

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

## **Suffolk County Council's comments on Draft Development Consent Order (Draft DCO) Revision 4.0 June 2021 [REP2-015]**

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

**Deadline 3**

**24 June 2021**

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

No.	Provision	Comment
1	Article 2 (requirements)	Definition of commence: SCC seeks the Applicant's confirmation that "(a) site preparation and clearance works" does not include the provision of any temporary access.
2	Article 2 (requirements)	Footpath and footpath implementation plan: SCC notes that art.2 defines "footpath" as "a means a public right of way on foot only, unless otherwise specified". "Footpath implementation plan" is defined as "a written plan submitted to and approved by Suffolk County Council under Requirement 5A". (The cross-reference should be to R6A). SCC considers it would be helpful if the definition of footpath explained that the plan itself is not limited to public rights of way on foot only.
3	Article 4(1)(a) (vertical limits of deviation)	The powers contained in this definition are very broad and the breadth appears unprecedented. SCC have seen ESC's proposed amendment to this provision and consider it reasonable. SCC requests that the provision is amended per ESC's proposed drafting.
4	Article 11 (Power to alter layout, etc., of streets)	In precedents, including Wylfa, there is a paragraph which authorises alterations and the carrying out of works to specific streets listed in a Schedule, and the Schedule specifically describes the manner in which the works or alterations are to be carried out. There is no such provision in Sizewell. SCC requests that the Applicant explains and justifies this approach.
5	Article 11(1) (Power to alter layout, etc., of streets)	In precedents there is a more general power to alter the layout of any street within the Order limits and carry out certain types of works to such streets. But in Sizewell that power is extended to allow any works to any street in England and Wales (with a longer list of certain types of works that are included than in the precedents). SCC requests that the Applicant explains and justifies this approach.
6	Article 11(3)	The precedents say that the general power mentioned in article 11(1) above can only be exercised with the consent of the street authority. That is also the case for Sizewell but with the addition that the consent must not be unreasonably withheld or delayed. Given that there is a deeming provision in (4), it is not necessary, and there is no reason for Sizewell to be different. SCC requests that the Applicant explains and justifies this approach.
7	Article 12(1) (street works)	The only precedent for "without the consent of the street authority" appears to be Wylfa, and the words are unnecessary. SCC requests that, in article 12(1), the Applicant leaves out "without the consent of the street authority"

8	Article 12(1)	<p>In Hinkley and other precedents, the list of types of work that are authorised is shorter than in Sizewell and Thames Tideway (the identified precedent). And the following in Sizewell are different from Tideway:</p> <ul style="list-style-type: none"> <li>• Power to demolish etc “other street furniture” (paragraph (1)(e)) not in Tideway</li> <li>• Power to execute any works to provide or improve sight lines (paragraph (1)(f)) is in Tideway but only if required by the highway authority</li> <li>• Power to remove and instal temporary and permanent signage (paragraph (1)(i)) not in Tideway.</li> </ul> <p>SCC requests that the Applicant explains and justifies this approach.</p>
9	Article 12(2)	<p>The more general power in paragraph (2) to carry out works to any street whether or not within the Order limits is predated in Tideway. It is subject to the consent of the street authority which in Tideway must not be unreasonably withheld but in Sizewell must not be unreasonably withheld or delayed. SCC requests that, in article 12(2), the Applicant leaves out “or delayed”</p>
10	Article 12(3)	<p>The street authority’s consent is deemed to have been given if it does not give its decision within 56 days. There is no such provision in Tideway. SCC requests that, in article 12, the Applicant leaves out paragraph (3)</p>
11	Article 13(2) (application of the 1991 Act)	<p>A different approach to the drafting of the provision which disapplies certain provisions of the New Roads and Street Works Act 1991 in relation to works under the Order seems to have been taken in paragraph (2). SCC requests that the Applicant explains and justifies this approach.</p>
12	Article 14(2)(a) (permanent stopping up of streets, change of status, and extinguishment of private means of access)	<p>In (2)(a) the words “in the case of a street” are not in Silvertown, which is used as a precedent. This means that whilst the approval of the street authority is required as respects any alternative street provided where another is stopped up, but not where a private means of access is. The same point occurs in (3) which is about responsibility for maintenance. SCC requests that the Applicant explains and justifies this approach.</p>
13	Article 14(4)	<p>It is not clear why it is appropriate to refer to change of status of highways in this paragraph as the usage of the highway will be changed completely in any event. SCC requests that the Applicant explains and justifies this approach.</p>
14	Article 14(4)	<p>Drafting (if words referred to above retained). Article 13(4), for “or change in status under (3)” substitute “or the status of a highway is changed under paragraph (3)”</p>

