



The Sizewell C Project

9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)

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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This response provides comments from SZC Co. (the Applicant) on additional information and submission received at earlier deadlines, namely Deadline 2 (Wednesday 2 June), Deadline 3 (Thursday 24 June) and Deadline 4 (Thursday 1 July).

1.1.2 Responses to responses on SZC Co.'s answers to the Examining Authority's first written questions are contained separately in **SZC Co. Comments on Responses to ExQ1 submitted at Deadline 3** (Doc Ref. 9.55) submitted at Deadline 5.

1.2 Deadline 2 Submissions

1.2.1 At Deadline 3, the Applicant provided a response to submissions at Deadline 2 in the form of:

- SZC Co.'s Comments on Written Representations [REP3-042 and REP3-043];
- SZC Co.'s Comments on Councils' Local Impact Report [REP3-044 and REP3-045];
- SZC Co.'s Comments on Responses to Examining Authority's First Written Questions (ExQ1) [[REP3-046](#) and [REP3-047](#)].

1.2.2 In some instances, commitments were made in those documents to provide further information or responses at a subsequent Examination deadline. This report provides further information and responses to Deadline 2 submissions in accordance with SZC Co.'s previous commitments.

1.3 Deadline 3 Submissions

1.3.1 The Applicant has reviewed all submissions to Deadline 3, comprising Deadline 3 submissions from registered Interested Parties and Additional Submissions accepted at the discretion of the Examining Authority at the time of the Deadline 3 submission.

1.3.2 A number of responses refer to concerns or matters that have been raised previously through Relevant Representations and responded to through the **Relevant Representations Report** [[REP1-013](#)]. As such, a further

response from SZC Co. is not considered necessary. For clarify, this relates to the following responses:

- Deadline 3 Submissions REP3-090 to REP3-101, REP3-103 to REP3-116, REP3-119 to REP3-121, REP3-126 to REP3-133, REP3-138 to REP3-146, REP3-150 to REP3-152 and REP3-154; and
- Additional Submissions [AS-346](#) to [AS-384](#)

1.3.3 This report provides SZC Co.'s comments to the remaining responses and the structure of this report is outlined below.

1.3.4 In some instances, the comments refer to the Deadline 3 submissions from the Applicant [REP3-001 to REP3-057] which were not available at the time of the Deadline 3 responses from some Interested Parties. Similarly, some comments also refer to **Written Summaries at the Issue Specific Hearings** (Doc Refs. 9.41 to 9.47) or the **Written Submissions in response to matters arising from the Issue Specific Hearings** (Doc Refs. 9.48 to 9.53) which provide the latest position and discussions.

1.4 Deadline 4 Submissions

1.4.1 We note that the Applicant was the only respondent to Deadline 4. SZC Co. therefore has no comments to made in respect of Deadline 4 submissions.

1.5 Structure of this Report

1.5.1 The remainder of this report is structured as follows:

- **Section 2** summaries the submissions on the draft Development Consent Order (draft DCO) and draft Deed of Obligation (draft DoO) and provides the Applicant's response.
- **Section 3** summarises the submissions from East Suffolk Council to Deadline 3 and provides the Applicant's response.
- **Section 4** summarises the submissions from Suffolk County Council to Deadline 3 and provides the Applicant's response.
- **Section 5** summarises the Deadline 3 submissions from the East Suffolk Internal Board and provides the Applicant's response.
- **Section 6** summaries the comments from the Environment Agency at Deadline 3 and provides the Applicant's response.

- **Section 7** summarises the Deadline 3 submissions from Natural England and provides the Applicant's response.
- **Section 8** summarises the submissions for the Marine Management Organisation and provides the Applicant's response.
- **Section 9** summarises the Deadline 3 submissions from Highways England and provides the Applicant's response.
- **Section 10** sets out the Deadline 3 submissions from the National Trust and provides the Applicant's response.
- **Section 11** summarises the submissions from the Royal Society for the Protection of Birds and Suffolk Wildlife Trust to Deadline 3 and provides the Applicant's response.
- **Section 12** summarises the submissions from the Suffolk Constabulary and directs to the Applicant's response.
- **Section 13** provides the Applicant's response to Deadline 3 submissions from landowners.
- **Section 14** provides the Applicant's response to other Deadline 3 submissions not listed above, such as Town Councils and resident groups.

2 RESPONSES TO COMMENTS ON DRAFT DCO AND DEED OF OBLIGATION

2.1 Comments on the draft Development Consent Order

2.1.1 The following parties provided comments on the draft DCO [[REP2-015](#)] at Deadline 3:

- East Suffolk Council [[REP3-064](#)]
- Suffolk County Council [[REP3-082](#)]
- Environment Agency [[REP3-067](#)]
- Marine Management Organisation [[REP3-070](#)]
- East Anglia One North Ltd [[REP3-058](#)]

- East Anglia Two North Ltd [[REP3-059](#)]
- National Trust [[REP3-070](#)]
- Highway England [[REP3-071](#)]
- RSPB and SWT [[REP3-074](#)]

2.2 SZC Co.'s Response on the draft DCO

2.2.1 The draft DCO was discussed at the Issue Specific Hearing 1 held on Tuesday 6 July and specific technical aspects relating to the draft DCO were discussed at Issue Specific Hearings 2 to 7. Where relevant, written summaries from the Issue Specific Hearings responding to matters raised in the Deadline 3 submissions are referred to below.

a) East Suffolk Council [[REP3-064](#)]

2.2.2 **SZC Co. Comments on Responses to ExQ1 submitted at Deadline 3** (Doc Ref. 9.55) provides a response to the following matters raised by ESC in its Deadline 3 submission [[REP3-064](#)]:

- An explanation of why the definition of "maintain" now includes "replace" and "improve" within the inclusive list.
- An explanation on Article 9 (Consent to transfer benefit of Order) and how it would work in practice.
- An explanation of why only approval of details conditions should fall within the scope of articles 5(6) and (7) and Schedule 8.
- Schedule 23 and, amongst other things, the justification for not including council resourcing provisions in the draft DCO.

2.2.3 The **Written Summaries of Oral Submissions made at ISH1** (Doc Ref 9.41) and the **Written Submissions responding to actions arising from ISH1** (Doc Ref. 9.48) provide SZC Co.'s responses to the following matters raised in ESC's Deadline 3 submissions on the draft DCO:

- The rationale behind the definition of "commence" and where mitigation for certain pre-commencement activities is secured.
- The use of the term "general accordancy" in Schedule 2.
- The request for a new requirement on a Maintenance Activity Plan.

- The approach to limits of deviation.
- The request for a new requirement to secure compliance with the Implementation Plan.
- The position of the TEMMP and how it is secured.
- The responsibilities of ESC and the MMO in approving and enforcing any works in the overlapping intertidal area.

2.2.4 The **Written Summaries of Oral Submissions at ISH6** (Doc Ref. 9.46) and **Written Submissions responding to actions arising from ISH6** (Doc Ref. 9.53) provide SZC Co.'s responses to the following matters raised in ESC's Deadline 3 submissions on the draft DCO:

- Request for a new requirement in the draft DCO to commit to the removal of the Hard Coastal Defence Feature.
- Request for the Marine Technical Forum to be secured through the draft DCO.

2.2.5 The draft DCO (Doc Ref. 3.1(D)) identifies the harbour limits in article 51(1) by reference to Schedule 19 and a green broken line on the Works Plans.

b) **Suffolk County Council** [[REP3-082](#)]

2.2.6 SZC Co. is continuing to engage closely with SCC on the approach to securing the highway works under the DCO. As part of these ongoing discussions, SZC Co. has produced a note entitled Summary of the Control and Approval of Highway Matters in the Sizewell DCO which has been shared and discussed with SCC and ESC (see **Appendix A** of this report). Once discussions have progressed further and the overarching approach to securing the highway works is agreed in principle, SZC Co. will respond to any residual points relating to the specific drafting of the highways provisions and update the drafting of the DCO as necessary.

c) **Environment Agency** [[REP3-067](#)]

2.2.7 SZC Co.'s comments on the Environment Agency's comments on the DCO at Deadline 3 are as follows:

- EA's request to be added as a consultee to Requirement 2: this is a compliance requirement and obliges all construction works to be undertaken in accordance with the CoCP, unless otherwise approved by ESC. It is therefore not expected to be updated in a way that would

NOT PROTECTIVELY MARKED

substantially change the document. Both ESC and SCC would be consulted in the discharge of any changes, who would be well placed to understand if further consultation was needed. These proposed amendments would be discussed in advance with the Environment Review Group (of which the EA is a stakeholder) and the Delivery Steering Group, secured by the Schedule 17 of the draft Deed of Obligation (Deadline 3 Submission - 8.17 Draft Deed of Obligation - Clean Version - Revision 5.0 [\[REP3-024\]](#)). On this basis, it is not considered necessary to specify the EA as a consultee.

- EA's request to be added as a consultee to Requirement 4: this is a compliance requirement and obliges the monitoring and mitigation measures set out in the TEMMP to be implemented. The TEMMP has been shared with the EA for comment and response as part of the examination. The requirement will secure compliance with the TEMMP. There is a tailpiece that allows minor amendments to be made, but it is not expected to be updated in a way that would be materially affected. These proposed amendments would be discussed in advance with the Environment Review Group (of which the EA is a stakeholder) and the Delivery Steering Group, secured by the Schedule 17 of the draft Deed of Obligation (Deadline 3 Submission - 8.17 Draft Deed of Obligation - Clean Version - Revision 5.0 [\[REP3-024\]](#)). On this basis, it is not considered necessary to specify the EA as a consultee.
- EA's request to be added as a consultee to Requirement 5A: The Emergency Plan is not related to flooding or pollution prevention, so the EA is not considered a relevant consultee for this requirement. The site is located in the Sizewell B Detailed Emergency Planning Zone, arrangements for which are detailed in the Suffolk Resilience Forum Radiation Emergency Plan. This is controlled by SCC. The project will affect the existing off-site radiation emergency arrangements made under the Radiation (Emergency Preparedness and Public Information) Regulations 2019. The draft DCO now includes Requirement 5A which relates to the construction stage and the details would be provided to SCC in its role as fire and rescue authority in respect of the changes to the Sizewell B Detailed Emergency Planning Zone. Once Sizewell C is in operation, the Nuclear Site Licence would then require an ongoing emergency plan to be in place for the duration of operations. The Emergency Plan is not related to flooding or pollution prevention, so the EA is not considered a relevant consultee for this requirement. It should be noted that a Flood Emergency Plan is proposed in the CoCP and this would be prepared in consultation with the EA.

- EA's request to be added as a consultee to Requirement 12B: SZC Co. notes this request. It is accepted that the EA has a legitimate role in the ongoing monitoring of flood defences. The requirement has been updated as requested in revision 5 of the draft DCO (Doc Ref. 3.1(D)).
 - EA's query as to whether Requirement 12C addresses the securing of the non-permanent elements of the SSSI crossing: SZC Co. can confirm that Requirement 12C relates to both temporary and permanent structures. This is made clear by securing the construction-related parameters in the requirement. No changes to this requirement are considered necessary.
 - EA's request to be added as a consultee to Requirement 22A: This is a requirement relating to a detailed landscape scheme for the highway works. These details would be submitted and approved by ESC. There is no approval or consultation role.
 - EA's reference to further proposals to identify appropriate secure securing mechanisms to provide mitigation/compensation for marine ecology impacts: SZC Co. refers the EA to the Impingement Monitoring Plan, the scope of which is set out in condition 50(1) (a) and (b) of the Deemed Marine Licence within Schedule 20 of the draft DCO. Further mitigation is then secured by the Deed of Obligation through the Eel and Migratory Fish Monitoring and Mitigation Measures fund.
 - EA's request to be added as a consultee to conditions 40 and 41 of the Deemed Marine Licence: The MMO are responsible for the discharging of Deemed Marine Licence conditions and they would consult with all relevant consultees as they consider appropriate. SZC Co. are content for this potential amendment to be made, subject to the MMO being in agreement.
- d) East Anglia One North Ltd [\[REP3-058\]](#) and East Anglia Two North Ltd [\[REP3-059\]](#)

2.2.8 SZC Co. Comments on Responses to ExQ1 submitted at Deadline 5 (Doc Ref. 9.55) provide responses to the matters raised by East Anglia One North and East Anglia Two North in their Deadline 3 comments on the Examining Authority's first written questions. We will provide an update through the updated SoCG between the parties

e) National Trust [\[REP3-070\]](#)

2.2.9 The **Written Submissions responding to actions arising from ISH1** (Doc Ref. 9.48) states that SZC Co. will provide a response at Deadline 6 to the National Trust's request that the Coastal Processes Monitoring and Mitigation Plan be determined through the DCO Examination and not under the draft DCO requirement.

f) Highways England [\[REP3-071\]](#)

2.2.10 We note that Highways England has stated it is reviewing the need to put forward protective provisions concerning the Strategic Road Network. We await Highways England further update and will provide an update through the updated SoCG between the parties.

g) Marine Management Organisation [\[REP3-070\]](#)

2.2.11 The **Written Summaries of Oral Submissions made at ISH1** (Doc Ref 9.41) and the **Written Submissions responding to actions arising from ISH1** (Doc Ref. 9.48) provide SZC Co. responses to the following matters raised in the MMO's Deadline 3 submission [\[REP3-070\]](#):

- The appropriateness of the appeal procedure set out in Schedule 20A of the draft DCO.
- Maximum limits on horizontal and vertical deviations.
- Request for all marine mitigation mitigation to be secured in the Deemed Marine Licence in the draft DCO.

2.2.12 The **Written Summaries of Oral Submissions at ISH6** (Doc Ref. 9.46) and **Written Submissions responding to actions arising from ISH6** (Doc Ref. 9.53) provide SZC Co.'s responses to the following matters raised in ESC's Deadline 3 submissions on the draft DCO:

- The description of licensable activities under the Deemed Marine Licence.

2.2.13 SZC Co. commits to reviewing the MMO's other specific comments on the drafting of the Deemed Marine Licence and will provide updates in response to these points within the revised draft DCO submitted at Deadline 6.

h) RSPB and SWT [\[REP3-074\]](#)

2.2.14 RSPB and SWT requested further illustrative plans of the SSSI Crossing. Updated **SSSI Crossings Plans** (Doc Ref. 2.5(A)) are submitted at Deadline 5, together with further details on the SSSI Crossing.

2.2.15 RSPB and SWT's responses to the ExQ1 responses are contained in **SZC Co.'s Comments on Responses to ExQ1 submitted at Deadline 5** (Doc Ref. 9.55).

2.3 Comments on the draft Deed of Obligation

2.3.1 The following parties provided comments on the draft Deed of Obligation (DoO) at Deadline 3:

- East Suffolk Council [\[REP3-062\]](#)
- Suffolk County Council [\[REP3-084\]](#)
- National Trust [\[REP3-070\]](#)
- Highways England [\[REP3-071\]](#)
- RSPB and SWT [\[REP3-073\]](#)

2.4 SZC Co.'s Response on the draft DoO

2.4.1 The dDoO was discussed at the Issue Specific Hearing 1 held on Tuesday 6 July. Where relevant, written summaries from ISH1 responding to matters raised in the Deadline 3 submissions are referred to below.

2.4.2 It is noted that the comments provided by East Suffolk Council, Suffolk County Council, National Trust, Highways England and RSPB and SWT were made in respect of a version of the draft Deed of Obligation which has been superseded. Where a comment related to a superseded matter, no further response is provided by SZC Co.

2.4.3 Where a comment has been raised on specific drafting which has been accepted, this is reflected in the **draft Deed of Obligation** (Doc. Ref. 8.17(E)) submitted at Deadline 5 and no further commentary is provided in section 2.4.

2.4.4 SZC Co. intends to remain in discussions with the relevant parties in respect of the draft Deed of Obligation and to continue to progress this document collaboratively to enable all parties to be confident that

appropriate obligations and governance structures are in place to mitigate the relevant effects of the Project.

a) East Suffolk Council [\[REP3-062\]](#)

2.4.5 As ESC noted in its response, discussions on the dDoO are ongoing and a meeting is scheduled with the aim of providing a further update to the ExA at Deadline 6. **SZC Co.'s Comments on Responses to ExQ1 submitted at Deadline 5** (Doc. Ref. 9.55) responds to ESC's comments on the ExQ1 responses relating to the draft Section 106 Agreement/Deed of Obligation.

b) Suffolk County Council [\[REP3-084\]](#)

2.4.6 Discussions on the dDoO are ongoing between the two parties and a meeting is scheduled with the aim of providing a further update to the ExA at Deadline 6. **SZC Co.'s Comments on Responses to ExQ1 submitted at Deadline 5** (Doc Ref. 9.55) responds to SCC's comments on the ExQ1 responses relating to the draft Section 106 Agreement / Deed of Obligation.

2.4.7 Table 2.1 provides SZC Co.'s responses to the issues raised within Suffolk County Council's comments on the draft Deed of Obligation (Doc. Ref. 8.17(E)).

Table 2.1:SZC Co.'s response to key issues raised by Suffolk County Council in respect of the draft Deed of Obligation

Written Representation Comment	SZC Co. response
Evolving Approach	
SCC has been and intends to continue to work collaboratively with the Applicant on the Deed of Obligation.	The Applicant is grateful for SCC's commitment to continue to work on the draft Deed of Obligation.
SCC requests clarification on which "commitments" do not meet the tests in section 106(1).	Certain "commitments" such as those relating to the governance arrangements and travel plans are considered less likely to meet these tests. The Applicant does not consider that it would be impossible for the "commitments" to be drafted in order to meet the tests in Section 106(1).

