL'S APPROACH TO PARTICIPATION IN THE EXAMINATION DURING THE PRE-ELECTION AND POST-ELECTION PERIODS

A. INTRODUCTION

1. The pre-election period, otherwise known as moratorium, commenced on 25th March 2021 when the Notices of Election were published.
2. Part 2 of the Preliminary Meeting will occur during the pre-election period when the County Council will be expected to avoid publishing material or making statements on politically controversial or sensitive matters. Part 1 of the Preliminary Meeting took place before the pre-election period, Part 2 of the Preliminary Meeting will be concerned with procedural matters, and the first open floor hearings of the Examination are currently expected to take place no earlier than late-May 2021 after the elections have occurred.
3. This advice note has been prepared to describe the roles of officers and Cabinet members during the pre-election and post-election periods and it also touches upon the roles of back bench and opposition members. Its purpose is to demonstrate that the Council's good governance arrangements continue to operate effectively during the pre-election and post-election periods.
4. In accordance with Article 2.3 of the Council's Constitution, elected members of the Council hold office as councillors on the fourth day after being elected until the fourth day after the next regular election. With the election being held on 6th May 2021, this means that current councillors' terms of office will end on 10th May 2021 (unless re-elected, when a new term of office will commence on that date). In accordance with Article 8.8 of the Constitution, the Leader of the Council holds office from the date of his/her election as Leader until the date of the Annual Meeting of the Council following the election¹.

B. PRINCIPLES

5. Principles to adhere to:
 - a. Conversations between officers and Cabinet members can continue to take place during the pre-election period within the Council.
 - b. Officers can consult Cabinet members during the pre-election period in accordance with the delegation agreed at Cabinet.
 - c. Officers cannot prepare speeches or provide communications support for any councillors during the pre-election period. This does not prevent councillors from giving their own public responses if approached or appearing in front of the Examining Authority as individual councillors (i.e., not in their Cabinet capacity or on behalf of the Council, and only without officer support).

¹ Unless he/she ceases to be a councillor (or resigns, is suspended/disqualified/removed).

- d. Opposition councillors and back-bench members can speak as they wish in front of the Examining Authority or to the media as long as it is clear they are not speaking on behalf of the Council and they do not receive officer support.
 - e. County Council Cabinet and local members can continue to meet with East Suffolk Council members in their Joint Local Authorities Group (JLAG) during the pre-election period, as this group only has a consultative role and has no decision-making authority. Any JLAG meeting would not be in public. JLAG must not make any public pronouncements during the pre-election period.
6. During the pre-election period, if there is an emergency or a genuine need for the Leader or Cabinet Member to comment on behalf of the County Council, the Council could depart from the above principles. In the *unlikely* event that the Council wished to consider such a course of action it could only be embarked upon after consultation with the Monitoring Officer and the Chief Executive.
 7. The position becomes slightly more complicated after the election on the 6th May 2021 and before the Council Annual Meeting on 27th May 2021. During this period the Leader is in position and available to be consulted. The Chairman also remains in position but has no Executive role. In the event that the Leader was no longer a councillor, that role would be fulfilled by the Deputy Leader or by some other member of the Executive, in accordance with Articles 8.11 and 8.12 of the Constitution.
 8. It is possible that after the election a new administration and/or a new Leader could be in place after the Annual Meeting, so officers would have to brief new Cabinet members in advance of any meetings/hearings or written deadlines of the Examining Authority.
 9. Officers will speak on behalf of the County Council as official spokespersons, within the parameters of their delegated authority, at meetings/hearings of the Examining Authority during the pre-election period and through to the Annual Meeting if necessary.
 10. Officers should endeavour to avoid the County Council taking controversial stances in the public domain during the pre-election period, and the Council would ask for the Examining Authority's understanding in this regard. In the event that the Examining Authority requires officers to take a stance, which is unlikely in the light of the timings set out in the draft Examination Timetable, officers should adhere to the last agreed Cabinet position on Sizewell C (i.e. of the [Cabinet meeting on 22 September 2020](#)).
 11. Officers have put in place arrangements to consult the Leader and Cabinet Member during the pre-election period, and the Leader only after polling day and before the Council Annual Meeting.
 12. Any departure from the above principles can only be taken after consultation with the Chief Executive and the Monitoring Officer.

C. CONCLUSION

13. The County Council has put in robust arrangements to ensure it can operate effectively during the pre-election and post-election periods.