15	Article 14(10)	<p>Paragraph (10) appears to be unprecedented. It extends, for the purposes of the article, the definition of “street” in article 2 to also include “any other public right of way”. The definition of “street” in article 2 is “street” means, irrespective of whether it is a thoroughfare, the whole or any part of any highway, road, lane, footway, alley, passage, square, court and any land laid out as a way whether it is for the time being formed as a footpath or not, together with land on the verge of a street or between two carriageways, and includes part of a street and any bridge, viaduct, overpass or underpass which a street passes over;”</p> <p>It is difficult to see what other type of “right of way” is in mind – “highway” alone covers a very wide range of public rights of way. SCC requests that the Applicant confirms what other type of "right of way" is in mind.</p>
16	Schedule 10 (Streets to be permanently stopped up) Part 3	<p>In column (4) of the table in Schedule 10, it says that each of the highways whose status is being changed is being changed from “highway (all traffic)” to “highway (NMUs)”. Apart from the fact that “NMU” is not defined, “highway (NMU)” is not a recognised statutory designation. It is suggested that in each case it should specifically state whether the new status is a footpath, bridleway and/or a cycleway (as is done in Schedule 11).</p> <p>In Schedule 10, Part 3, SCC requests that for “highway (NMUs)” the Applicant substitutes “footpath”, “bridleway” and/or “cycleway” as appropriate.</p> <p>The status for each will need to be discussed with SCC.</p>
17	Schedule 10, all parts	<p>In the headings of each Part, the use of “Being a” is unusual. SCC suggests, for example, in Part 1 it should be “Streets to be stopped up....” SCC requests that this Part is amended as appropriate.</p>
18	Schedule 10, Part 1	<p>If "PMA" is to be used, it needs to be defined (presumably as "private means of access"). SCC requests that this Part is amended as appropriate.</p>
19	Schedule 10, all parts	<p>“NMUs” and “SLR” do not appear to be defined. Elsewhere, “Sizewell Link Road” is used – one or other should be used throughout the Order. SCC requests that this Part is amended as appropriate.</p>
20	Schedule 10, Part 3	<p>The sub-heading in Part 3 is unnecessary. In Part 3, delete the sub-heading “Existing highways (all traffic) which are proposed to have rights withdrawn for motor vehicles are described as having the future status of highway NMUs).”</p>
21	Schedule 10, Part 3	<p>Words not necessary: Part 3, column (3), delete “(all traffic)” in all entries in column 3.</p>

22	Article 16(1) (benefit of permanent private means of access and private rights of way created)	<p>Article 16 allows the undertaker to create new rights of access for landowners whose existing rights are being interfered with under the Order or where the undertaker “consider it necessary in order to facilitate access to land by land owners who would otherwise be prejudiced”. That is a wide power.</p> <p>Schedule 12 lists a number of specific cases where such rights will be created. But article 16 is not limited to the creation of only those specific rights – it can be done anywhere within the permanent limits.</p> <p>A provision should be included which makes it clear that the approval of the highway authority will be required under article 19 in a case where any new or altered access to the highway and not listed in Schedule 12 is to be created in order to facilitate any new rights created under this article.</p> <p>Article 16, at end of paragraph (1) insert—</p> <p>(2) Paragraph (1) is without prejudice to the requirement under article 19(1)(b) for the [agreement][consent] of the [street][highway] authority under article 19 (access to works) to form and lay out means of access or improve means of access in certain cases.</p>
23	Article 16(1)	Article 16(1) for “undertaker consider” substitute “undertaker considers”
24	Schedule 12 (benefit of permanent private means of access etc)	Schedule 12, column (3), in the first entry, delete one of the duplicate “Between points”
25	Article 17 (temporary closure of streets and private means of access)	<p>In paragraph (5)(b), consent of the street authority is required for closing any street not listed in Schedule 13 and consent must not be unreasonably withheld or delayed.</p> <p>Where precedents require consent some do not refer to delay. Paragraph (10) contains a deeming provision if consent is not given within 56 days. SCC will be dealing with a considerable number of applications. SCC requests that, in article 17(5)(b), the Applicant leaves out “or delayed”</p>
26	Schedule 13 (streets and private means of access to be temporarily stopped up or extinguished)	It is not clear why “Footpath” has been changed to “Highway (footpath)”. “Footpath” is a defined term in article 2, and surely that term will suffice, particularly as the headings of each part of the schedule refer to streets, not highways. In Schedule 13, for “Highway (footpath)” substitute “Footpath” in all cases