Written Representation Comment	SZC Co. response
	<p>However, given the other advantages of the Evolving Approach, the Applicant does not consider it is necessary to undertake such an exercise. In particular, the Applicant considers that there is benefit in all of the obligations being made under the same powers such that the Councils in having the same range of enforcement options available in respect of all of the "commitments" made in the draft Deed of Obligation.</p>
<p>SCC considers that binding a landowner means that there will always be someone to enforce against and is concerned that there may not always be an Undertaker.</p>	<p>The Applicant does not consider that the Councils will be placed at a practical disadvantage in respect of enforcement in comparison to a traditional approach pursuant to section 106 of the Town and Country Planning Act 1990.</p> <p>Please see the Applicant's Written Submissions Responding to Actions Arising from ISH1 (Doc Ref. 9.48) and note Article 9A(7) of the draft DCO (Doc Ref. 3.1(D)).</p>
<p>SCC has asked for the Applicant's view on whether the reference to "authorised development" in Article 7 of the draft DCO is within the scope of section 140 of the Planning Act 2008.</p>	<p>The Applicant considers that Article 7 falls within the scope of Sections 120(3) and 140 of the Planning Act 2008.</p> <p>Section 140 limits whether an Order may authorise the operation of a generating station. The Applicant does not consider that Section 140 prevents an Order from authorising the operation of Associated Development.</p> <p>Please see Article 6 in the Hinkley Point C (Nuclear Generating Station) Order 2013 by way of precedent.</p>

Written Representation Comment	SZC Co. response
<p>SCC has requested further details of how breaches of the Deed of Obligation by the three entities given the benefit of the DCO would be enforceable. In particular, SCC is concerned in respect of the delivery of the Key Environmental Mitigation under Schedule 9.</p>	<p>Clause 1.2.7 provides that obligations upon SZC Co. include obligations upon SZC Co. to procure that the relevant action is undertaken and that where SZC Co. is under a restriction, SZC Co. shall not cause, permit, or suffer any infringement of the restriction.</p> <p>Therefore, it is considered that breaches by other entities would constitute enforceable breaches of the draft Deed of Obligation by SZC Co.</p> <p>Please see Appendix C, Section 5 of the Applicant's Written Submissions Responding to Actions Arising from ISH1 (Doc Ref. 9.48) for further responses in respect of concerned related to the fragmentation of liability.</p>
<p>SCC notes that the Land Ownership Plans submitted by the Applicant indicate that options for lease have been obtained in some cases and queries whether it is the intention of the Applicant to acquire the freehold ownership of all of the land within the Order Limits or whether the Applicant is intending to enter into leases (instead of acquiring freehold title) in respect of some of the land within the Order Limits.</p>	<p>SZC Co. has taken a proportionate approach to the acquisition of land and rights required for the construction and operation of the project, taking account of the stage of the development of design. As the design and construction sequencing develops, SZC Co. will be able to provide further detail on the exact use of land during construction. The draft DCO (Doc Ref. 3.1(C)) includes powers of temporary acquisition for all of the Order land. Therefore, the draft DCO provides the Undertaker with the flexibility to occupy land temporarily, and only acquire land that is subsequently confirmed as being required permanently. The Statement of Reasons (SoR) [APP-062], at paragraph 5.3.9, explains that Article 30 of the draft DCO would allow SZC Co. to compulsorily</p>

Written Representation Comment	SZC Co. response
	<p>acquire rights over land as well as (or instead of) the land itself.</p> <p>In respect of the land indicated on drawings SZC/LOUO/15 Rev 01 and SZC/LOUO/16 Rev 01, those sites have been secured by way of private treaty agreements. The private treaty agreements confirm the terms of the occupation of the land by SZC Co. and the reinstatement requirements on expiry of the occupation of the land ahead of the land being returned to the landowners. However, given the length of occupation of those sites and the extent of the works proposed it was considered inappropriate to identify these sites (and the Green Rail Route) as being required 'temporarily.' Further, despite a comprehensive land referencing exercise, it may be necessary to apply powers against interests in land that have not been identified through the diligent inquiry process, and it is also necessary to reserve the ability to secure the land if there were to be a failure or breach of the private treaty agreements. As such, the position adopted is proportional and appropriate, to ensure that the project can be delivered as proposed, in a timely manner.</p>
<p>SCC notes that if local land charges are to be provided, these will only be available in respect of land owned by SZC Co. and will need to be "bound" on an iterative basis.</p>	<p>Please see section 3 of the Obligations Enforcement Note (Appendix C of Doc Ref. 9.48) and Schedule 1 Paragraph 6 of the draft Deed of Obligation.</p>
<p>SCC considers that bonds or guarantees should be provided by the</p>	<p>Please see Section 8 of Appendix C of the Written Submissions Responding</p>

Written Representation Comment	SZC Co. response
Applicant to secure compliance with the obligations.	to Actions Arising from ISH1 (Doc Ref. 9.48)
SCC considers that all transferees of the benefit of the DCO should be required to enter into a Deed of Adherence with SCC and that SCC's written approval should be required for any transfer under Article 9. The Applicant's release should be conditional upon SCC's written notice it has received the Deed of Adherence.	It is not agreed that SCC's approval should be required in order to transfer the benefit of the DCO. Please see paragraphs 6.2 to 6.4 of Appendix C of the Written Submissions Responding to Actions Arising from ISH1 (Doc Ref. 9.48) in respect of the Secretary of State's discretion under Article 9(4).
SCC considers that any Deed of Adherence entered into in respect of part of the benefit of the DCO would need to appropriately set out the ongoing liability between the Undertakers in respect of the Deed of Obligation.	The Applicant notes this request, which is subject to further consideration by the Applicant.
Communications	
SCC requests the Applicant's proposed wording of the definition of "Communications Officers".	The Applicant anticipates that this definition will refer to a role within the Council and requests that SCC identifies the appropriate person to undertake this role on its behalf.
SCC requests a definition of "external communications"	This is subject to further consideration by the Applicant and will be discussed with SCC in due course.
Construction Period and Preparatory Works	
SCC requests further explanation of the start and end of the Construction Period.	Receipt of fuel at Unit 2 marks the start of the period when both UK EPR™ reactor units will be undergoing active commissioning and operational activities, as described in the Environmental

Written Representation Comment	SZC Co. response
	<p>Statement, Volume 2, Chapter 4 (Description of Operation) [APP-187], will commence as part of the start up and testing of the equipment. The Applicant considers this an appropriate end to the Construction Period.</p> <p>SZC Co. considers that the list of preparatory works for the Project is appropriate. This reflects the draft Development Consent Order (Doc. Ref 3.1(D)) and SZC Co. wishes to ensure consistency between the two documents.</p>
SCC requests clarification of the separate use of the definition "Construction Phase".	The term Construction Phase is a generic term used to refer to the separate phases of the Construction Period for which Workforce Delivery Strategies will be prepared (i.e. the Main Civils Construction Phase, the Mechanical, Electrical and Heating (MEH) Phase and the Site Operations / Support Services / Enabling Works Phase).
Indexation	
<p>SCC does not agree that the CPIH index will be appropriate in respect of all contributions.</p> <p>SCC would rather the indexation clause refers to the month two months before the payment date, in accordance with their general practice.</p>	<p>The Applicant considers that this index is appropriate and requests that SCC provides further details of its concerns in respect of particular contributions.</p> <p>The Applicant will consider the proposed amendments to the indexation formula and discuss this with the Councils further.</p>
Sizewell C Construction Workforce	
SCC is concerned that the reference to "employment" restricts the definition of	The term employed in this context does not exclude sub-contractors. The definition does not require the member of the workforce to be employed 'by SZC

Written Representation Comment	SZC Co. response
the Sizewell C Construction Workforce unduly.	Co.' so long as they are regularly working at the Sites.
Deemed Approval (Clause 20 and Schedule 1)	
<p>SCC remains unsatisfied with Schedule 1, Paragraph 5 which provides for the Council's approvals to be deemed if no written confirmation of the Council's response is received within a certain timeframe.</p> <p>SCC considers that SZC Co. should be subject to a deemed approval mechanism.</p>	<p>The Applicant is content for the deemed approval clause to be mutual and for it to provide for further information to be requested. Please see the amendments to Clause 20 and Schedule 1 of the draft Deed of Obligation (Doc Ref. 8.17(E)).</p>
Repayment (Schedule 1)	
<p>SCC requires that unspent money that has been allocated or committed is not repaid. SCC further requires 10 years from receipt of a payment to spend the funds, although this time period may need to be extended for certain obligations.</p>	<p>The Applicant has proposed that payments are made in instalments, therefore the 5 year period to spend any contribution provided is considered appropriate.</p> <p>See SZC Co.'s response to ExQ1 SA.1.35 [REP2-100] in respect of the request that funds may be committed rather than spent.</p>
Pre-Commencement Obligations (Clause 3)	
<p>SCC considers that obligations in the Schedule should be in force prior to Commencement.</p>	<p>The Applicant considers that Commencement is the suitable date for the obligations in the Schedules to become enforceable.</p>
Notices (Clause 12)	
<p>SCC requests 56 Working Days' notice of the Commencement Date and Transition Date.</p>	<p>The Applicant notes this request. The appropriate notice to be provided is subject to further consideration by the Applicant.</p>

Written Representation Comment	SZC Co. response
Legal Compliance (Clause 15)	
SCC is concerned that this clause may limit information sharing and impede the monitoring or compliance with the Deed of Obligation. SCC wishes to discuss this further to address issues in respect of data protection.	The Applicant intends to discuss this further with SCC.
Council Resourcing (Schedule 2)	
SCC considers amendments are required to the drafting in respect of the provision of timesheets and the review mechanism. SCC acknowledges that this Schedule is subject to ongoing discussions.	The Council resourcing to be provided under the Deed of Obligation is subject to further discussions between the parties.
Emergency Services (Schedule 4)	
SCC considers that contributions should be provided to the RNLI and the Coastguard.	Please see Paragraph 3.4, Schedule 4 in respect of the RNLI. The Applicant does not anticipate any impact upon the services of the Coastguard and so this further contribution is not agreed.
SCC requests confirmation whether the specification of the On-site Emergency Services are to be secured through the Deed of Obligation.	The Applicant notes this request, which is subject to further consideration by the Applicant.
SCC considers that the On-site Emergency Services are required to be provided during the operation of Sizewell C.	These on-site services form part of the Applicant's Community Safety Management Plan [APP-635] which relates to the construction of Sizewell C. Therefore, it is not considered necessary for the provision of these services to be secured during operation through the Deed of Obligation.

Written Representation Comment	SZC Co. response
SCC do not agree that the Applicant should have a right to approve the amount of funding to be released from the Emergency Services Contingency Fund to provide public services initiatives.	The proposed drafting mirrors that at Hinkley Point C and is considered an appropriate control on the release of the contingency funding. Please see the Applicant's Written Submissions Responding to Actions Arising from ISH1 (Doc Ref. 9.48).
SCC considers that the Community Safety Working Group should continue to meet during the operation of Sizewell C.	No mitigation is proposed in respect of Community Safety during the operation of Sizewell C as no significant adverse effects have been identified. Therefore, the Applicant does not consider that such a provision is necessary.
Public Services and Community Safety (Schedule 5)	
SCC does not agree that the School and Early Years Capacity Measures should only provide capacity for net additional children.	'Net additional' is required as it accounts for additionality i.e. it assumes that some workforce families will take accommodation otherwise occupied by children who would then not contribute to background demand for school places. Those families that move to other areas as a result of selling their home to workforce families (or choosing to rent a home somewhere else) are considered to be doing so without causing net additionality elsewhere (they would be moving into another already occupied home).
SCC requests details of how the Applicant intends to monitor the number of Workforce Children.	The monitoring is subject to further consideration and will be discussed with SCC.
SCC wishes to agree the Social Care Resilience Measures to be funded through the first instalment in the Deed	The Applicant will discuss this further with the Councils.

Written Representation Comment	SZC Co. response
of Obligation so that these may be implemented upon Commencement.	
SCC are not convinced that the Social Review Group should have approvals over the release of the School and Early Years Capacity Contribution or the School and Early Years Resilience Measures to be funded. SCC is the local education authority and should make these decisions.	The Applicant considers that it is appropriate for governance controls to be in place in respect of the provision of this mitigation. SCC are a member of the Social Review Group and would participate in the approval.
Health (Schedule 6)	
SCC considers that Sizewell Health may need to remain in place after the end of the Construction Period and that the decision as to when it is no longer required should be given to the Health Working Group.	Sizewell Health has been provided as mitigation in respect of changes in healthcare demand related to the non-home based workforce during the Construction Period. Therefore, it is unnecessary for a commitment to be included in respect of the operational period.
Employment, Skills Education and Supply Chain (Schedule 7)	
SCC asked why the Sizewell C Bursary Scheme is no longer focussed on rural Leiston, Lowestoft, Great Yarmouth and Ipswich.	The wording has changed to 'particularly in areas of relative deprivation' which is considered more appropriate, given that over the construction phase of the Project the areas listed above may change in relative deprivation. The Applicant considers that people who don't live in those areas but who nonetheless experience barriers to employment pathways should not be excluded from the Bursary.
SCC wishes to approve the Prospectus, Sizewell C Jobs Service, Young Sizewell C, and Apprenticeship Strategy	It is considered that the proposed governance structure within Schedule 7 provides sufficient control to SCC.

Written Representation Comment	SZC Co. response
	<p>The Prospectus and Apprenticeship Strategy form part of the Applicant's Workforce Delivery Strategies. These WDSs guide the preparation of the Annual Workforce Delivery Implementation Plans which are prepared by the Regional Skills Co-ordination Function and approved by the Employment, Skills and Education Working Group (ESEWG). The Annual Workforce Delivery Implementation Plans control the use of the relevant Funds.</p> <p>The ESEWG will also be consulted in respect of changes to the Sizewell C Jobs Service and Young Sizewell C.</p>
SCC queries whether the various mitigations and contributions should continue into the operational period.	<p>A Workforce Delivery Strategy relevant to the Operational Workforce will be prepared during the Construction Period so as to provide initiatives in advance of the operational period and this is referenced in the Schedule where appropriate. Otherwise, the measures relate specifically to the Construction Period and will not be relevant to or extend beyond that time.</p> <p>It is not considered appropriate or necessary to include reference to decommissioning. This will be subject to a separate assessment at the time.</p>
Heritage (Schedule 8)	
SCC would prefer to be paid the SCC Archaeological Monitoring Contribution in advance rather than upon the presentation of invoices.	The Applicant is considering this request and will discuss further with SCC.
Implementation Plan (Schedule 9)	

Written Representation Comment	SZC Co. response
SCC does not agree with a "reasonable endeavours" commitment to deliver the Key Environmental Mitigation in accordance with the Implementation Plan and notes that several changes to the assumed construction programme have been experienced at Hinkley Point C.	Please see Appendix B: Implementation Plan of the Written Submissions Responding to Actions Arising from ISH1 (Doc Ref. 9.48).
Leiston Sports Facilities (Schedule 10)	
SCC considers that the use of the Leiston Sports Facilities during the Construction Period should not be exclusively for the Construction Workforce.	It is intended that Alde Valley Academy and the public should have access to the Leiston Sports Facilities. The proposed hours of use of the Leiston Sports Facilities to be agreed under Schedule 10, Paragraph 2.3.3(A) will not necessarily be mutually exclusive.
Rights of Way (Schedule 10)	
SCC wish for clarity on whether the administration costs of the PROW Fund are to be funded in Schedule 2 or Schedule 10.	SCC's resourcing in this regard is to be secured through Schedule 2.
SCC considers that the Rights of Way Working Group should exist until at least five years after the end of the Construction Period.	The Applicant considers that the Construction Period is the appropriate minimum period during which this Working Group must meet. However, please see Schedule 10, Paragraph 4.1 of the draft Deed of Obligation, which provides that the members of the Rights of Way Working Group may agree to extend this period.

Written Representation Comment	SZC Co. response
Natural Environment (Schedule 11)	
<p>SCC wishes to understand why the 10 year period defined as "Year 10" runs from the Commencement of Work No. 1A.</p>	<p>The purpose of the "Year 10" definition is to specify the timeframe for the Ecology Working Group to determine whether the Fen Meadow Target Quantum has been met and whether any of the Fen Meadow Contingency Fund is payable. It is currently linked to Commencement of Work No.1A (the electricity generating station) in order to link it to the development which causes loss of fen meadow habitat in the SSSI. Ultimately, the determination of whether the Fen Meadow Target Quantum has been met should occur ten years after completion of the Fen Meadow establishment works (defined as "Year 1 works" in the Fen Meadow Strategy). That is consistent with the process set out in the Fen Meadow Strategy.</p>
<p>SCC considers that the Natural Environment Improvement Fund should be available during the operation of Sizewell C.</p>	<p>The Review provisions (para 5) enable the Environment Review Group to consider whether the arrangements for the reasonable administration of the Natural Environment Improvement Fund should be retained beyond three years after the end of the Construction Period.</p> <p>SZC Co. recognises that these matters need to be discussed and agreed. As anticipated by the LIR, however, SZC Co. believes that all parties recognise that the greatest benefit would be achieved by front loading the Fund. The question of phasing is yet to be discussed and agreed. SZC Co. anticipates that the wording will need to develop following</p>

Written Representation Comment	SZC Co. response
	those discussions to address the Council's point.
SCC consider that the Natural Environment Improvement Project Officer should be in place and funded for the life of the Project.	As currently drafted, the Natural Environment Improvement Project Officer is provided for the duration of the construction period and for three years thereafter. There is a review (para 5) prior to the end of the Construction Period to enable the Environment Review Group to consider if arrangements should continue for longer.
Community Fund (Schedule 14)	
SCC wish to be party to the Deed of Transfer and the Administration Agreement so as to be able to take enforcement action against the Suffolk Community Foundation.	<p>The Applicant would like to discuss this proposal further with SCC to understand their concerns in this regard.</p> <p>The Applicant does not consider that it is necessary for the Councils to be party to the Deed of Transfer. Any failure in respect of the Applicant's obligations to make payments would be enforceable under the Deed of Obligation.</p> <p>The contents of the Administration Agreement which provides for the governance of the Community Fund are specified in Schedule 14, Paragraphs 2.4 and 2.5 which are enforceable by the Councils against the Applicant under the Deed of Obligation.</p>
SCC does not accept that the Applicant should only be under "reasonable endeavours" to enter into the agreements with Suffolk Community Foundation. "All reasonable	The meaning of "all reasonable endeavours" is uncertain and its use in this obligation is not agreed. The Applicant does not consider the use of "reasonable endeavours" to be an

Written Representation Comment	SZC Co. response
endeavours" is proposed as an alternative.	inappropriate standard where fulfilment of the obligation is partly within a third party's control.
SCC does not agree that the replacement of Suffolk Community Foundation should be at the Applicant's discretion.	The Applicant will discuss this further to understand SCC's concerns in this regard.
Transport (Schedule 16)	
SCC does not agree to receive contributions towards carrying out the various highway works and requires these to be provided in kind by the Applicant.	This is not agreed. The Applicant will discuss this further to understand SCC's concerns in this regard.
SCC proposes that the Operational Travel Plan should be in place throughout the life of the Project.	This is not agreed. The five year period referenced is in line with Suffolk County Council guidance in respect of Operational Travel Plans.
SCC would prefer that the fees to be paid for supervision of Highway Design and Supervision are uncapped and paid for time spent on a quarterly basis.	This is not agreed. The Applicant does not consider that it is reasonable or necessary for an uncapped obligation to be provided in this respect as a suitable estimate of the fees may be agreed in advance.

c) National Trust [\[REP3-070\]](#)

2.4.8 Table 2.2 provides SZC Co.'s responses to the issues raised within National Trust's comments on the draft Deed of Obligation.