27	Schedule 13	In column (3) of the tables, it is not clear why the status of the highway is mentioned in each entry. For example, in the first entry of Part 1 it would be sufficient to say "Between points TSF4/7 and TSF4/8". Schedule 13, delete references to the status of the highway in each entry in column (3) of the tables
28	Schedule 13	<p>In Part 2, in the second entry, column (2) refers to Bridleway 19 but column (3) refers to "Highway (footpath)". It is not clear why, but it would be remedied if the previous suggestion were taken up. In the same entry, as mentioned elsewhere "highway (NMUs)" is not a statutory term – SCC considers it should be either "bridleway" or "footpath" and/or "cycleway".</p> <p>Moreover, in Schedule 13, in the second entry for "highway (NMUs)" substitute "bridleway" or "footpath" and/or "cycleway".</p>
29	Article 19(1)(b) (access to works)	Article 19(1)(b), for "agreement" substitute "approval"
30	Article 19(1)(b)	For "means <u>or</u> access" substitute "means <u>of</u> access"
31	Article 19(1)(b)	Paragraph (1)(b) says that agreement of the street authority is not to be unreasonably withheld. None of the made precedents does. The appeal provisions applied by article 83(2) would apply if SCC withheld approval. Article 19(1)(b), leave out "(such agreement not to be unreasonably withheld)"
32	Article 19(2)	Under paragraph (2), if the street authority fails to notify the undertaker within 56 days, it is deemed to have approved. In several precedents (including the main Hinkley Order), there is no such provision at all. SCC requests that, in article 19, the Applicant leaves out paragraph (2).
33	Article 20(2)	As stated in its LIR, SCC considers that the Sizewell Link Road and Two Village Bypass should be maintained by the Applicant until the end of the SZC construction period, rather than for the 12-month period currently mentioned in article 20(2).
34	Article 20(3)	SCC considers that compliance with its Highway Maintenance Operational Plan may be considered a benchmark by the undertaker for 'reasonable care' in terms of maintenance of a highway. SCC would welcome the Applicant's confirmation of this point.

35	Article 20(4) (construction and maintenance of new and altered streets)	In article 20(4), for “paragraph (4)” substitute “paragraph (3)”
36	Article 21(2)(c) (agreement with street authorities)	Drafting: this paragraph seems very similar to paragraph (1)(c). SCC suggests that the Applicant should consider whether (2)(c) is necessary.
37	Article 22(1) (traffic regulation measures)	Several precedents for paragraph (1), some not mentioned in the Explanatory Memorandum (including Hinkley Connection, Abergelli Power and Richborough Connection) require the consent of the traffic authority. This may be because the applicants for those orders are not themselves traffic authorities (unlike TfL on Silvertown). SCC considers that, in article 22(1), after “Subject to the provisions of this article,” the Applicant should insert “and the consent of the traffic authority in whose area the road concerned is situated,”
38	Article 22(1)	Article 22(1), for “column (2) and (3)” substitute “columns (2) and (3)”
39	Article 22(2)	As in other cases, in paragraph (2) “such consent [of the traffic authority] not to be unreasonably withheld” appears, but it is not in other precedents. SCC requests that, in article 22(2), the Applicant leaves out “(such consent not to be unreasonably withheld)”
40	Article 22(2)	At the end of paragraph (2) the words “in respect of streets within and outside the Order limits” appear to be unprecedented. They are unnecessary. SCC requests that, in article 22(2), the Applicant leaves out “in respect of streets within and outside the Order limits”
41	Article 22(2)(f)	Paragraph (2)(f) appears to be novel: it enables the undertaker to place traffic signs on or near a street, including on private land, and in particular where such signs are required for the safe design of the upgraded level crossings. It is not clear why this is needed: paragraph (5) has the effect of deeming any provision made by paragraphs (1) or (2) to be traffic regulation orders as though made by the traffic authority, and that means traffic signs can be placed (or in some cases must be placed) to indicate them. SCC requests that the Applicant explains and justifies its position.
42	Article 22(4) and (5)	Article 22(4) and (5) for “paragraphs (1) and (2)” substitute “paragraphs (1) or (2)”

43	Article 22(5)	<p>Article 22(5)—</p> <p>The words “has effect as if duly made by” should be a new paragraph (a)</p> <p>Existing paragraphs (a) and (b) should be renumbered (i) and (ii)</p> <p>In renumbered (ii), the words from “and the instrument” should start on a new un-numbered line.</p> <p>The paragraph beginning “is deemed” should be numbered as paragraph (b)</p>
44	Article 22(7)	<p>Article 22(7), for “paragraph (2)” substitute “paragraphs (1) and (2)”</p>
45	Article 22	<p>SCC is concerned that the consultation requirements under article 22(3) and (4) are insufficient and considers they should better reflect the consultation regime set out in regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which SCC would have to follow when making a TRO. SCC would welcome the Applicant’s explanation as to why art.22 departs so far from the 1996 Regulations. In addition, SCC would encourage the Applicant to follow SCC’s <u>Consultation and Engagement Charter</u> (which enshrines good practice) and would welcome discussions with the Applicant on this point.</p>
46	Schedule 23 (procedure for approvals, consents and appeals)	<p>SCC has several concerns with this Schedule. For instance –</p> <ul style="list-style-type: none"> <li>(i) Paragraph 2(3): The DCO places duties on the discharging authorities to consult other bodies under Schedule 2 (for example, in requirement 3(1), SCC must consult Historic England before approving a written scheme of investigation). The changes to paragraph 2(3) appear to require the undertaker (rather than the body carrying out the consultation) to issue the consultation, which seems unusual. The changes also appear to have removed any reference to requests for further information by the requirement consultee, so the revised sub-paragraph (3) does not now sit easily in paragraph 2. SCC considers the discharging authority should carry out the consultation, though the time limit of 3 days for the consulting body to issue the consultation, as set out in the previous draft of the DCO, should be increased to 10 working days.</li> <li>(ii) Paragraph 3(5): replace the reference to “10 working days” with “20 business days” per Advice Note 15.</li> <li>(iii) Paragraph 3(2)(a) of the equivalent provisions in Advice Note 15 (concerning fees) is not included. Please explain the omission.</li> <li>(iv) Paragraph 3(6): This provision only says “(6) Outcome of appeals” and so does not seem to have any purpose. SCC considers it should be deleted.</li> </ul>



		The definitions of “appeal parties” and “requirement consultee” are set out in article 2; however, these terms are only used in Schedule 23. Owing to this, it would be better if these defined terms were set out at the end of Schedule 23.
47	Article 84 (application, exclusion and modification of legislative provisions) and Schedule 24 (miscellaneous controls)	SCC is concerned that the powers in paragraph 2 of Schedule 24 do not appear to be limited to land within the Order Limits and, if this is so, seeks an explanation of how the Applicant proposes to (i) exercise these powers in a way which would not compromise the safety of road users (ii) co-operate with other road users when carrying out their activities e.g. the Applicant will co-operate with (say) utilities companies who might be doing their own works in the area.
48	General comment	<p>This comment concerns Schedule 7 (approved plans), Schedule 9 (streets subject to street works), Schedule 10 (streets to be permanently stopped up, changed in status or private means of access extinguished), Schedule 13 (streets and private means of access to be temporarily closed) and Schedule 14 (traffic regulation measures).</p> <p>It appears to SCC that the street references in these Schedules are not based on the information contained in the National Street Gazetteer. (While a complete analysis of each Schedule has not been completed, SCC notes several errors and omissions). SCC would welcome the Applicant’s confirmation on whether the Gazetteer has been used. In any event, SCC is happy to discuss this point with the Applicant in greater detail.</p>

### Schedule 2 (requirements)

No.	Requirement	Comment
49	2 (project wide: code of construction practice)	For the avoidance of doubt, SCC considers R2 needs to explain what “the temporary works” refers to.
50	3 (project wide: archaeology and peat)	<p>R3(1) SCC considers the site-specific written scheme of investigation should be in accordance with (rather than in general accordance with) the Overarching Written Scheme of Investigation. Each site-specific written scheme of investigation must also cover each phase of archaeological investigation relating to each part of the works.</p> <p>In R3(2), SCC considers the removal and reinstatement of the authorised development must also be carried out in accordance with the site-specific written scheme of investigation and the Overarching Scheme.</p>