Table 2.2: SZC Co.'s response to key issues raised by National Trust in respect of the draft Deed of Obligation

Written Representation Comment	SZC Co. response
Natural Environment (Schedule 11)	
The National Trust expressed concern that there was variation in the naming of the monitoring and mitigation plan that covers Dunwich Heath and Beach and requested consistency in this regard.	<p>Dunwich Heath and Beach is covered in the Minsmere Monitoring and Mitigation Plan (Doc Ref. 9.15(A)). This is the plan previously referred to in the Draft Deed of Obligation as the "Minsmere and Sandlings (north) Recreational Monitoring Plan". The Applicant is aware of the title discrepancies and has rectified this in the iteration of the Plan and draft Deed of Obligation submitted at Deadline 5 for clarity and to ensure consistency.</p> <p>The revised title of the plan is "Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site" (Doc Ref. 9.15(A)) (and is defined in the draft Deed of Obligation (Doc Ref. 8.17(E)) accordingly).</p>

d) Highways England [\[REP3-071\]](#)

2.4.9 Table 2.3 provides SZC Co.'s responses to the issues raised within Highway England's comments on the draft Deed of Obligation.

Table 2.3: SZC Co.'s response to key issues raised by Highways England in respect of the draft Deed of Obligation

Written Representation Comment	SZC Co. response
Transport (Schedule 16)	
Highways England has recommended an extended scope for the A14 Signage Strategy to be funded by the B1078 Road Safety Contribution.	SZC Co. thanks Highways England for its recommendation and will discuss the specific wording in respect of the scope

Written Representation Comment	SZC Co. response
	of this element of the contribution with Highways England.
Highways England requests that it is involved in the approval of reports submitted by SZC Co. in respect of the AIL Routes.	Please see Schedule 16, Paragraph 7 in draft Deed of Obligation (Doc Ref. 8.17(E)).

e) RSPB and SWT [\[REP3-073\]](#)

2.4.10 Table 2.4 provides SZC Co.'s responses to the issues raised within RSPB and SWT's comments on the draft Deed of Obligation.

Table 2.4: SZC Co.'s response to key issues raised by RSPB and SWT in respect of the draft Deed of Obligation

Written Representation Comment	SZC Co. response
Evolving Approach	
RSPB and SWT requested further explanation in respect of the advantages of the Evolving Approach and the mechanism to secure contractual commitments so that they are enforceable against successors in title.	<p>As set out in Section 4 of "Response paper – SA.1 Questions: Approach to contractual commitments to mitigation" (Appendix 26A) [REP2-113] submitted by SZC Co at Deadline 2, SZC Co. recognises that it is fairly common in such a situation for an approach requiring "Deeds of Adherence" binding in separate land parcels to be used.</p> <p>SZC Co. does not consider this approach to be appropriate:</p> <ul style="list-style-type: none"> (a) It would be administratively burdensome for SZC Co. and the Councils to bind the land on an iterative basis. (b) It is unnecessary to require this burden to be undertaken to ensure that the obligations run with the

Written Representation Comment	SZC Co. response
	<p>land under a conventional approach, when SZC Co. does not consider that the obligations should be enforceable against landowners who are not also the Undertaker for the Sizewell C Project and so it is expected that such landowners would need to be protected by a large carve out on landowner liability; and</p> <p>(c) there is a simpler and equally robust method of securing the obligations – the "Evolving Approach".</p> <p>It is not proposed that obligations would bind successors in title to land. Under the Evolving Approach, compliance would remain the responsibility of the undertaker.</p> <p>Please see Appendix 26A: Obligations Enforcement Note submitted at Deadline 3 [REP3-047] and Post-Hearing Note: ISH 1 – Response to Enforcement Issues (Doc Ref. 9.48).</p>
Third Parties (Clause 15)	
<p>RSPB and SWT asked for further details in respect of paragraph 7.1.5 of Response paper – SA.1 Questions: Approach to contractual commitments to mitigation" (Appendix 26A) [REP2-113]</p>	<p>The Evolving Approach does not require payments to pass through the Councils in order to comply with Section 106(1) of the Town and Country Planning Act 1990. Therefore, it is possible, and may be appropriate for, third parties to receive payments directly from SZC Co. However, this would still require the third party to enter into a Deed of Covenant and is subject to the agreement of the Councils as amendments would be needed to Clause 15 and the draft Deed of</p>

Written Representation Comment	SZC Co. response
	Covenant. SZC Co is willing to discuss this further with the Councils and any third parties as required.
Heritage (Schedule 8)	
RSPB and SWT requests further details of the proposed First Leiston Abbey Site Enhancement Scheme and the proposed Second Leiston Abbey Site Enhancement Scheme.	Please see the further response to ExQ1 HE.1.15 in Comments on Responses to Examining Authority's First Written Questions (ExQ1) (Doc. Ref. 9.55).
RSPB and SWT expressed concern in respect of the obligation at Schedule 8, Paragraph 3.2 which procures Suffolk County Council to undertake monitoring at the Sites and how this obligation may interfere with RSPB's responsibility to maintain the First Leiston Abbey Site.	<p>This monitoring obligation relates to the SCC Archaeological Service's monitoring of the archaeological mitigation measures at the Sites which are to be carried out under the Overarching Archaeological Written Scheme of Investigation and Peat Strategy.</p> <p>It does not relate to the First Leiston Abbey Site or Second Leiston Abbey Site.</p>
Natural Environment (Schedule 11)	
RSPB and SWT considers that the monitoring and mitigation requirements set out in the Minsmere Monitoring and Mitigation Plan should be secured through the Development Consent Order.	The monitoring and mitigation requirements set out in the Minsmere Monitoring and Mitigation Plan (Doc Ref. 9.15(A)) (previously referred to in the Draft Deed of Obligation as the "Minsmere and Sandlings (north) Recreational Monitoring Plan") are to be carried out on land that is not within the control of the Applicant (and within the control of the National Trust amongst others). The Applicant does not therefore consider that it is appropriate to secure these requirements through the DCO.

Written Representation Comment	SZC Co. response
	<p>The Applicant included additional drafting in the Draft Deed of Obligation (at paragraph 6 of Schedule 11) submitted at Deadline 3 [REP3-024] which appropriately secures the monitoring and mitigation requirements set out in the Minsmere Monitoring and Mitigation Plan.</p> <p>It is noted that a further iteration of this Plan is submitted at Deadline 5 with the revised title of "Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site" (Doc Ref. 9.15(A)) (and is defined in the draft Deed of Obligation (Doc Ref. 8.17(E)) accordingly).</p>

3 RESPONSES TO SUBMISSIONS BY EAST SUFFOLK COUNCIL

3.1 Summary of Submissions

3.1.1 This section provides a response to submissions from East Suffolk Council (ESC) at Deadline 3 [\[REP3-060 to REP3-064\]](#), namely ESC provided comments on the following:

- Comments on Written Representations submitted by Suffolk County Council [\[REP2-189\]](#);
- Comments on responses to ExA's First Written Questions [\[REP2-100\]](#);
- Comments on Reports submitted by SZC Co. at Deadline 2, namely:
 - Bat Roost Surveys [\[REP2-120 to REP2-122\]](#);
 - Bird Survey Reports [\[REP2-123 to REP2-128\]](#);
 - Shadow HRA Second Addendum [\[REP2-032\]](#);

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- Minsmere Monitoring and Mitigation Plan [[REP2-118](#)];
 - Marsh Harrier Habitat Report [[REP2-119](#)];
 - Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature [[REP3-032](#)];
 - Traffic Incident Management Plan [[REP2-053](#)];
 - Construction Traffic Management Plan [[REP2-054](#)];
 - Construction Worker Travel Plan [[REP2-055](#)];
 - Consolidated Transport Assessment [[REP2-045](#)];
 - Updated Rights of Way and Access Strategy [[REP2-035](#)];
 - Main Development Site Design and Access Statement Second Addendum [[REP2-040](#)];
 - Associated Development Design Principles [[REP2-041](#)];
 - Code of Construction Practice [[REP2-056](#)];
 - Noise Mitigation Scheme [[REP2-034](#)];
 - Outline Drainage Strategy [[REP2-033](#)];
 - Planning Statement Update [[REP2-043](#)];
 - Implementation Plan [[REP2-044](#)];
 - Second Notification of Proposed Project Changes [[REP2-131](#)].
 - Comments on the Applicant's draft DCO and draft DoO.

3.2 SZC Co.'s Response

a) Responses to Comments on ExQ1 Responses

3.2.1 Responses to ESC's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.55).

b) Responses to Comments on Written Representations Reports submitted by SZC Co.

3.2.2 SZC Co. will provide a response at Deadline 6 on ESC's comments on Written Representations and Deadline 2 reports, where appropriate, and also seek to address matters through the next iteration of the Statement of Common Ground between the parties. A response is, however, provided

below to comments on the Second Notification of Proposed Project Changes [[REP2-131](#)].

i. **Second Notification of Proposed Project Changes**

3.2.3 ESC provided comments on the Second Notification of Proposed Project Changes [[REP2-131](#)] in their 'Deadline 3 Submission – Comment on any additional information/submissions received by D2' [[REP3-062](#)].

3.2.4 SZC Co. welcomes ESC's view that the proposed changes are not material.

3.2.5 SZC Co. welcomes ESC's in principle support for the proposed change relating to Pretty Road bridge and their view that this will improve connectivity (Proposed Change 18i).

3.2.6 Regarding the proposed removal of trees from the tree belt adjacent to Bridleway 19 (Proposed Change 16ii), SZC Co. notes ESC's view that removal of trees is only acceptable where essential and their preference would be retention where possible. The change request submission submitted at Deadline 5 (Doc Ref 8.21 Ch) explains the tree loss proposed and why it is considered necessary.

3.2.7 SZC Co. note that ESC will rely on SCC for detailed comments on highway design, public rights of way and drainage design and that they will rely on the Environment Agency for comments on flood risk.

ii. **Outline Drainage Strategy [[REP2-033](#)]**

3.2.8 An updated version of the Outline Drainage Strategy is to be submitted at Deadline 6, taking account of comments from ESC.

c) **Responses to Comments on draft DCO and draft DoO**

3.2.9 Responses to ESC comments on the draft DCO and draft DoO are set out in Section 2.

4 **RESPONSES TO SUBMISSIONS BY SUFFOLK COUNTY COUNCIL**

4.1 **Summary of Submissions**

4.1.1 This section provides a response to submissions from Suffolk County Council (SCC) at Deadline 3 [[REP3-078](#) to [REP3-084](#)], namely SCC provided comments on the following:

- Comments on the Applicant’s draft DCO and draft DoO;
- Comments on Reports submitted by SZC Co. at Earlier Deadlines, namely:
 - Implementation Plan [\[REP2-044\]](#);
 - Construction Traffic Management Plan [\[REP2-054\]](#);
 - Construction Worker Travel Plan [\[REP2-055\]](#);
 - Traffic Incident Management Plan [\[REP2-053\]](#);
 - Rights of Way and Access Strategy [\[REP2-035\]](#);
 - Access and Rights of Way plans (Doc Ref. 2.4(D))
 - Second Notification of Proposed Project Changes [\[REP2-131\]](#).
- Comments on the draft Statement of Common Ground between the Applicant, SCC and ESC [\[REP2-076\]](#).
- Comments on responses to ExA’s First Written Questions [\[REP2-100\]](#).

4.2 SZC Co.’s Response

a) Responses to Comments on the draft DCO and draft DoO

4.2.1 Responses to SCC comments on the draft DCO and draft DoO are set out in Section 2.

b) Responses to Comments on Reports submitted by SZC Co.

4.2.2 SZC Co. will provide a response at Deadline 6 on SCC’s comments on Written Representations and Deadline 2 reports, where appropriate, and also seek to address matters through the next iteration of the Statement of Common Ground between the parties. A response is however provided below to comments on the Implementation Plan [\[REP2-044\]](#), Transport Management Plans (i.e. **Construction Traffic Management Plan (CTMP)** [\[REP2-054\]](#), **Construction Worker Travel Plan (CWTP)** [\[REP2-055\]](#) and **Traffic Incident Management Plan (TIMP)** [\[REP2-053\]](#)), Rights of Way and Access Strategy [\[REP2-035\]](#) and the Second Notification of Proposed Project Changes [\[REP2-131\]](#).

i. Implementation Plan [\[REP2-044\]](#)

4.2.3 SZC Co.'s response to matters raised on the Implementation Plan [\[REP2-044\]](#) is set out in **Written Summaries of Oral Submissions made at ISH1** (Doc Ref 9.41) and the **Written Submissions responding to actions arising from ISH1** (Doc Ref. 9.48).

ii. Transport Management Plans

4.2.4 SZC Co. continues to liaise with SCC with regards to the **CTMP** [\[REP2-054\]](#), **CWTP** [\[REP2-055\]](#) and **TIMP** [\[REP2-053\]](#). Key points raised by SCC as part of the Deadline 3 submission were:

- Scope of the transport management plans;
- Suitability of proposed caps, controls and monitoring arrangements;
- Greater clarity on action to be undertaken in the event of controls being breached;
- Definition of early years; and
- Transport Review Group governance.

4.2.5 Many of the above points were discussed at ISH1, ISH2 and ISH3 and SZC Co.'s response to matters raised with regards to the **CTMP** [\[REP2-054\]](#), **CWTP** [\[REP2-055\]](#) and **TIMP** [\[REP2-053\]](#) is set out in **Written Summaries of Oral Submissions made at ISH1** (Doc Ref 9.41), **Written Summaries of Oral Submissions made at ISH2** (Doc Ref 9.42) and **Written Summaries of Oral Submissions made at ISH3** (Doc Ref 9.43).

4.2.6 In addition, a response to actions arising from ISH1-3 is provided in the **Written Submissions responding to actions arising from ISH1** (Doc Ref. 9.48), **ISH2** (Doc Ref 9.49) and **ISH3** (Doc Ref 9.50).

4.2.7 SZC Co. will continue to liaise with SCC and other stakeholders on the **CTMP** [\[REP2-054\]](#), **CWTP** [\[REP2-055\]](#) and **TIMP** [\[REP2-053\]](#) with the aim of reaching agreement.

iii. Rights of Way and Access Strategy [\[REP2-035\]](#)

4.2.8 An updated version of the Rights of Way and Access Strategy is to be submitted at Deadline 6, taking account of comments from SCC.

iv. Second Notification of Proposed Project Changes

4.2.9 SCC provided brief comments on the Second Notification of Proposed Project Changes [REP2-131] in their 'Deadline 3 Submission – Comment on any additional information/submissions received by D2' [REP3-079].

4.2.10 SZC Co. welcomes SCC's initial view that they have "no major concerns about the proposed changes" (paragraph 53, REP3-079). SZC Co. welcomes SCC's in principle support for the proposed change at Pretty Road bridge (Proposed Change 18i) and the proposed change to enable a potential gravity drainage solution (Proposed Change 18iii).

c) Responses to Comments on the draft SOCG

4.2.11 As stated by SCC at Deadline 3, the Statement of Common Ground between the Applicant, SCC and ESC is subject to ongoing discussions by the parties. An updated **Statement of Common Ground** is submitted to Deadline 6 to show progression of matters agreed between the parties.

d) Responses to Comments on ExQ1 Responses

4.2.12 Responses to SCC's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.55).

5 RESPONSES TO SUBMISSIONS BY INTERNAL DRAINAGE BOARD

5.1 Summary of Submissions

5.1.1 This section provides a response to submissions from East Suffolk Internal Drainage Board (ESIDB) at Deadline 3 [REP3-065 and REP3-066], namely ESIDB provided comments on the following:

- Comments on Reports submitted by SZC Co. at Earlier Deadlines, namely:
 - Sizewell Link Road Flood Risk Assessment Addendum [REP2-026];
 - Associated Development Design Principles [REP2-041];
 - Code of Construction Practice [REP2-056];
 - Outline Drainage Strategy [REP2-033];
- Comments on responses to ExA's Written Questions [REP2-100].

5.2 SZC Co.'s Response

a) Responses to Comments on Reports submitted by SZC Co.

i. Sizewell Link Road Flood Risk Assessment Addendum

5.2.1 SZC Co. notes that ESIDB will defer to the Lead Local Flood Authority (LLFA) and the Environment Agency on the acceptability of the Flood Risk Addendum *'if the assumptions made in the drainage strategy are eventually supported'* [\[REP3-065\]](#). In accordance with the drainage hierarchy, the Outline Drainage Strategy [\[REP2-033\]](#) proposed the primary use of infiltration, with additional use of attenuation techniques (e.g. ponds and swales) to manage water quality and to further promote infiltration. The strategy acknowledged the need for discharge to watercourse where infiltration rates were insufficient to support a primarily infiltration-led approach.