		<p>In R3(3), SCC considers the “peat archaeological written scheme of investigation” should be in accordance with (rather than in general accordance with) the Overarching Scheme.</p> <p>SCC has previously asked the Applicant to include the following sub-paragraphs in R3 –</p> <p>“(6) No later than three years following the commencement of Work No. 1A –</p> <p>(a) each site-specific Post Excavation Assessment must have been completed and submitted to Suffolk County Council for approval;</p> <p>(b) an Updated Project Design, detailing the scope of post-excavation analysis and publication in accordance with the Overarching Archaeological Written Scheme of Investigation and Site Specific Written Schemes of Investigation, must have been completed and submitted to Suffolk County Council for approval; and</p> <p>(c) the full archaeological archive must be submitted to the Suffolk County Council Archaeological Service (Archive).</p> <p>(7) In this requirement –</p> <p>(a) “each phase of of archaeological investigation” means the phases described in the Overarching Archaeological Written Scheme of Investigation; and</p> <p>(b) “Post Excavation Assessment” and “Updated Project Design” mean the Post Excavation Assessment and Updated Project Design referred to in the Overarching Archaeological Written Scheme of Investigation”.</p> <p>SCC awaits the Applicant’s comments on this proposal.</p> <p>In addition, and as the applicant knows, SCC considers the applicant must provide SCC with sufficient funds to deliver any work identified in the Updated Project Design and sufficient funds to cover, amongst other things, post-excavation work including the storage of finds. It is considered that this might best be included in the s.106 agreement.</p>
51	5 (project wide: surface and foul water drainage)	<p>Requirement 5 as currently drafted is unsatisfactory since it provides the SCC with insufficient control over surface water drainage, which is one of its statutory responsibilities.</p> <p>Parliament has demanded that surface water drainage is a County Council’s responsibility. Since this is the case, and since SCC is expert in this area, SCC should discharge any requirement which concerns surface water drainage. The principle has been accepted in these requirements that requirements which concern County functions are discharged by SCC and requirements which concern District functions are discharged by East Suffolk Council. It would be anomalous if this requirement did not do likewise. SCC therefore proposes that existing requirement 5(1) is divided into two separate</p>

		<p>paragraphs, with the first concerning foul water drainage being discharged by East Suffolk Council (in line with its statutory responsibilities) and the second being discharged by the SCC in line with its duties. SCC’s proposed drafting is below, with amendments shown as tracked changes.</p> <p><b>Project wide: Surface and foul water drainage</b></p> <p>(1) No part of the authorised development may be commenced until details of the foul water drainage system for that part (including management and maintenance arrangements, means of pollution control, sewage treatment works and a programme of construction and implementation) have been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency, [the relevant Statutory Nature Conservation Body,] the East Suffolk Internal Drainage Board, and the Lead Local Flood Authority.</p> <p>(2) No part of the authorised development may be commenced until details of the surface water drainage system for that part (including management and maintenance arrangements, means of pollution control, and a programme of construction and implementation) have been submitted to and approved by Suffolk County Council, following consultation with the Environment Agency, [the relevant Statutory Nature Conservation Body,] and the relevant Internal Drainage Board.</p> <p>The reference to “drainage authority” is not needed because there is no other “drainage authority” in addition to those listed. Please see the comment below (No. 7) regarding the use of “the relevant Statutory Nature Conservation Body”.</p> <p>SCC notes that R5(3) refers to the “surface and foul water drainage proposals.” Since R(1), R(2) (as proposed by the Applicant and as proposed by SCC) and R4 each refer to “details”, SCC considers R3 should refer to the “surface and foul water drainage details.”</p>
52	5A (project wide: emergency planning)	<p>The DCO application includes a complex construction proposal that is set largely within the Sizewell B Detailed Emergency Planning Zone, arrangements for which are detailed in the Suffolk Resilience Forum Radiation Emergency Plan. This will affect the existing off-site radiation emergency arrangements made under the Radiation (Emergency Preparedness and Public Information) Regulations 2019. Owing to this, it is essential that those arrangements are updated to take account of the DCO’s impacts before works are commenced.</p> <p>In respect of the East Anglia ONE North and East Anglia TWO Offshore Wind Farms DCO, the applicant has proposed a requirement along the following lines which SCC supports. SCC considers consistency in this regard is required in both applications and therefore requests that the new emergency powers requirement replaces existing Requirement 5A –</p>