5.2.2 The approach in the Outline Drainage Strategy [\[REP2-033\]](#) is validated by the completed preliminary design, which has demonstrated that infiltration is not applicable and proposes the attenuated discharge of water to watercourses. A technical note of the Sizewell link road preliminary drainage design is submitted at Deadline 5.

5.2.3 An updated revision of the **Sizewell Link Road Flood Risk Addendum** (Doc Ref. 5.6Ad(A)) is submitted at Deadline 5, clarifying points raised by the Environment Agency.

ii. Associated Development Design Principles [\[REP2-041\]](#)

5.2.4 SZC Co. has informally provided ESIDB with technical notes on the basic drainage design for the MDS Water Management Zones (WMZ), including the LEEIE site, and a technical note on the proposed operation of the temporary marine outfall. A further note has been shared with ESIDB, which outlines the design options available for the control structure proposed on the realigned Sizewell Drain. These **MDS Drainage Technical Notes** are submitted at **Appendices B to E** of this report as follows:

- Appendix B: MDS Drainage Technical Note – ACA Drainage Strategy Technical Note
- Appendix C: MDS Drainage Technical Note – Sizewell Drain Water Management Control Structure
- Appendix D: MDS Drainage Technical Note – Main Development Site Water Management Zone Summary

- Appendix E: MDS Drainage Technical Note – Temporary Marine Outfall Operation Summary

5.2.5 SZC Co. has also prepared preliminary drainage design notes for Sizewell link road, two village bypass and Yoxford roundabout. These **AD Drainage Technical Notes** are submitted in **Appendices F to H** of this report as follows:

- Appendix F: AD Drainage Technical Note – Sizewell Link Road Preliminary Drainage Design Note
- Appendix G: AD Drainage Technical Note – Two Village Bypass Preliminary Drainage Design Note
- Appendix H: AD Drainage Technical Note – Yoxford Roundabout Updated Drainage Strategy

iii. Code of Construction Practice [[REP2-056](#)]

5.2.6 SZC Co. notes that the IDB has no comments on the Code of Construction Practice [[REP2-056](#)].

iv. Outline Drainage Strategy [[REP2-033](#)]

5.2.7 An updated version of the Outline Drainage Strategy is to be submitted at Deadline 6, comprising both a tracked changes version and a clean version. In response to ESIDB response, the tracked changes version will show changes made to the Outline Drainage Strategy in Revision 2.0 (submitted at Deadline 2) and Revision 3.0 (to be submitted at Deadline 6).

b) Responses to Comments on ExQ1 Responses

5.2.8 Responses to East Suffolk IDB's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.46).

6 RESPONSES TO SUBMISSIONS BY ENVIRONMENT AGENCY

6.1 Summary of Submissions

6.1.1 This section provides a response to submissions from the Environment Agency (EA) at Deadline 3 [[REP3-067](#), [REP3-068](#) and [REP-069](#)], namely the EA provided comments on the following:

- Comments on the Applicant's revised draft DCO (Revision 4) [[REP2-015](#)];
- Comments on Reports submitted by SZC Co. at Earlier Deadlines, namely:
 - Storm Response Modelling – Preliminary Evidence towards setting Volumetric Thresholds for SCDF Recharge [TR 531];
 - Modelling of the Temporary and Permanent Beach Landing Facilities at Sizewell C, submitted by SZC Co. at Procedural Deadline 8 [[PDB-010](#)];
 - Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature, submitted by SZC Co. at Deadline 2 [[REP2-115](#)];
- Comments on responses to ExA's Written Questions [[REP2-100](#)].

6.2 SZC Co.'s Response

a) Responses to Comments on the draft DCO

6.2.1 Responses to the EA's comments on the draft DCO are set out in Section 2 of this report.

b) Responses to Comments on Reports submitted by SZC Co.

i. Storm Response Modelling – Preliminary Evidence towards setting Volumetric Thresholds for SCDF Recharge

6.2.2 The Environment Agency's comments are in relation to a preliminary 1-d modelling report (TR531) that was a precursor to [REP2-115](#). This preliminary modelling report was shared with the Environment Agency and other stakeholders for information under the Marine Technical Forum but has not submitted into the Examination. Whilst the Environment Agency's comments on this preliminary modelling report are noted, it has been superseded by detailed 2-d modelling submitted at Deadline 3 [[REP3-048](#)]. SZC Co. will respond to any comments made in relation to this report at a subsequent deadline.

ii. Modelling of the Temporary and Permanent Beach Landing Facilities at Sizewell C

6.2.3 SZC Co. will respond to the Environment Agency's comments at Deadline 6. We note that these comments are few in number and are not substantive.

iii. Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature

6.2.4 SZC Co. notes the Environment Agency's comments in relation to [REP2-115](#). This report has been superseded by REP3-032 taking into account the results of the detailed 2-d modelling referred to above. SZC Co. will respond to any comments made in relation to this report at a subsequent deadline.

c) Responses to Comments on ExQ1 Responses

6.2.5 Responses to the EA's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.55).

6.3 Additional Responses to the EA's Written Representations

6.3.1 The Applicant provided a response to the EA's written representation at Deadline 3 in [REP3-042](#), together with responses to written representations from other parties. In the report, SZC Co. provided an update on ongoing work and advised on further reports and/or additional information to be submitted to Deadline 5.

6.3.2 Paragraph 6.2.2 of **SZC Co. Comments on Written Representations** [\[REP3-042\]](#) explains that it is SZC Co.'s intention to submit a report at Deadline 5 on the additional hydrological assessment on the Main Development Site Flood Risk Assessment. **Appendix I** of this report contains the Sizewell C Main Development Site Flood Risk Assessment: Additional Hydrological Review.

6.3.3 Paragraph 6.2.8 of **SZC Co. Comments on Written Representations** [\[REP3-042\]](#) confirms SZC Co.'s intention to submit a revised version of the Sizewell Link Road Flood Risk Assessment Addendum [\[REP2-026\]](#) submitted at Deadline 2. The revised **Sizewell Link Road Flood Risk Assessment Addendum** (Doc Ref. 5.6Ad(A)) is submitted at Deadline 5, reflecting engagement undertaken with the Environment Agency.

6.3.4 Paragraph 6.3.1 of **SZC Co. Comments on Written Representations** [\[REP3-042\]](#) stated SZC Co.'s intention, at that time, to submit an updated version of the Water Supply Strategy at Deadline 5, taking account of

technical studies carried out by SZC Co. and Northumbrian Water Limited, as well as Written Representations received from the Environment Agency, Natural England and other stakeholders. Please refer to SZC Co.'s Deadline 5 cover letter, which states that the applicant now intends to provide a progress update at Deadline 6 and to submit the revised Water Supply Strategy at Deadline 7.

6.3.5 Paragraph 6.5.1 of **SZC Co. Comments on Written Representations** [REP3-042] advises that SZC Co. intends to submit additional information in respect of the Conventional Waste Management Strategy. Instead, the Annex is to be submitted at Deadline 7 to allow for ongoing engagement and consultation with the EA prior to submission into the Examination. This approach and timescales have been agreed directly with the EA.

6.3.6 Paragraph 6.7.5 of **SZC Co. Comments on Written Representations** [REP3-042] advises that updated indicative plans and further details of the SSSI crossing will be provided at Deadline 5, including taking account of feedback from the EA and other stakeholders. The updated **SSSI Crossing Plans** (Doc Ref. 2.5(A)) are submitted at Deadline 5. These plans are accompanied by the **SSSI Crossing Future Adaptation Review** submitted at **Appendix J** of this report.

6.3.7 Paragraph 6.8.3 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a document is to be submitted to Deadline 5 outlining why a safe installation and operation of an Acoustic Fish Deterrent (AFD) system at Sizewell C is not feasible. An **AFD Report** (Doc Ref. 9.57) is submitted at Deadline 5 that sets out SZC Co.'s position.

7 RESPONSES TO NATURAL ENGLAND

7.1 Summary of Submission

7.1.1 This section provides a response to submissions from Natural England (NE) at Deadline 3 [REP3-071].

7.2 SZC Co.'s Response

7.2.1 SZC Co. notes that NE is satisfied with the assessments provided in report TR543 Modelling of the Temporary and Permanent Beach Landing Facility (BLF) at SZC and that consequently Natural England is satisfied that the presence of the BLFs will not cause an adverse effect on the integrity of the Minsmere to Walberswick Heath and Marshes SAC, Minsmere – Walberswick SPA and Minsmere – Walberswick Ramsar site.

7.2.2 SZC Co. also acknowledges that NE has advised that it has not yet reviewed the reports relating to the Coastal Defence Features (TR531, TR544, TR545) and will advise on adverse effects to designated sites, both in isolation, and potentially in combination with the BLFs, when these reports have been reviewed.

7.2.3 SZC Co. is continuing to engage with NE on various matters raised in its written representation, some of which were discussed at ISH7, and will submit further submissions to the Examination at Deadline 6 as appropriate.

7.3 Additional Responses to NE's Written Representations

7.3.1 The Applicant provided a response to NE's written representation at Deadline 3 in [REP3-042](#), together with responses to written representations from other parties. In the report, SZC Co. provided an update on ongoing work and advised on further reports and/or additional information to be submitted to Deadline 5.

7.3.2 **Appendix K** to this report provides a follow up response to Natural England's Written Representations which were not addressed at Deadline 3, which should be read together with further updates below.

7.3.3 Paragraph 11.2.10 of **SZC Co. Comments on Written Representations** [\[REP3-042\]](#) stated SZC Co.'s intention, at that time, to submit an updated version of the Water Supply Strategy at Deadline 5, taking account of technical studies carried out by SZC Co. and Northumbrian Water Limited, as well as Written Representations received from the Environment Agency, Natural England and other stakeholders. Please refer to SZC Co.'s Deadline 5 cover letter, which states that the applicant now intends to provide a progress update at Deadline 6 and to submit the revised Water Supply Strategy at Deadline 7.

7.3.4 Paragraph 11.5.3 of **SZC Co. Comments on Written Representations** [\[REP3-042\]](#) confirms that further detail is to be submitted to the Examination on maintenance access for the RSPB to the southern side of the Minsmere reserve and retained areas of Sizewell Marshes SSSI. This will be provided at Deadline 7.

7.3.5 Section 11.8 of **SZC Co. Comments on Written Representations** [\[REP3-042\]](#) responds to Natural England's comments on project-wide groundwater and surface water effects on Nationally designated site and their notified features. Paragraph 11.8.8 of the report refers to a **Water Monitoring and Response Strategy**. This was submitted as part of the original DCO Application [\[APP-309\]](#) and updated as part of the Accepted Changes [\[AS-236\]](#). Requirement 7 of the draft DCO and the Water Monitoring and

Response Strategy commit the Applicant to a Water Monitoring Plan, which will be submitted at Deadline 6.

- 7.3.6 In line with paragraph 11.23.13 of **SZC Co. Comments on Written Representations [REP3-042]**, a **Monitoring and Mitigation Plan for Sandlings (Central) and Alde-Ore Estuary European Sites** (Doc Ref. 9.56) is submitted at Deadline 5.
- 7.3.7 Paragraph 11.24.2 of **SZC Co. Comments on Written Representations [REP3-042]** advises that a fuller response to Natural England on twaite shad will be provided at Deadline 5. This is provided in **Appendix K** of this report.
- 7.3.8 Paragraph 11.24.15 of **SZC Co. Comments on Written Representations [REP3-042]** advises that a full response regarding the scale of assessment at Deadline 5. This is responded to in **Appendix K** of this report.
- 7.3.9 Paragraph 11.33.7 of **SZC Co. Comments on Written Representations [REP3-042]** advises that further details will be provided at Deadline 5 on impacts from intakes and outfalls and subsequent ecological effects on nationally designated sites and their notified features. Further detail is provided in **Appendix K** of this report.
- 7.3.10 Paragraph 11.38.16 of **SZC Co. Comments on Written Representations [REP3-042]** advises that updated indicative plans and further details of the SSSI crossing will be provided at Deadline 5. The updated **SSSI Crossing Plans** (Doc Ref. 2.5(A)) have been submitted at Deadline 5.
- 7.3.11 Paragraph 11.39.14 of **SZC Co. Comments on Written Representations [REP3-042]** advises that a note on potential impacts to the Snape Wetland RSPB reserve will be submitted at Deadline 5. **Appendix L** of this report provides this response.
- 7.3.12 Paragraph 11.43.2 of **SZC Co. Comments on Written Representations [REP3-042]** advises that updated tables will be provided at Deadline 5 showing the split across grades of agricultural land required permanently and temporarily as a result of the Project. This will now be provided at Deadline 6.

8 RESPONSES TO MARINE MANAGEMENT ORGANISATION

8.1 Summary of Submissions

8.1.1 This section provides a response to submissions from the Marine Management Organisation (MMO) at Deadline 3 [\[REP3-070\]](#), namely the MMO provided comments on the following:

- Comments on Written Representations from Historic England [\[REP2-138\]](#), Natural England [\[REP2-153\]](#), Environment Agency [\[REP2-135\]](#) and East Suffolk Council [\[REP\]](#);
- Comments on draft Statements of Common Ground between the Applicant and Natural England [\[REP2-071\]](#) and the Environment Agency [\[REP2-068\]](#);
- Comments on responses to ExA's First Written Questions [\[REP2-100\]](#); and
- Comments on the Applicant's revised draft DCO (Revision 4) [\[REP2-015\]](#).

8.2 SZC Co.'s Response

a) Responses to Comments on Written Representations

8.2.1 It is noted that in commenting on Natural England's Written Representation, the MMO refers to disturbance and displacement of red-throated divers due to vessel traffic "not been properly assessed" and that mitigation to reduce this impact may be required. This matter was discussed at ISH7 and SZC Co. has committed to submitting a draft vessel management plan at Deadline 6.

8.2.2 The MMO also notes that a Southern North Sea SAC Site Integrity Plan (SIP) should be provided (i.e. deferring to Natural England's position). Natural England had been unable to locate the SIP; SZC Co. confirmed that the SIP is included within [\[AS-178\]](#) and Natural England were directed to this location by email on 16 June 2021.

8.2.3 It is also noted that commenting on Natural England's Written Representation, that an update to Chapter 23 of the ES is required to include assessments of the design change. SZC Co notes that changes to the permanent BLF and introduction of a new temporary BLF are assessed

in section 2.18 c) Marine Historic Environment of the ES Addendum [AS-181]. This concludes in paragraph 2.18.9 that: “*The proposed additional activities would not alter the assessment presented in Volume 2, Chapter 23 of the ES (Doc Ref. 6.3) [APP-334]. The mitigation measures proposed for the marine historic environment in the ES, consisting of a finds reporting protocol and geoarchaeological and palaeoenvironmental analysis and academic dissemination, remain unchanged. Archaeological assessment of future site investigations (marine geophysical survey and geotechnical site investigations), in relation to the proposed temporary BLF, would be undertaken.*”

8.2.4 It is also noted that commenting on Natural England’s Written Representation, that an update to **Appendix 23A of Volume 2 Chapter 23** of the ES [APP-335] is requested. The desk-based assessment is a point in time document comprising the first part of staged process of investigation and assessment, the results of which are presented in Volume 2, Chapter 23 of the ES [APP-334]. The ES [APP-334] sets out the updated policy context that applied at the time of application and the results of an updated data search undertaken in July 2018 (see paragraph 23.3.29), as well as the results of further survey work, comprising marine geophysical survey in 2015 and 2017. The offshore WSI will take into account any future policy updates, as well as an update of the appropriate data sets. Therefore reproducing the desk-based assessment is not proposed.

8.2.5 In commenting on the Environment Agency’s Written Representation. The MMO agree that an assessment of fish impingement should be made without any assumed benefit from the LVSE intake head. SZC Co is preparing a ‘sensitivity analysis’ of the fish assessments that will be submitted at Deadline 6.

8.2.6 In relation to the ESC Written Representation, MMO has requested a standalone document demonstrating that the Sizewell C project accords with the East Marine Plan. A Marine Plan Compliance Report will be provided at Deadline 7.

b) Responses to Comments on draft Statements of Common Ground

8.2.7 In commenting on the Statement of Common Ground (SoCG) with Natural England, MMO supports the NE position in relation to further information on collision risk of SPA birds with construction activities, including vessel movements. SZC Co continues to engage with Natural England in this and we note the MMO will engage with SZC Co on this matter.

8.2.8 In commenting on the Statement of Common Ground (SoCG) with Natural England, MMO supports the NE position regarding disturbance to red-

throated diver, and other birds, by vessels. SZC Co will submit a draft Vessel Management Plan at Deadline 6.

8.2.9 Furthermore, in relation to the MMO's note of the Natural England SoCG, the underwater noise modelling report that underpinned the ES Addendum marine ecology assessment will be provided at Deadline 5.

8.2.10 In relation to the SoCG between SZC Co. and the Environment Agency, we note that the MMO wish to be kept informed on discussions with the Environment Agency on the wording of securing mechanism to control impacts on groundwater and surface water, coastal geomorphology and hydrodynamics, marine water quality, and marine ecology. SZC Co. will continue to engage with the MMO and ensure that Environment Agency concerns are addressed in DML Conditions in revisions to the DCO.

8.2.11 Furthermore, in relation to the statement above, SZC Co. will provide draft monitoring plans at Deadlines 6 and Deadlines 7 to demonstrate sufficient scope to the MMO to provide the protection required by the relevant condition.

8.2.12 In commenting on the SoCG between SZC Co. and the Environment Agency, MMO draws attention to the Environment Agency reserving comment on impacts on coastal processes until forthcoming reports were reviewed. A modelling report detailing assessment of impacts of the BLFs was provided at Procedural Deadline B [\[PDB-010\]](#); a report utilising 1 dimensional modelling to provide initial operational details of the SCDF feature [\[REP2-115\]](#) and a sea defence design report [\[REP2-116\]](#) was provided at D2; detailed plans of the sea defence features [\[D3-004\]](#), a 2 dimensional modelling assessment of SCDF recharge [\[REP3-048\]](#) and an updated operational SCDF report were provided at D3 [\[REP-032\]](#); and an updated version of the Coastal Processes Monitoring and Mitigation Plan (CPMMP) and updated plans of the sea defences was provided at D5. We look forward to receiving Environment Agency and MMO comments on these submissions.

c) Responses to Comments on ExQ1 Responses

8.2.13 Responses to the MMO's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.55).

d) Responses to Comments on the draft DCO [\[REP2-015\]](#)

8.2.14 Responses to the MMO's comments on the draft DCO are set out in Section 2 of this report.

9 RESPONSES TO HIGHWAYS ENGLAND

9.1 Summary of Submissions

9.1.1 This section provides a response to Highways England submission at Deadline 3 [\[REP3-071\]](#), namely:

- Comments on Reports submitted by SZC Co. at Deadline 2, namely:
 - Construction Traffic Management Plan [\[REP2-054\]](#);
 - Traffic Incident Management Plan [\[REP2-053\]](#);
 - Construction Worker Travel Plan [\[REP2-055\]](#).
- Comments on the draft DCO [\[REP2-015\]](#);
- Comments on the draft Statement of Common Ground between the Applicant and Highways England [\[REP2-069\]](#).

9.2 SZC Co.'s Response

a) Comments on Reports submitted by SZC Co. at Deadline 2

9.2.1 SZC Co. has engaged with Highways England with regards to the development of the **Construction Traffic Management Plan (CTMP)** [\[REP2-054\]](#), **Construction Worker Travel Plan (CWTP)** [\[REP2-055\]](#) and **Traffic Incident Management Plan (TIMP)** [\[REP2-053\]](#) and will continue to discuss the management plans with Highways England with the aim of reaching agreement.

i. Construction Traffic Management Plan

9.2.2 SZC Co. welcomes Highways England's comments on the **CTMP** [\[REP2-054\]](#) at Deadline 3. Key comments and SZC Co's responses are:

- Demonstration of the deliverability of rail to provide confidence in the proposed daily HGV limits in the **CTMP** [\[REP2-054\]](#) – the deliverability of rail was discussed at ISH2 and a summary is provided in **Written Summaries of Oral Submissions made at ISH2** (Doc Ref 9.42). SZC Co. is committed to delivery to project with the HGV limits set out in the **CTMP** [\[REP2-054\]](#).
- Further detail on the proposed GPS tracking of HGVs, including defining the geofence – SZC Co. will continue to engage with

Highways England to provide further information on GPS and agree the extent of the GPS geofence on the Strategic Road Network (SRN).

- Use of laybys on the SRN – the freight management facility will provide welfare facilities and HGVs will be directed to use the facilities at the freight management facility (and will be able to arrive early to do so) rather than laybys on the SRN on the approach to the freight management facility. In the event of the closure of the Orwell bridge, SZC Co. is currently agreeing locations of holding locations on the SRN west of the Orwell bridge that SZC HGVs will be directed to as part of the **TIMP** [\[REP2-053\]](#)
- Management of LGVs – Highways England accept that LGVs will be more difficult to control and the volume compared to other modes is not significant. SZC Co. welcomes the suggestion from Highways England to provide online induction for LGVs and route information prior to travelling to the main development site for the first time. These suggestions will be incorporated into the next version of the **CTMP** [\[REP2-054\]](#).
- Frequency of TRG monitoring reports and meetings – Highways England's suggestion that the frequency of monitoring reports and TRG meetings is increased where activity for the Project is expected to intensify. SZC Co. will liaise with Highways England and other relevant stakeholders to reach agreement on the TRG monitoring frequency.

ii. **Traffic Incident Management Plan** [\[REP2-053\]](#)

9.2.3 SZC Co. welcomes Highways England's comments on the **TIMP** [\[REP2-053\]](#) at Deadline 3. Key comments and SZC Co's responses are:

- Extent of Incident Management Area (IMA) and HGV routing on the SRN – SZC Co. will continue to liaise with Highways England and other relevant authorities to agree the extent of the IMA and HGV routing on the SRN.
- Scenario planning of incidents – this was discussed at ISH3 and is summarised in the **Written Summaries of Oral Submissions made at ISH3** (Doc Ref 9.43). SZC Co. has committed to work with the highway authorities and Suffolk Constabulary to provide flow charts setting out the broad sequence of steps that would be followed for various scenarios. This will be incorporated into the next version of the **TIMP** [\[REP2-053\]](#).

- Holding locations on the SRN in the event of an incident en-route to the freight management facility - SZC Co. is currently agreeing locations of holding locations on the SRN west of the Orwell bridge that SZC HGVs will be directed to as part of the **TIMP** [\[REP2-053\]](#).

iii. Construction Worker Travel Plan

9.2.4 SZC Co. welcomes Highways England's comments on the **CWTP** [\[REP2-055\]](#) at Deadline 3. Key comments and SZC Co's responses are:

- Promotion of rail – Highways England accepts that the use of rail by workers is likely to be very small but considers that the **CWTP** [\[REP2-055\]](#) should monitor the use of and promote rail. SZC Co. is committed to promoting sustainable travel and will address this comment in the next version of the **CWTP** [\[REP2-055\]](#) to be submitted at Deadline 6.
- Car share mode share target – Highways England considers that SZC Co. should aim to promote more car sharing that currently proposed in the mode share aim targets in Table 3.2 of the **CWTP** [\[REP2-055\]](#). SZC Co. will consider this as part of the next version of the **CWTP** [\[REP2-055\]](#) to be submitted at Deadline 6.
- Contingency fund – Highways England is seeking further information on the proposed transport contingency fund. SZC Co. will continue to engage with Highways England, SCC and ESC to agree the scope of this fund.

b) Responses to Comments on the draft DCO [\[REP2-015\]](#)

9.2.5 Responses to the MMO's comments on the draft DCO are set out in Section 2 of this report.

c) Responses to Comments on the draft Statement of Common Ground

9.2.6 An updated version of the Statement of Common Ground between SZC Co. and Highways England will be submitted at Deadline 6.

10 RESPONSES TO NATIONAL TRUST

10.1 Summary of Submissions

10.1.1 This section provides a response to National Trust's submission at Deadline 3 [\[REP3-070\]](#), namely the National Trust has provided comments on the following:

- Comments on Reports submitted by SZC Co. at Deadline 2, namely:
 - Monitoring and Mitigation Plan for Minsmere-Walberswick European site and Sandlings (North) European site [\[REP2-118\]](#);
 - Shadow HRA Second Addendum [\[REP2-032\]](#);
 - Sizewell C Coastal Defences Design Report [\[REP2-116\]](#);
 - One dimensional modelling of the Soft Coastal Defence Feature [\[REP2-115\]](#).
- Comments on Written Representations from Suffolk Coast and Heaths AONB Partnership [\[REP3-042\]](#);
- Comments on the draft DCO [\[REP2-015\]](#) and draft Deed of Obligation;
- Comments on the draft Statement of Common Ground between the Applicant and National Trust [\[REP2-089\]](#).

10.2 SZC Co.'s Response

a) Monitoring and Mitigation Plan for Minsmere-Walberswick and Sandlings (North)

10.2.2 An updated plan (Doc Ref. 9.15(A)) is submitted to Deadline 5 having taken account of comments from National Trust, as well as comments from RSPB and SWT. Notably, the following amendments have been made to the plan (paragraph numbers refer to those in the National Trust's Comments on this Monitoring and Mitigation Plan submitted at Deadline 3 [\[REP3-070\]](#)):

- 3.1. The title of this Monitoring and Mitigation Plan is confirmed as the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site
- 3.9, 3.12, 3.15. Further clarity has been provided on how the potential need for additional mitigation measures will be identified, including the use of trigger levels identified by percentage increases in visitors over existing levels of use, and how these measures will be implemented to ensure that no Adverse Effects on the Integrity (AEoI) of European sites occur.
- 3.10. Speed of delivery of additional mitigation measures. Text has been amended to address this.

- 3.14. Text has been added to clarify that ecological monitoring does include Dunwich Heath. This was the intention of the Plan, but text has been added to ensure that there is no ambiguity.
- 3.17. Text has been added to clarify that increases in visitor numbers which would be used to inform the potential for implementation of additional mitigation would not only be implemented for those solely related to the Sizewell C Project, but also mainly related to the Sizewell C Project, or if the Sizewell C Project is making a significant contribution in combination with one or more other factors.
- 3.22. Text has been added to Table 5.1 (Initial Mitigation Measures) to include Dunwich Heath's beach, and Table 5.2 (Additional Mitigation Measures) to add clarity that 'All areas' means all land within the Minsmere-Walberswick European sites and Sandlings (North) European site (i.e. including Dunwich Heath).

10.2.3 The National Trust describes the proposed provision of additional wardens as 'pitifully small'. SZC Co respectfully disagrees given that two full time wardens are proposed under the plan as part of the initial mitigation measures and additional warden resources will be provided if it identified as necessary, as set out in Table 5.2 'Additional Mitigation Measures'. This approach to mitigating potential recreational impacts is directly consistent with the management approach advocated by both East Suffolk Council (in its RAMS strategy) and by Natural England (through the equivalent SAMMS strategy).

b) Shadow HRA Second Addendum

10.2.4 SZC Co. will provide a response at Deadline 6.

c) Sizewell C Coastal Defences Design Report

10.2.5 SZC co. notes the Trust's comment that it 'does not feel any of the work contained in the recently submitted documents answer or mitigate any of the concerns we set out previously in our Written Representation', which is disappointing.

10.2.6 The Trust's principal concern appears to be the seaward extent of the Hard Coastal Defence Feature (HCDF) as proposed in the accepted change and detailed in [\[REP2-116\]](#). In response to stakeholder concerns in this regard SZC Co. commissioned a design review of the proposals to determine if the defences could be pared back. This design review has been completed. SZC Co. is pleased to confirm that the optimised HCDF will be 15m landward in the vicinity of the Northern Mound and Permanent Beach

Landing Facility, which has been of particular concern to stakeholders, and 5m landward along the main line of the defences to the south. The Temporary and Permanent Coastal Defence Feature Plans (Doc Ref. 2.5(A)) have been updated to indicate the pared back sea defences and will be submitted at Deadline 5. An explanatory note is set out in **Appendix A of the ISH6 Written Submissions** submitted at Deadline 5.

d) **One dimensional modelling of the Soft Coastal Defence Feature**

10.2.7 SZC Co. notes the Trust's comments in relation to [REP2-115](#). This report has been superseded by [REP3-032](#) taking into account the results of the detailed storm erosion modelling submitted in [REP3-048](#). SZC Co. will respond to any comments in relation to this submission at a subsequent deadline.

e) **Comments on Written Representations from Suffolk Coast and Heaths AONB Partnership**

10.2.8 SZC Co. note the National Trusts support of the Suffolk Coast and Heaths AONB Partnerships comments in relation to the AONB. SZC Co. have provided a response to the issues raised within the initial Statement of Common Ground between SZC Co. and the AONB Partnership [[REP2-084](#)]. Further information will be provided in the next iteration of the Statement of Common Ground at Deadline 6.

f) **Comments on the draft DCO [[REP2-015](#)] and draft Deed of Obligation**

10.2.9 Responses to the National Trust's comments on the draft DCO and draft Deed of Obligation are set out in Section 2 of this report.

g) **Comments on the draft Statement of Common Ground between the Applicant and National Trust**

10.2.10 An updated Statement of Common Ground between the Applicant and National Trust is due to be submitted at Deadline 6, with discussions ongoing.

11 RESPONSES TO ROYAL SOCIETY FOR THE PROTECTION OF BIRDS AND SUFFOLK WILDLIFE TRUST

11.1 Summary of Submission

11.1.1 This section provides a response to submissions from the Royal Society for the Protection of Birds (RSPB) and Suffolk Wildlife Trust (SWT) at Deadline 3 [REP3-072 to REP3-075], namely the RSPB and SWT provided comments on the following:

- Comments on Reports submitted by SZC Co. at Deadline 2, namely:
 - Shadow HRA Second Addendum (and the Minsmere Monitoring and Mitigation Plan);
 - Outline Drainage Strategy [[REP2-033](#)];
 - Updated Descriptions of Development;
 - Preliminary Design and Maintenance Requirements for the SCDF;
 - Coastal Defence Design Report;
 - Marsh Harrier Habitat Report;
 - Bat Survey Reports; and
 - Biodiversity Net Gain Reports.
- Comments on Written Representations from Natural England [[REP3-042](#)] and the Environment Agency [[REP3-042](#)];
- Comments on responses ExA's First Written Questions;
- Comments on the Applicant's draft DCO [[REP2-015](#)] and draft DoO.

11.2 SZC Co.'s Response

- a) Responses to Comments on Reports submitted by SZC Co.
 - i. Shadow HRA Second Addendum

11.2.1 Detailed responses to technical queries raised by RSPB/SWT in respect of the Shadow HRA and the Shadow HRA Addendum (in aggregate) are provided in appendices to this report, including the following: marsh harriers

and marine birds (primarily red-throated divers and little terns) (**Appendix M**) and ‘evening noise’ and disturbance to birds (primarily waterfowl) (**Appendix N**). These responses are in addition to the response to Written Representations provided at Deadline 3 [\[REP3-042\]](#), which covered impacts to waterfowl and other items (see also below).

- 11.2.2 In addition, and directly relevant to the monitoring and mitigation for the potential impacts of recreational displacement, SZC Co. is developing two monitoring and mitigation plans to cover relevant European sites, as follows:
- **Monitoring and Mitigation Plan for Minsmere - Walberswick and Sandlings (North)**. Drafts have been consulted on including with the RSPB/SWT and National Trust, and the latest draft is submitted at Deadline 5 (further details provided below) (Doc Ref. 9.15(A)); and
 - **Monitoring and Mitigation Plan for Sandlings (Central) and Alde-Ore Estuary** (submitted for the first time at Deadline 5) (Doc Ref. 9.56).
- 11.2.3 Specifically in relation to these plans, the RSPB and SWT query why the Alde, Ore and Butley Estuaries SAC and Orfordness – Shingle Street SAC have not been included in this section.
- 11.2.4 Disturbance due to increased recreational pressure was not a pathway that was screened into the assessment for the Alde, Ore and Butley Estuaries SAC due to the nature of the qualifying features (estuaries, mudflats and sandflats not covered by seawater at low tides and Atlantic salt meadows). Ramsar criterion 2 of the Alde-Ore Estuary Ramsar site is, however, included within the scope of the Monitoring and Mitigation Plan for Sandlings (Central) and Alde- Ore Estuaries European Sites.
- 11.2.5 With regard to the Orfordness to Shingle Street SAC, the main area where sensitive shingle vegetation is present is along the Orfordness to Shingle Street shingle spit. The main access point to the shingle spit is by boat from Orford. Once on the spit, access is controlled by the National Trust, with access to sensitive shingle vegetation prevented by fencing and signage. It is possible to access the spit by walking from Aldeburgh (there is a car park at the southern end of the town), but it is envisaged that most people would access the town beach rather than undertake a longer return walk to access the shingle spit. In addition, clear fencing and signage from the National Trust indicate that access is prohibited from this direction. For these reasons, the **Shadow HRA Report** (Doc Ref. 5.10 [APP-145 to APP-

149]) concluded that there would not be an adverse effect on the integrity of SAC, and no monitoring is proposed for this SAC.

11.2.6 As noted above, the updated **Monitoring and Mitigation Plan for Minsmere – Walberswick European Sites and Sandlings (North) European Site** (Doc Ref. 9.15(A)) is submitted to Deadline 5 having taken account of comments from RSPB and SWT, as well as comments from National Trust. Notably, the following amendments have been made to the plan (paragraph numbers refer to those in the RSPB's Comments on Other Submissions (submitted at Deadline 2) [[REP3-074](#)]):

- 7.2. The title of this Monitoring and Mitigation Plan is confirmed as the Monitoring and Mitigation Plan for Minsmere – Walberswick European Site and Sandlings (North) European Site.
- 7.11. Suffolk Wildlife Trust has now been included.
- 7.18 and 7.31. Further clarity is provided on how the potential need for additional mitigation measures will be identified, including the use of a simple 'investigatory trigger' identified by percentages increases in visitors over existing levels of use, how this will trigger further monitoring and how mitigation measures will be implemented to ensure that no Adverse Effects on the Integrity (AEol) of European sites occur.
- 7.18. Text has been added to clarify that increases in visitor numbers which would be used to inform the need to investigate the potential need to implement additional mitigation would not only be implemented for those solely related to the Sizewell C Project, but also mainly related to the Sizewell C Project, or if the Sizewell C Project is making a significant contribution in combination with one or more other factors.
- 7.19. Monitoring during operation. Text has been added to clarify that monitoring will be undertaken during operational years 1 or 2 initially, but if the Environment Review Group considers that continuing visitor pressure as a result of Sizewell C requires monitoring beyond this initial period, monitoring will be continued for a further period to be determined by the Environment Review Group.
- 7.21. Visitor and habitat monitoring timings. Text has been added to clarify that timings of ecological surveys will be aligned with the timing of visitor surveys.