		<p><b>Project wide: Emergency planning</b></p> <p>(1) No part of the relevant works may be commenced until the Suffolk Resilience Forum Radiation Emergency Plan (“the Plan”) has been reviewed to account for the relevant works, or any part of them, and reissued in accordance with the Regulations.</p> <p>(2) Emergency planning arrangements specified in the Plan in respect of the relevant works must be implemented in accordance with the Plan, unless otherwise agreed with Suffolk County Council following consultation with the Sizewell Emergency Planning Consultative Committee or Suffolk Resilience Forum as appropriate.</p> <p>(3) For the purposes of this requirement –</p> <p>(a) “relevant works” means permanent works related to site preparation and construction; and</p> <p>(b) “the Regulations” means the Radiation (Emergency Preparedness and Public Information) Regulations 2019.</p>
53	12B (main development site: coastal defences marine infrastructure)	<p>SCC notes that Drawing No. SZC-SZ0204-XX-000-DRW-100345 Revision. 03 (which is included in the Access and Rights of Way Plans Rev. 4.0 June 2021 [REP2-007]) includes the following text –</p> <p>“The <u>precise alignment</u> of the permanent footpath 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” [Emphasis added].</p> <p>SCC is concerned by the current lack of precision in this proposal. For instance –</p> <p>(i) it appears the temporary alternative route, which will be in place during construction, will be close to the sea. SCC considers the Applicant must explain (i) precisely where the temporary route will be located (since it will be on the beach it must be safe for walkers) and (ii) what walkers would be walking on.</p> <p>(ii) after construction, in respect of the permanent Right of Way on the beach (FP21), the toe of the new sea defences will be much further forward than SCC expected them to be. Owing to this, FP21 will be near to the dune frontage on the beach and there will be no recreational corridor. FP21 will therefore be very close to the sea, and very tight at the base of the sea defence.</p> <p>SCC considers this will result in a squeezed corridor which, in due course, will be susceptible to coastal erosion. SCC considers an inland route would be more appropriate than that proposed. For instance, SCC would suggest that FP21 should be located on top of the sea defence and would welcome the Applicant’s thoughts on this proposal.</p>

		<p>Since public rights of way are a County Council function, SCC considers the approval of this right of way should fall within SCC's role as discharging authority.</p>
54		<p>In R14A(1)(ii), the plan for Work No. 18 is to be submitted to and approved by SCC "in its capacity as LLFA and drainage authority". The words in inverted commas are unnecessary and should be omitted. (It is noted that no such qualification applies to East Suffolk Council's role in approving the plans for Work Nos. 6 and 7 in R14A(1)(i)).</p>
55	Miscellaneous (i) – the relevant Statutory Nature Conservation Body	<p>Requirements 5(1), 7(1), 7A(1), 12(1), 14A(1)(i) and (ii), 14B(1) and 15 require discharging authorities to consult "the relevant Statutory Nature Conservation Body". It is not clear which body is being referred to in each requirement. R14(A)(1)(ii) is relevant to SCC.</p> <p>Rather than use the term "the relevant Statutory Nature Conservation Body" SCC considers the relevant body should be named in each requirement mentioned above. (SCC notes that the previous reference to Statutory Nature Conservation Body in R4 has been replaced with a reference to Natural England).</p> <p>Paragraph 55 of the NPPF states that planning conditions should only be used when they satisfy 6 tests, one of which is precision. The reference to "the relevant Statutory Nature Conservation Body" is imprecise.</p> <p>The applicant is promoting legislation which demands that local authorities consult third parties in certain circumstances. It is therefore necessary for the third parties to be clearly identified.</p> <p>This would be straightforward to do; for instance, a definition of "the relevant Statutory Nature Conservation Body" could be added after paragraph 1(6) e.g. –</p> <p>"(7) In requirement xxx "the relevant Statutory Nature Conservation Body" means X and in requirement yyy "the relevant Statutory Nature Conservation Body" means Y".</p> <p>The new definition of "Statutory Nature Conservation Body" in article 2 (where it is defined as an organisation charged by government with advising on nature conservation matters) could then be deleted.</p>

56	Miscellaneous (ii) – revised Design and Access Statement	Requirement 11(1) requires Work Nos. 1A (a) to (e) and Work No. 1D (a) to (e) or Work No. 1E (a) to (d) to be carried out in accordance with, amongst other things, the detailed design principles set out in chapter 5 of the Main Development Site Design and Access Statement. SCC considers these principles should give greater guidance on the colouration and design of the authorised development’s prominent structures. Similarly, SCC considers the Main Development Site Design and Access Statement should provide greater precision in respect of Works identified in Requirement 12 and in respect of the bridge to cross the Sizewell Marshes SSSI under Requirement 13.
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