- 7.28. Wardening. Text has been amended to clarify that the new wardens will cover the whole Minsmere-Walberswick European site and Sandlings (North) European site, will cover periods outside typical office hours and include weekends, and that they will be appointed by the start of the construction phase.
- 7.31. Implementation of additional mitigation measures in a timely manner. Text has been amended to address this.

ii. **Outline Drainage Strategy** [[REP2-033](#)]

- 11.2.7 An updated version of the Outline Drainage Strategy is to be submitted at Deadline 6, taking account of comments from RSPB and SWT.

iii. **Preliminary Design & Maintenance Requirements for the SCDF**

- 11.2.8 SZC Co. notes RSPB/SWT's comments in relation to [REP2-115](#). This report has been superseded by [REP3-032](#) taking into account the results of the detailed storm erosion modelling submitted in [REP3-048](#). SZC Co. will respond to any comments made in respect of [REP3-032](#) at a subsequent deadline. SZC Co notes the comments made in relation to the reported presence of annual vegetation of drift lines and perennial vegetation of stony banks along the Minsmere shoreline immediately to the north of the proposed order limits. SZC Co. will provide a detailed response at Deadline 7.

iv. **Coastal Defence Design Report**

- 11.2.9 SZC Co. disagrees that the proposed Hard Coastal Defence Feature has been inadequately described for environmental assessment purposes. The HCDF has always been within the submitted and assessed parameters and no updates are required to environmental assessments or the parameters already applied for.
- 11.2.10 This is also the case with the reduced seaward extents of the HCDF submitted at Deadline 5 to address stakeholder concerns, which is explained in **ISH6 Written Submission Appendix A** submitted at Deadline 5.

v. **Marsh Harrier Habitat Reports**

- 11.2.11 SZC Co. is submitting further details on the predicted prey provision at marsh harrier compensation habitat and the suitability of the habitat as compensatory measures at Deadline 6.

b) Bat Survey Reports

- 11.2.12 SZC Co. submitted a detailed response to the bat issues raised in the Local Impact Report [\[REP1-045\]](#) submitted by ESC/SCC. Given that there is a substantial overlap in the comments raised by RSPB/SWT and the Councils, most of the points are addressed in that response.
- 11.2.13 SZC Co. will consider further any unique points made by RSPB and SWT in respect of bats and the bat survey reports and will respond further at Deadline 6 if relevant.

c) Biodiversity Net Gain reports

- 11.2.14 A detailed response to RSPB/SWT comments is provided at **Appendix O** of this report. The RSPB / SWT position in relation to alleged 'double-counting' of mitigation areas is rebutted, and the SZC Co application of the assessment method is demonstrated to be in accordance with the relevant assessment guidelines. The RSPB / SWT themselves acknowledge that even with their own approach, the biodiversity net gain on the main development site will be in excess of 10%. The RSPB have not provided alternative assessment reports to validate their statements.

d) Comments on Written Representations from Natural England [\[REP3-042\]](#) and the Environment Agency [\[REP3-042\]](#)

- 11.2.15 The RSPB/SWT responses to these representations will be considered further and a response will be made at Deadline 6 if relevant.

e) Responses to Comments on ExQ1 Responses

- 11.2.16 Responses to RSPB and SWT's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.55).
- 11.2.17 Responses to Comments on the draft DCO [\[REP2-015\]](#)
- 11.2.18 Responses to RSPB and SWT's comments on the draft DCO are set out in Section 2 of this report.

11.3 Additional Responses to RSPB and SWT's Written Representations

- 11.3.1 The Applicant provided a response to the RSPB and SWT's written representation at Deadline 3 in [REP3-042](#), together with responses to written representations from other parties. In the report, SZC Co. provided

an update on ongoing work and advised on further reports and/or additional information to be submitted to Deadline 5.

- 11.3.2 Paragraph 11.2.10 of **SZC Co. Comments on Written Representations** [REP3-042] advises that the updated Water Supply Strategy will be submitted at Deadline 5. Please refer to SZC Co.'s Deadline 5 cover letter, which states that the applicant now intends to provide a progress update at Deadline 6 and to submit the revised Water Supply Strategy at Deadline 7.
- 11.3.3 Table 14.1, Line 3.227 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a technical paper on the proposed control structure will be issued at Deadline 5. This is responded to in **Appendix C** of this report.
- 11.3.4 Table 14.1, Line 3.258 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a monitoring plan will be submitted and this will now be provided at Deadline 6.
- 11.3.5 Paragraph 14.5.9 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a detailed response will be provided on daytime and night time noise levels. This is responded to in **Appendix N** of this report.
- 11.3.6 Paragraph 14.5.60 of **SZC Co. Comments on Written Representations** [REP3-042] confirms that surveys relating to the SPA white-fronted goose population have been undertaken over the 2020-2021 winter period. In line with this, the **White-Fronted Geese Survey Report** is submitted at Deadline 5 (Doc Ref. 9.59).
- 11.3.7 Paragraph 14.5.70 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a response will be provided on RSPB and SWT's Written Representations regarding additional noise sources resulting from the relocation of Sizewell B facilities. This will be reviewed further and a response provided at Deadline 6.
- 11.3.8 Paragraph 14.6.1 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a detailed response will be provided on noise and visual disturbance of the marsh harrier. This response is contained at **Appendix M** of this report.
- 11.3.9 Paragraph 14.8.1 of **SZC Co. Comments on Written Representations** [REP3-042] advises that a detailed response will be provided on marine ecology matters raised by RSPB and SWT. **Appendix P** of this report contains this response.

- 11.3.10 Paragraph 14.9.2 of **SZC Co. Comments on Written Representations** [REP3-042] advises that further responses will be provided as necessary on the RSPB and SWT's concerns in relation to bats. This is responded to above and a further response will be provided at Deadline 6, if relevant.
- 11.3.11 Paragraph 14.13.4 of **SZC Co. Comments on Written Representations** [REP3-042] confirms that detailed comments will be provided in relation to biodiversity net gain, in response to RSPB and SWT comments. **Appendix O** contains this response.
- 11.3.12 Paragraph 14.5.2 of **SZC Co. Comments on Written Representations** [REP3-042] confirms that the omission of the 65dB L_{Amax} contour from the Phase 5 noise modelling will be checked and revised accordingly. A revised figure is contained in **Figure 1** of this report.

12 RESPONSES TO SUFFOLK CONSTABULARY

- 12.1.1 At Deadline 3, the Suffolk Constabulary commented on response to the ExA's first written questions [REP3-076 and REP3-077].
- 12.1.2 Responses to the Suffolk Constabulary's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.55).

13 RESPONSES TO SUBMISSIONS BY LANDOWNERS

13.1 Summary of Submissions

- 13.1.1 This section provides responses to issues raised by owners of Order land in Written Representations, comprising:

- Miss Dyball, Miss Hall and SR Whitwell & Co [REP3-118]
- Dowley Farming Partnership [REP3-123]
- David and Belinda Grant [REP3-125]
- Bacon Farms / Ward Farming [REP3-147, REP3-148 and REP3-149]

13.2 Miss Dyball, Miss Hall and SR Whitwell & Co [REP3-118]

- 13.2.1 In their Written Representation deadline 3 the Interested Party identifies concerns regarding the selection of Fen Meadow mitigation land and requests that the Examining Authority makes a site visit to the proposed

site. SZC Co. believes that the Examining Authority visited the Pakenham Fen Meadow Site on 7 June 2021.

a) **Impact on livelihood**

13.2.2 The Interested Party identified concerns in relation to the impact of the Fen Meadow establishment on the well-being and livelihood of the occupier.

13.2.3 The concerns are dealt with in the Second Relevant Representations Report [\[REP3-049\]](#), including Addendum [\[AS-153\]](#), which details SZC Co.'s agent Dalcour Maclaren's engagement with representatives of the affected landowners and occupier to understand and mitigate their concerns. Full details of engagement to date are detailed in the Status of Negotiations with Owners of the Order Land (Doc Ref. 4.1B (C)). Further engagement including site visits are proposed by SZC Co. (a meeting has been diarised for 11th August 2021 on site) to ensure the concerns of the owners and occupier are understood.

b) **Damage to habitat**

13.2.4 The Interested Party has concerns that the establishment of the Fen Meadow habitat in this area will permanently damage the existing valuable ecological habitat and hydrology on this land and the surrounding land.

13.2.5 The **Fen Meadow Plan** to be submitted at Deadline 6 will define the proposals at this site. No proposals will be taken forward which damage existing habitats of value in the vicinity (such as the adjacent Pakenham Fen SSSI) or within the proposed order limits, such as existing areas of fen meadow habitat.

c) **Distance of site from scheme, size and suitability of site**

13.2.6 The Interested Party raises concerns about the distance of the proposed Fen Meadow at Pakenham from the main development site, the suitability of the proposed site, the practicality and feasibility of converting the site to Fen Meadow, whether such a large area is needed and whether other more suitable sites could have been located and purchased.

13.2.7 The concerns are dealt with in the Second Relevant Representations Report [\[REP3-049\]](#), including Addendum [\[AS-153\]](#). In addition, the **Written Summaries of Oral Submissions made at ISH7** (Doc Ref 9.47) provide SZC Co. responses to the above matters raised by the Interested Party.

13.3 Dowley Farming Partnership [REP3-123]

13.3.1 Create Consulting Engineers Ltd (CCE) have been appointed by LJ & EL Dowley raise a number of concerns in relation to the impact of the scheme on the Interested Party's property, the Theberton House Estate located close to the village of Theberton. The Interested Party identifies concerns regarding the impact of the proposed roundabout including visual impact/lighting, noise, air quality and road safety.

a) Visual Impact/Lighting

- The Interested Party has suggested that a receptor specific assessment is required in relation to their property to assess the impact of the lighting associated with the proposed main development site roundabout.
- Views from Potters Street, adjacent to Theberton House, of the proposed main site access roundabout and vehicles accessing the main development site would be substantially screened by intervening established vegetation comprising mature parkland trees and belts of trees that define the edge of the parkland.
- Glimpsed, filtered views, notably in winter months when deciduous trees and shrubs are out of leaf, may be possible to moving vehicles and lighting columns at the junction through the intervening vegetation. The lighting columns at the roundabout are unlikely to be seen above the tree belts around the parkland.
- This review has been undertaken based on desk top analysis of aerial photography and details of the proposed development. Information was issued to the Interested Party on 30th April 2021 which provided an indication of the anticipated 'light spill' from the roundabout, and confirmed the anticipated lighting impacts to be very localised. Further, SZC Co. submitted a Technical Note on **Indicative Lighting Modelling** [REP3-057] at Deadline 3, setting out the lighting proposals across the whole site. The detailed lighting mitigation will be in accordance with the **Lighting Management Plan** (Doc Ref. 6.3 2B (A)).

b) Noise

13.3.2 CCE, on behalf of the Interested Party disagrees with the methodology used by SZC Co. for the noise assessments.

- 13.3.3 SZC Co. does not accept CCE's findings in respect of noise, as CCE appears to misunderstand the '5dB(A) change' method of assessment, as described in Appendix E3.3 of BS5228-1: 2009+A1: 2014¹, and consequently draws incorrect conclusions.
- 13.3.4 The 5dB(A) change method gives largely the same outcomes as the 'ABC method' that is set out in Appendix E3.2 of the same standard and is the method that SZC Co. has used to inform the construction noise assessment.
- 13.3.5 The important caveat stated in BS5228-1: 2009+A1: 2014 for the 5dB(A) change method is that equating a 5dB change to a significant impact is subject to lower cut-off values of 65dB, 55dB and 45dB for the daytime, evening and night-time periods respectively. This means that if the construction noise levels are below these thresholds, there is no significant impact, irrespective of the change.
- 13.3.6 The application of the lower cut-off values is important, as without them the 5dB(A) change method would lead to far more onerous outcomes than the ABC method, which would undermine the statement in Appendix E3.1 of BS5228-1: 2009+A1: 2014 that the two methods are similar in approach.
- 13.3.7 Had the 5dB(A) change method been used for the receptor Theberton House, the assessment outcomes would be the same as set out in the **Volume 6, Chapter 4** of the ES [APP-451], i.e. the preparatory works would give rise to a not significant effect, and the main construction phase would give rise to a significant adverse effect.
- 13.3.8 At paragraph 2.11 of the submission, CCE quote paragraph 4.3.26 of **Volume 6, Chapter 4** of the ES [APP-451], which refers to the requirement in DMRB LA111² to take account of local circumstances when reaching a final conclusion on the significance of short-term effects of road traffic noise.
- 13.3.9 The requirement in DMRB LA111 is set out in paragraph 3.60, which provides instruction on whether a short-term effect is either significant or not significant, depending on the specific circumstances stated in Table 3.60. It is not a general direction to modify the conclusion based on other considerations, and the presence of construction traffic on the road for 10+

¹ British Standard BS 5228-1 Noise: 2009+A1: 2014 – Code of Practice for noise and vibration control at open construction sites – Noise

² Design Manual for Roads and Bridges (DMRB) LA 111 Noise and vibration
<https://www.standardsforhighways.co.uk/prod/attachments/cc8cfc7-c235-4052-8d32-d5398796b364?inline=true&page=25>

years, as cited by CCE, is not one of the circumstances listed in Table 3.60 in DMRB LA111.

- 13.3.10 In any event, the short-term effects from road traffic noise at Theberton House have already been identified as significant, in an EIA context, and therefore the only modification that would be relevant in Table 3.60 would have the effect of reducing the effects to not significant, if they applied.
- 13.3.11 CCE also states at paragraph 2.5 that the submitted construction noise assessment is only suitable to assess the viability of the development, and not the likely effects.
- 13.3.12 SZC Co. is content that the approach adopted in the submitted noise assessment is consistent normal good practice for any construction project at a similar point in its lifespan (i.e. prior to consent) and that the conclusions reached are both reasonable and robust.
- 13.3.13 Although a main contractor is yet to be appointed and therefore cannot provide detailed method statements for the works, the construction noise assessment has been informed by consulting and acoustics engineers and consultants with a wealth of practical experience in construction projects.

c) Air Quality

- The Interested Party has suggested that a receptor specific assessment is required in relation to their property to establish changes to air quality as a result of the Sizewell C Project.
 - The air impact assessment considered potential receptors based on established screening distances from emission sources (i.e. the road links and the Main Development Site). Effects were reported at the worst case affected receptors.
 - For traffic, there are several receptors located adjacent to the B1122 near Theberton that are closer to the road than Theberton House and even those all experience future year nitrogen dioxide and particulate matter concentrations that are less than the current baseline levels. The traffic air quality effects at those receptors are therefore insignificant and by extension the same applies for Theberton House.
- 13.3.14 Similarly, the construction dust assessment also considers potential receptors within established screening distances and Theberton House lies outside those distances. The dust assessment concludes that with the embedded mitigation in place, as outlined in the Code of Construction Practice [[REP2-056](#)].

- , the effects from dust resulting from construction of the Sizewell Link Road and the Main Development Site would be not significant at any receptor and therefore, by extension, this also applies at Theberton House which is further away than the receptors considered in the assessment.
- For the emissions from the power station emergency diesel generators (DGs), the closest receptor to Theberton that was assessed is R5 The Round House. The Round House receptor is actually closer to the DGs, and therefore the impacts at Theberton would be lower than those at The Round House. NO₂ impacts for commissioning and routine testing scenarios were 0.2 µg/m³ and 0.06 µg/m³ respectively, or 0.5% and 0.15% respectively of the annual average Air Quality Standard (AQS) objective and can be considered to be insignificant. With existing background concentrations in the area, the overall predicted environmental concentration represents 15% of the annual average AQS objective and therefore can be considered to be well below the objective.
- Together, the impacts from the traffic and the DGs would result in an overall predicted environmental concentration representing 17% of the annual average AQS objective and therefore can be considered to be well below the objective and not significant.
- The same conclusion applies for PM₁₀ emissions from traffic and the DGs.

13.3.15 The results for predicted impacts from transport emissions are presented in Volume 3, Appendix 2.7.C of the ES Addendum [\[AS-127\]](#), the construction dust assessment for Sizewell Link Road is presented in Volume 6, Appendix 5A of the ES [\[APP-455\]](#), and the construction dust assessment for the Main Development Site is presented in Volume 2, Appendix 12A of the ES Addendum [APP-213](#).

13.3.16 Based on the above it is therefore considered that air quality effects at Theberton House have been adequately characterised and results are not considered to be significant or at risk of causing any exceedance of air quality standard set for the protection of health of the general population. No specific additional assessment is therefore considered necessary.

d) Road Safety

- 13.3.17 The Interested Party believes the Consolidated Transport Assessment [[REP2-045](#)] is insufficient.
- 13.3.18 All of the proposed highway schemes have been designed in accordance with the Design Manual for Roads and Bridges (DMRB), and the SZC Co. design teams have taken advice from an embedded road safety expert in developing those designs. The highway schemes have undergone a Stage 1 Road Safety Audit (RSA) in accordance with DMRB's GG119 Road safety audit guidelines. The Stage 1 RSA was conducted to a level appropriate for the preliminary design status. A further Stage 2 RSA will be undertaken following completion of detailed design, followed by a Stage 3 RSA following construction and Stage 4 RSA after the scheme has been in place for 12 months, and will involve a review of traffic collision data over that period.
- 13.3.19 The RSAs were undertaken by fully qualified and experienced team of WSP road safety auditors, who are separate from WSP's design team. The road safety audit team have had no involvement in, or influence on, the highway scheme concept or design development in accordance with para. 3.3 of GG119. There is no specific need to appoint a different organisation to undertake a RSA. GG119 states on page 10 that "*The individuals within the road safety audit team can be drawn from different organisations including...the design organisation.*" The road safety audit team were approved by Suffolk County Council as the highway authority and Overseeing Organisation, and road safety audit reports were issued directly to SCC as is prescribed by GG119, without any involvement of the highway scheme design team.

13.4 David and Belinda Grant [[REP3-125](#)]

- 13.4.1 Create Consulting Engineers Ltd (CCE) have been appointed by David and Belinda Grant raise a number of concerns in relation to the impact of the Sizewell Link Road on the Interested Party's property including severance and the impact of the road and associated works on the residential property.
- 13.4.2 Details regarding the issues raised were responded to in Written Representations at Deadline 3 [[REP3-042](#)]

a) Severance and impact on farming operations

- 13.4.3 The Interested Party raises points in relation to the impact of the installation of the SLR and associated works on the holding including drainage and water supply.

- 13.4.4 Details regarding the issues raised in relation to severance were responded to in Written Representations at Deadline 3 [\[REP3-042\]](#)
- 13.4.5 SZC Co is currently looking into the feasibility of incorporating an underpass under the SLR to give access for vehicles to the land that will lie to the north of the proposed road. SZC Co. has engaged a drainage expert who has been in correspondence with the Interested Party with a view to ensuring that water supplies and drainage are not interfered with as a result of the construction of the SLR.
- b) **Fordley Road closure**
- 13.4.6 The Interested Party believes Fordley Road should remain open for local traffic use.
- 13.4.7 This matter is addressed in Written Representations at Deadline 3 [\[REP3-042\]](#)
- 13.4.8 A Fordley Road overpass of the Sizewell link road is not possible as explained to the ExA during Issue Specific Hearing 3. A further response is provided in **Written submissions arising from Issue Specific Hearing 3** (Doc Ref 9.50).
- c) **Issues related to the Consolidated Transport Assessment and Road Safety Audit**
- 13.4.9 CCE on behalf of the Interested Party have identified a number of areas where they do not agree with the **Consolidated Transport Assessment** [\[REP2-045\]](#).
- 13.4.10 SZC Co. carried out a comprehensive scoping exercise to derive the list of junctions which should undergo detailed traffic modelling to confirm operational capacity. SZC Co. consulted with ESC and SCC to ensure that junctions of interest to them were considered and assessed. Junctions were excluded from the 'long list' where they were forecast to operate with significant spare capacity in all scenarios. That list of 'scoped-out' junctions was agreed between SZC Co. and both authorities as reported in the **Initial Statement of Common Ground with East Suffolk Council and Suffolk County Council** [\[REP2-076\]](#). The scoping exercise is described in **Chapter 9** of the **Consolidated Transport Assessment** [\[REP2-045\]](#). Fordley Road is a narrow one-lane rural road with informal passing places and is expected to continue to carry very low traffic flows. The junction of the Sizewell link road / Fordley Road was not included in the list of junctions for detailed traffic modelling on the basis that the proposed design, which is developed in accordance with the Design Manual for Roads and Bridges

(DMRB), will provide significant spare traffic capacity for safe and efficient operation.

13.4.11 All of the proposed highway schemes have been designed in accordance with the DMRB, and SZC Co.s design teams have taken advice from an embedded road safety expert in developing those designs. The highway schemes have undergone a Stage 1 Road Safety Audit (RSA) in accordance with DMRB's GG119 Road safety audit guidelines. The Stage 1 RSA was conducted to a level appropriate for the preliminary design status. A further Stage 2 RSA will be undertaken following completion of detailed design, followed by a Stage 3 RSA following construction and Stage 4 RSA after the scheme has been in place for 12 months, and will involve a review of traffic collision data over that period.

13.4.12 The RSAs were undertaken by fully qualified and experienced team of WSP road safety auditors, who are separate from WSP's design team. The road safety audit team have had no involvement in, or influence on, the highway scheme concept or design development in accordance with para. 3.3 of GG119. There is no specific need to appoint a different organisation to undertake a RSA. GG119 states on page 10 that "*The individuals within the road safety audit team can be drawn from different organisations including...the design organisation.*" The road safety audit team were approved by Suffolk County Council as the highway authority and Overseeing Organisation, and road safety audit reports were issued directly to SCC as is prescribed by GG119, without any involvement of the highway scheme design team.

d) Fordley Hall - Noise

13.4.13 CCE, on behalf of the Interested Party disagrees with the methodology used by SZC Co. for the noise assessments.

13.4.14 The review of the noise assessment submitted on behalf of Mr and Mrs Grant by CCE is very similar to that submitted on behalf of the Dowley Farming Partnership. So that the two sections can be read in isolation, SZC Co.'s comments on the CCE review are repeated here, where relevant.

13.4.15 SZC Co. does not accept CCE findings in respect of noise, as CCE appears to misunderstand the '5dB(A) change' method of assessment, as described in Appendix E3.3 of BS5228-1: 2009+A1: 2014³, and consequently draws incorrect conclusions.

³ British Standard BS 5228-1 Noise: 2009+A1: 2014 – Code of Practice for noise and vibration control at open construction sites – Noise

- 13.4.16 The 5dB(A) change method gives largely the same outcomes as the ‘ABC method’ that is set out in Appendix E3.2 of the same standard and is the method that SZC Co. has used to inform the construction noise assessment.
- 13.4.17 The important caveat stated in BS5228-1: 2009+A1: 2014 for the 5dB(A) change method is that equating a 5dB change to a significant impact is subject to lower cut-off values of 65dB, 55dB and 45dB for the daytime, evening and night-time periods respectively. This means that if the construction noise levels are below these thresholds, there is no significant impact, irrespective of the change.
- 13.4.18 The application of the lower cut-off values is important, as without them the 5dB(A) change method would lead to far more onerous outcomes than the ABC method, which would undermine the statement in Appendix E3.1 of BS5228-1: 2009+A1: 2014 that the two methods are similar in approach.
- 13.4.19 Had the 5dB(A) change method been used for the receptor Fordley Hall, the outcomes would be less onerous than were set out in the **Volume 6, Chapter 4** of the **ES** [\[APP-451\]](#). The outcomes for the preparatory works and the main construction works during the week and on Saturday mornings would be the same, i.e. the effects would be not significant in an EIA context. However, on Saturdays from 13:00 to 19:00 hours, the 5dB(A) change method would suggest a not significant effect in an EIA context, whereas the ABC method, and therefore the submitted assessment, suggests a moderate adverse effect, which is significant.
- 13.4.20 The 5dB(A) change method does not recognise the day of the week, providing lower cut-off thresholds only according to time of day. Saturdays from 13:00 to 19:00 hours would therefore have the same criteria as every other daytime period; the ABC method reduces the significance thresholds on Saturdays between 13:00 to 19:00 hours, according that period a higher degree of sensitivity.
- 13.4.21 It is this more refined approach to the days of the week that makes the ABC method a more useful, and precautionary, approach to the assessment of construction noise.
- 13.4.22 At paragraph 3.10 of the submission, CCE quote paragraph 4.3.26 of **Volume 6, Chapter 4** of the **ES** [\[APP-451\]](#), which refers to the requirement

in DMRB LA111⁴ to take account of local circumstances when reaching a final conclusion on the significance of short-term effects of road traffic noise.

- 13.4.23** The requirement in DMRB LA111 is set out in paragraph 3.60, which provides instruction on whether a short-term effect is either significant or not significant, depending on the specific circumstances stated in Table 3.60. It is not a general direction to modify the conclusion based on other considerations, and the presence of construction traffic on the road for 10+ years, as cited by CCE, is not one of the circumstances listed in Table 3.60 in DMRB LA111.
- 13.4.24** In any event, the short-term effects from road traffic noise at Fordley Hall have already been identified as significant, in an EIA context, and therefore the only modification that would be relevant in Table 3.60 would have the effect of reducing the effects to not significant, if they applied.
- 13.4.25** CCE also states at paragraph 3.4 that the submitted construction noise assessment is only suitable to assess the viability of the development, and not the likely effects.
- 13.4.26** SZC Co. is content that the approach adopted in the submitted noise assessment is consistent normal good practice for any construction project at a similar point in its lifespan, i.e. prior to consent, and that the conclusions reached are both reasonable and robust.
- 13.4.27** Although a main contractor is yet to be appointed and therefore has not yet provided detailed method statements for the works, the construction noise assessment has been informed by consulting and acoustics engineers and consultants with a wealth of practical experience in construction projects.
- e) Fordley Hall – Air Quality**
- 13.4.28** The Interested Party has suggested that a receptor specific assessment is required in relation to their property to establish changes to air quality as a result of the Sizewell C Project.
- 13.4.29** Fordley Hall is represented by receptor YX5 on Fordley Road which is located closer to the Sizewell Link Road. At YX5, the impacts from transport emissions are predicted to be negligible with the nitrogen dioxide and particulate matter concentrations in all future scenarios being less than the current baseline. The construction dust assessment concludes that with the embedded mitigation in place, as outlined in the Code of Construction

⁴ Design Manual for Roads and Bridges (DMRB) LA 111 Noise and vibration
<https://www.standardsforhighways.co.uk/prod/attachments/cc8cfcf7-c235-4052-8d32-d5398796b364?inline=true&page=25>

Practice (Doc Ref. 8.11(C)), the effects from dust resulting from construction of the Sizewell Link Road would be not significant.

- 13.4.30 The results for predicted impacts from transport emissions at YX5 are presented in **Volume 3, Appendix 2.7.C** of the **ES Addendum** [\[AS-127\]](#) and the construction dust assessment for Sizewell Link Road are presented in **Volume 6, Appendix 5A** of the **ES** [\[APP-455\]](#).

f) **Fordley Hall – Visual Impacts / Lighting**

- 13.4.31 The Interested Party has suggested that a receptor specific assessment is required in relation to their property to assess the impact of the lighting associated with the proposed Sizewell Link Road.

- 13.4.32 This matter is addressed in Written Representations at Deadline 3 [\[REP3-042\]](#)

g) **Ecology**

- 13.4.33 The Interested Party believes there are discrepancies in the ecology information provided by SZC Co.

- 13.4.34 This matter is addressed in Written Representations at Deadline 3 [\[REP3-042\]](#)

13.5 **Bacon Farms / Ward Farming / Nathaniel and India Bacon**
[\[REP3-147, REP3-148 & REP3-149\]](#)

- 13.5.1 In their Deadline 3 submission Create Consulting Engineers Ltd (CCE) appointed by Nathaniel and India Bacon (the Bacon Family)/Ward Farming raise a number of concerns in relation to the impact of the Sizewell Link Road and Marsh Harrier compensatory habitat on the interested party's property.

a) **B1122/B1125 junction**

- 13.5.2 The Interested Party do not agree with the proposals for the B1122/B1125 junction and have proposed alternative options.

- 13.5.3 This matter is addressed in Written Representations at Deadline 3 [\[REP3-042\]](#)

b) Concerns related to the Consolidated Transport Assessment and Road Safety Audit

- 13.5.4 CCE on behalf of the Interested Party have identified a number of areas where they do not agree with the **Consolidated Transport Assessment [REP2-045]** or the scope of the Road Safety Audit.
- 13.5.5 All of the proposed highway schemes have been designed in accordance with the Design Manual for Roads and Bridges (DMRB), and our design teams have taken advice from an embedded road safety expert in developing those designs. The highway schemes have undergone a Stage 1 Road Safety Audit (RSA) in accordance with DMRB's GG119 Road safety audit guidelines. The Stage 1 RSA was conducted to a level appropriate for the preliminary design status. A further Stage 2 RSA will be undertaken following completion of detailed design, followed by a Stage 3 RSA following construction and Stage 4 RSA after the scheme has been in place for 12 months, and will involve a review of traffic collision data over that period.
- 13.5.6 The RSAs were undertaken by fully qualified and experienced team of WSP road safety auditors, who are separate from WSP's design team. The road safety audit team have had no involvement in, or influence on, the highway scheme concept or design development in accordance with para. 3.3 of GG119. There is no specific need to appoint a different organisation to undertake a RSA. GG119 states on page 10 that "*The individuals within the road safety audit team can be drawn from different organisations including...the design organisation.*" The road safety audit team were approved by Suffolk County Council as the highway authority and Overseeing Organisation, and road safety audit reports were issued directly to SCC as is prescribed by GG119, without any involvement of the highway scheme design team.

c) Marsh Harrier selection criteria

- 13.5.7 The Interested Party identifies concerns regarding the suitability and selection criteria for Marsh Harrier Habitat replacement proposals. Including a query on why the Westleton proposal is required in addition to that at Lower Abbey Farm.
- 13.5.8 SZC Co's position is that the Westleton site 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 HRA Compensation report [APP-152]. The Applicant's position is that sufficient compensatory habitat is provided within the EDF Energy estate. The **Written Summaries of Oral Submissions made at**

ISH7 (Doc Ref 9.47) provide SZC Co.'s responses to the above matters raised by the Interested Party, in addition, a note will be provided to the Examination at Deadline 6 which explains the approach to site selection and these reasons for selecting 'Site 1' at Westleton.

- 13.5.9 SZC Co. issued terms to the owners of the Westleton Marsh Harrier site on 11 September 2020. The Interested Party (Ward Farming/Bacon family) have subsequently engaged with the owner of the site to acquire the land. As soon as SZC Co. were made aware of the potential change in ownership an approach was made to the Interested Party (15 June 2021). SZC Co. is working with the Interested Party and their agent to seek to pursue a private treaty agreement for the rights required for the mitigation land, if further mitigation is deemed necessary by the Secretary of State.

14 RESPONSES TO OTHER SUBMISSIONS

14.1 SZC Co. Comments on Other Submissions

14.1.1 This section provides a response to the following parties:

- Farnham Environment Residents and Neighbours (FERN) [[REP3-102](#)];
- Woodbridge Town Council [[REP2-198](#)], [[REP3-085](#)], [[REP3-086](#)], [[REP3-087](#)], [[REP3-088](#)] and [[REP3-089](#)], although it is noted that [[REP3-088](#)] and [[REP3-089](#)] appear to be the same document.
- Heveningham Hall Estate [[REP2-287](#)]
- Suffolk Coastal Friends of the Earth [[REP3-134](#) to [REP3-137](#)]

14.2 Farnham Environment Residents and Neighbours (FERN) [[REP3-102](#)]

- 14.2.1 In FERN's Deadline 3 submission [[REP3-102](#)], FERN made a number of comments regarding the potential impact of the Two village bypass. SZC Co. responds to these comments below.

- 14.2.2 In FERN's Deadline 3 submission [[REP3-102](#)], FERN also commented on SZC Co.'s responses to ExQ1 [[REP2-100](#)]. Responses to the FERN's comments on responses to the ExQ1 are contained separately and submitted at Deadline 5 (Doc Ref. 9.46).

a) Hydrology at Foxburrow Wood

- 14.2.3 SZC Co. has undertaken ground investigation work on the Two village bypass site, and this has been discussed with Suffolk County Council. The ground investigation work identified that the water table recorded in boreholes is well below the level of the cutting. Therefore, SZC Co. will not be draining Foxburrow Wood or Pond Wood.

b) Distances between properties and woodland to the Two village bypass

- 14.2.4 As requested by the Examining Authority, SZC Co. submitted further information at Deadline 4. **Appendix A** [\[REP4-006\]](#) comprises a table with distances between properties, and woodland, to the DCO boundary, the permanent boundary and to the Two village bypass alignment (edge of carriageway).

c) Surveys

- 14.2.5 A substantial ecological baseline is in place for habitat features for the site of the Two village bypass, and this is sufficient for EIA purposes. Given the concern of stakeholders, and as set out at Deadline 4 [\[REP4-006\]](#), SZC Co. will be undertaking additional surveys. The surveys that are to be undertaken are listed on page 4 [\[REP4-006\]](#), and include bat-tracking surveys for bats and Preliminary Bat Roost Assessments of buildings within the Farnham Hall/Manor complex.
- 14.2.6 FERN has also called for Dormouse surveys to be undertaken. No dormouse surveys have been undertaken to date and dormice are generally absent from East Suffolk.
- 14.2.7 In the highly unlikely event that they are present locally, they are more likely to be present in the understorey of the ancient woodlands of Palant's Grove and Foxburrow Wood, and so require the connectivity afforded by the connecting woodland that links these two ancient woodlands. SZC Co. committed at ISH 6 to undertake a Dormouse survey, subject to access being granted to the relevant locations. This will be submitted to examination at an appropriate deadline.
- 14.2.8 Great Crested Newt (GCN) Surveys undertaken in 2021 have surveyed those ponds that were previously listed as "access not granted". During these surveys a number of additional ponds were identified and surveyed. The results of the eDNA testing confirmed that GCN were absent which support the position that there are no GCNs within the Two village bypass site and zone of influence (including Farnham hall area), as detailed within

paragraph 1.5.59 of **Volume 5, Appendix 7A** of the **ES** [APP-426]. The results of the 2021 surveys will be submitted to examination at an appropriate deadline.

d) **Status of woodland between Foxburrow Wood and Palant's Grove**

- 14.2.9 Details regarding the issues raised were responded to in Written Representations at Deadline 3 [REP3-042] (page 74). East Suffolk Council's Response to Examining Authority's First Round of Written Questions (BIO.1.134) submitted at Deadline 2 [REP2-176] provides helpful confirmation of the woodlands status as a CWS of County level importance. Similar conformation has been provided by Suffolk County Council at [REP3-083].

e) **Costing**

- 14.2.10 As described in [REP2-100], AI.1.22 SZC Co. has prepared a schematic version of the Parish Council's alignment, so that it is compliant at a high level with geometric standards (referred to as the revised alternative Parish Council alignment).
- 14.2.11 SZC Co. has costed its Two village bypass alignment but not the alternative Parish Council alignment. Comparing costs of individual locations is not considered appropriate. Whilst the alternative Parish Council alignment is at grade between the Foxburrow Wood/Palant's Grove woodlands, three other locations would need to be on significant fill, in addition to the River Alde flood plain, of some metres at the following locations due to the existing topography (that is not engaged on the DCO Alignment route):
1. Chainage 940 South of The Belt woodland
 2. Chainage 1400 South of Pond Barn Cottages
 3. Chainage 2350 North of Palant's Grove woodland
- 14.2.12 The Two village bypass alignment (as proposed in the DCO), being in fill over the River Alde flood plain and in cutting past Farnham Hall provides broadly a cut/fill balance in addition to providing noise reducing effects when the DCO route is in cutting. It is not known what the cut and fill consequences of any alternative might be.
- 14.2.13 The cost of the longer PC alternative alignment and additional earthworks (when assessed for the whole route) is likely to exceed the cost of the Two village bypass alignment, although such comparisons are academic.

f) Noise assessment

- 14.2.14 SZC Co. has responded in detail to the Mollett's Farm written representations within SZC Co.'s comments on responses to ExQ1 at SE.1.12 submitted at Deadline 5 (Doc Ref. 9.46).
- 14.2.15 SZC Co. does not accept that the noise assessment for Mollett's Farm is 'faulty'. The main criticisms in the Mollett's Farm written representation [\[REP2-380\]](#) relate to the differences between measurements and calculations, with a claim that the assessment underestimates the potential impacts.
- 14.2.16 While measurements can be used to inform the calculation of road traffic noise, primarily through a process of validation, the assessment of road traffic noise is based on the predicted levels. This is consistent with assessment method set out in the Design Manual for Roads and Bridges LA111⁵.

g) DMRB geometric standards of the Parish Council alignment

- 14.2.17 As described in [\[REP2-100\]](#) AI.1.22, SZC Co. has prepared a revised schematic version of the Parish Council's alignment, so that it is compliant at a high level with geometric standards (referred to as the revised alternative Parish Council alignment).
- 14.2.18 The original Parish Council Alignment was received as a pencil line diagram that when drawn to DMRB geometric standards, including transition curves, appears to have substandard radii south and north of Palant's Grove. The original Parish Council Alignment was adjusted to provide the revised alternative Parish Council Alignment to DMRB geometric standards including transition curves.
- 14.2.19 The revised alternative Parish Council Alignment and the Two village bypass alignment in the DCO are drawn with a minimum centreline radius of 510m with provision of transition curves.
- 14.2.20 The original Parish Council alignment would require a radius of 510m to provide the route shown past Walk Farm Barn, reservoir.

⁵ <https://www.standardsforhighways.co.uk/prod/attachments/cc8cfcf7-c235-4052-8d32-d5398796b364?inline=true>

14.3 Woodbridge Town Council [REP3-085 to REP3-089]

a) Noise

- 14.3.1 In its Deadline 2 submission [REP2-198], Woodbridge Town Council (WTC) has provided details of its views on noise and vibration, which underpin its Deadline 3 submissions that make broader points about the proposed infrastructure for the transportation of construction materials.
- 14.3.2 It is noted that WTC's submission [REP3-087] contains its comments on ExQ1, and SZC Co. has provided responses to a number of these points in its Deadline 5 comments on those questions (Doc Ref. 9.55). SZC Co.'s responses are not repeated here.
- 14.3.3 At paragraphs 24 to 29 of [REP2-198], WTC notes that until recently trains were required to stop at Woodbridge station prior to accessing the single track section to Saxmundham, but that WTC was not sure if that remained the case.
- 14.3.4 Through the discussions with Network Rail, SZC Co. understands that it will not be necessary for its freight trains to routinely stop at Woodbridge station prior to accessing the single track section to Saxmundham. It is not possible to categorically state that it will never happen, in the same way that it is not possible to state categorically that the trains will never have to stop somewhere en-route between their starting points and destinations, but it will be the exception rather than the rule. This issue is addressed through the evolving Statement of Common Ground with Network Rail.
- 14.3.5 At paragraphs 30 to 32 of [REP2-198], WTC has set out their understanding of the source noise levels that have informed the L_{AFmax} noise predictions used in SZC Co.'s submitted noise assessment. To be clear, the L_{AFmax} noise levels measured in August 2020, were as follows (all stated at a distance of 10m from the nearside rail):
- Class 66 locomotive: 74dB at 10mph and 81dB at 20mph;
 - Class 68 locomotive: 76dB at 10mph and 79dB at 20mph.
- 14.3.6 These values were found to be lower than the L_{AFmax} values used in the submitted noise assessment, which were (again, stated at a distance of 10m from the nearside rail):
- 77dB at 10mph; and
 - 85dB at 20mph.

- 14.3.7 Despite the lower levels measured in August 2020, the source data in the noise assessment was retained at the higher values used in the original ES. All of these values, and the decision to retain the higher values from the assessment in **Volume 9, Chapter 4** of the ES [\[APP-545\]](#) were set out in **Table 3.1** in **Volume 3, Appendix 9.3.A** of the **ES Addendum** [\[AS-257\]](#), with the following **paragraphs 3.2.2 and 3.2.3** explaining the relationship between the two sets of data.
- 14.3.8 WTC’s statement in paragraph 31 of [\[REP2-198\]](#) is factually incorrect; the assessment of L_{AFmax} noise levels from passing trains was not based on the lower levels from those listed. As noted above, the assessment was based on the higher values used in **Volume 9, Chapter 4** of the ES [\[APP-545\]](#) despite the August 2020 survey suggesting that they were higher than likely to occur in practice. The locomotive L_{AFmax} measurement data from the various surveys had been analysed to identify the mean values, and the 95% confidence limits for each. The assessment was based on the 95% confidence limit values, which were the higher values.
- 14.3.9 At paragraph 32 of [\[REP2-198\]](#) WTC notes that sound levels quoted in terms of L_{WA} noise index are taken “*to be immediately adjacent to the unit.*” These values are sound power levels, denoted as either L_{WA} or SWL, and these are an indication of the inherent acoustic power of a source. No reference distance is required; a distance is only relevant if sound pressure is being considered, not sound power.
- 14.3.10 A useful analogy would be an electric heater, which has an inherent power typically measured in kW, which generates varying temperatures at different distances. The L_{WA} is analogous to the kW of the heater, while the temperature at different distances is analogous to a sound pressure level, which can be quantified in a number of ways (L_{AFmax} , L_{Aeq} , L_{A90} etc). A full glossary of the various terms is provided in **Section 7** of **Volume 1, Appendix 6G, Annex 6G.1** of the ES [\[APP-171\]](#).
- 14.3.11 WTC’s statement at paragraph 33 of [\[REP2-198\]](#) that “*the draft noise mitigation strategy is inevitably flawed for this incorrect assumption alone*” does not follow from the previous sections. Even if the source data were incorrect, which SZC Co. is content is not the case, the draft **Rail Noise Mitigation Strategy** [\[AS-258\]](#), which is what WTC is presumably referring to, is not predicated on achieving specific noise levels from locomotives. Instead the draft **Rail Noise Mitigation Strategy** [\[AS-258\]](#) sets out those measures that are reasonably practicable to mitigate and minimise noise and vibration from the operational use of the rail infrastructure.

- 14.3.12 The benefits of the draft **Rail Noise Mitigation Strategy** [AS-258] will be realised, irrespective of the particular source data for the locomotives.
- 14.3.13 In paragraphs 34 to 40 of [REP2-198] and again in paragraphs 44 to 50 of [REP2-198], WTC states that SZC Co. has not included the effect of train warning klaxons on the assessment, with particular reference to the level crossing at the Kingston Field crossing. This is a fair observation since train warning klaxons do not form part of the noise calculations. However, SZC Co. is working closely with Network Rail on the potential upgrade of this level crossing to Miniature Stop Lights which will remove the need for train warning klaxons at this location in anything other emergency circumstances. This is expected to also be the case for other level crossing upgrades along the East Suffolk line.
- 14.3.14 The rail noise calculations are considered to represent a reasonable worst-case scenario, based on the upper end of the range of noise levels likely to be generated by trains when operating normally.
- 14.3.15 Since the concern that WTC raises relates to maximum sound levels, which are caused by a single event at a discrete point in time rather than a linear activity during the passage of a train, it would be necessary to assume that the warning klaxon happens everywhere continually, to cater for the eventuality that it could happen anywhere. This is not considered to be a reasonable approach to adopt and would lead to an unrepresentative assessment.
- 14.3.16 In paragraphs 41 to 43 of [REP2-198], WTC states that SZC Co. was wrong to exclude flange squeal from its assessment. However, as noted at **paragraphs 3.3.1 to 3.3.4 in Volume 3, Appendix 9.3.A of the ES Addendum** [AS-257], the flange squeal was caused by the poor condition track on the existing Saxmundham to Leiston branch line, which caused the train wheels to rub against the rail.
- 14.3.17 It is caused by flange contact, which can occur whenever the wheel flange touches the rail cheek, making a scraping noise. This occurs when the track is out of gauge, or the rail inclination or track can't is wrong. If flange contact occurs on the curve north of Woodbridge, track maintenance should resolve it.
- 14.3.18 The ISVR paper⁶ that WTC refers to in connection with brake noise, also refers to wheel squeal on curved track, citing a rule of thumb that:

⁶ [Reducing freight wagon noise at the source](#), Dr M Toward, Dr G Squicciarini, Prof D Thompson, IRJ March 2015

“squeal is likely to occur when the curve radius is less than 100 times the wheelbase”

- 14.3.19 Wheel squeal is a pure tone due to radial oscillation of the wheel disc, initiated by slip-slide of the contact patch caused by the absence of a differential in a normal rigid railway axle; one wheel has to traverse a greater distance than the other to negotiate a curve because the circumference of the low rail is shorter than that of the high rail with its longer radius.
- 14.3.20 Measured from Google Earth, the curve north of Woodbridge Station appears to have a radius of approximately 520m. The bogie wheelbase of the JNA wagons likely to be used by SZC Co. is 2.0m, so the curve radius is well above 100 times the bogie wheelbase. Squeal from the track curvature north of Woodbridge is therefore unlikely.
- 14.3.21 WTC has cited two research papers in paragraphs 51 to 53 of [\[REP2-198\]](#) to underpin their claim that noise from train brakes is likely to generate sound at a comparable level to the locomotive noise. The papers do not make the points that WTC claim, and it is important to understand why.
- 14.3.22 Firstly, the papers relate to different types of tread brake systems, which act on the wheel running surface. This contact can increase the roughness of the wheel, which can increase the rolling noise of the train, and has been found to be a more important factor than rail roughness for most wavelengths of sound.
- 14.3.23 The wagons most likely to be used by SZC Co., JNA wagons, do not have tread brake systems, but use disc brakes that do not act directly on the wheel running surface. For that reason alone, the papers are not relevant.
- 14.3.24 However, should wagons with tread brakes be used, one can look into what the papers tell us, to see whether they are relevant to SZC.
- 14.3.25 It is important to know the distance from the trains that the noise levels are quantified, to understand how the numbers correlate with the numbers used by SZC Co. The ISVR paper does not state the distance from the track that the measurements apply, but it does state that the noise levels represent *“the contributions of wheel and track components to total noise”* and that *“In all cases, the wheel makes slightly less noise than the track.”*
- 14.3.26 The noise levels in the ISVR paper are modelled noise levels, representing the component of rolling train noise that is due to the wagon wheels with different brake block types. The underlying premise being that different brake block types influence the wheel characteristics, primarily the wheel

roughness, which in turn influences train noise generation when moving. The highest noise levels that WTC state should be taken into account relate to cast iron brakes, which have not been used in the UK for decades.

- 14.3.27 The International Union of Railways paper⁷ similarly sets out the noise level of trains moving at various speeds, which are generally much higher than the speeds envisaged on the East Suffolk line; again, the paper does not show the noise generated by the brakes when slowing a train, but the level of noise generated by the trains when fitted with different brake block types, as they influence the generated sound levels.
- 14.3.28 Again, the highest noise levels are caused by trains fitted with cast iron brakes, which are no longer used in the UK.
- 14.3.29 The data set out in the International Union of Railways paper references CEN ISO 3095, in the context of rail roughness. The measurement distances are not stated in the paper, although there is a reference on page 9 to the reasons why some studies have not been included in its analysis being measurements not in compliance with CEN ISO 3095.
- 14.3.30 The UK equivalent of CEN ISO 3095, BS EN ISO 3095⁸, provides a standardised measurement distance of 7.5m from the track centreline. If the studies used in the International Union of Railways paper used measurement distances compliant with CEN ISO 3095, none of the data would be comparable to the source data provided by SZC Co., which relates to a distance of 10m from the nearside rail.
- 14.3.31 The properties WTC notes in paragraphs 54 to 56 of [\[REP2-198\]](#) to be within 5m of the East Suffolk line are noted.
- 14.3.32 At paragraph 58 of [\[REP2-198\]](#), WTC states that there is no source reference for the noise measurement data it quotes from **Table 4.20** in **Volume 9, Chapter 4** of the **ES** [\[APP-545\]](#). That information can be found in **Volume 2, Appendix 11A** of the **ES** [\[APP-203\]](#).
- 14.3.33 WTC notes at paragraph 58 that they consider a value of 34dB to be a more appropriate indicator of the background noises in Woodbridge, north of Deben Road. This is based on their view that the lowest maximum sound levels measured at the long-term noise monitoring location in the former

⁷ [Real noise reduction of freight wagon retrofitting – Supporting communication on noise reduction](#), Union Internationale des Chemins de Fer, January 2013

⁸ BS EN ISO 3095: 2013 Acoustics – Railway applications – Measurement of noise emitted by railbound vehicles (ISO 3095: 2013), BSi (2013)

council car park in Woodbridge represent the “*true values in the central inhabited area*” of the town.

- 14.3.34 This conclusion contrasts with their claim in paragraph 47 of [REP2-198], that the monitoring location was “*remote from any highway*”. Either WTC views the monitoring location as representative of the central inhabited area of the town, or it is remote. It seems unlikely to be both.
- 14.3.35 Notwithstanding how representative the monitoring location might be of the wider town, WTC is seeking to use the lowest measured maximum sound levels to represent the background sound level in the town, and use that baseline position to define a level at which a ‘high magnitude’ impact will occur from an impact table that SZC Co. defined for use with L_{Aeq} sound levels.
- 14.3.36 This conflation of maximum noise levels to represent the background sound level, which is normally a statistical measure of sound representing the lowest 10% of sound levels, and then applying an impact threshold based on an energy sound average (L_{Aeq}) is flawed.
- 14.3.37 WTC make a similar error in paragraph 74 of [REP2-198], where it is claimed that 40% of people would be highly sleep disturbed, by applying a maximum sound level of 70dB L_{AFmax} to a table of L_{night} values, which can be considered as broadly equivalent to an 8 hour average value. This extrapolation and conflation of noise indices is incorrect.
- 14.3.38 At paragraph 59 of [REP2-198], WTC claims that SZC Co. has applied both L_{AFmax} and L_{Aeq} measures of noise impact to trains on the Saxmundham to Leiston branch line but only the L_{AFmax} measure to trains on the East Suffolk line.
- 14.3.39 This is not correct and was not confirmed in a meeting between SZC Co. and WTC as claimed. Noise from trains on the East Suffolk line was assessed against both metrics, with the impact on the L_{Aeq} scale being judged against the impact scale shown in **Table 4.6 in Volume 9, Chapter 4** of the ES [APP-545]. While it was found that the L_{AFmax} noise levels were the most important in terms of both impact and identification of mitigation, both metrics were assessed for the East Suffolk line and the Saxmundham to Leiston branch line.
- 14.3.40 At paragraph 61 of [REP2-198], WTC claims that the Government’s Planning Practice Guidance (PPG) on noise⁹ sets out “*detailed definitions*

⁹ MHCLG (2019) Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>

of LOAEL and SOAEL”, but does not refer to an “EIA Significance level as adopted” by SZC Co.

- 14.3.41 It is true that the PPG on noise provides a definition of what LOAEL and SOAEL mean, although there is no numerical definition of them, and SZC Co. has not claimed that the term “EIA Significance” is anything other than a shorthand description of the point at which noise reaches a threshold that would be regarded as significant, in an EIA context,
- 14.3.42 SZC Co. notes WTC has mis-quoted the definition of LOAEL in paragraph 62 by inadvertently including the word ‘significant’.
- 14.3.43 SZC Co. is not clear on the point that WTC is making at paragraphs 65 and 66 of [\[REP2-198\]](#); it appears that the claim is that the values for a medium magnitude impact on a medium sensitivity receptor, for which SZC Co. has used the shorthand reference of the ‘EIA Significance’ level, is above the 44dB threshold that WTC has erroneously derived using an L_{Aeq} impact scale table and assuming that the lowest measured maximum noise levels are representative of the background noise climate. If that is the point WTC is making, it is an incorrect application of the assessment methods, using the wrong metrics.
- 14.3.44 WTC points to the World Health Organisation’s (WHO) Environmental Guidelines for the European Region¹⁰ in paragraph 67 to 80 of [\[REP2-198\]](#) as evidence that railway noise should not exceed 44dB L_{night} . This misrepresents what the WHO numbers show, as can be seen from the quote in paragraph 70, where it is stated that:
- “railway noise above this level is associated with adverse effects on sleep”*
- 14.3.45 The WHO guidelines represent the point at which there is an onset of an adverse effect, i.e. the LOAEL. If one accepts that L_{night} and the night-time $L_{Aeq,8hrs}$ values are broadly equivalent, then the 40dB $L_{Aeq,8hr}$ LOAEL adopted by SZC Co. is more cautious than the 44dB L_{night} WHO guideline value.
- 14.3.46 After acknowledging that the 2018 WHO guidelines currently do not inform any Government policy or guidance, WTC states at paragraph 75 in [\[REP2-198\]](#) that “government guidance has closely followed such guidance from WHO after evaluation.” SZC CO. would respectfully ask for evidence to substantiate this claim, as it is not aware of such an approach, other than

¹⁰ World Health Organisation Regional Office for Europe (2018) Environmental Noise Guidelines for the European Region

the now superseded Planning Policy Guidance Note 24 Planning and Noise, which used WHO guidance to inform its noise categories for residential development, but not in a way that directly adopted the guideline values in the way suggested by WTC.

- 14.3.47 WTC claims at paragraph 77 of [\[REP2-198\]](#) that the WHO 2018 guidance accords with the three stated aims of the Noise Policy Statement for England (NPSE)¹¹, which SZC Co. does not accept. The three stated aims require actions at the LOAEL and SOAEL, and a contribution to the improvement of health and quality of life. The WHO 2018 might inform a position on LOAEL and possibly a contribution to the improvement of health and quality of life if implemented in policy a direct way, but there is no guidance within the document that speaks to the NPSE (and NPS) policy requirements at SOAEL.
- 14.3.48 WTC also claims at paragraph 78 of [\[REP2-198\]](#) that “*such revised guidance can be reasonably anticipated to be in place well before the use of the East Suffolk line for Sizewell freight traffic.*” SZC Co. is not clear on the basis of this claim, since there are no recent precedents for the inclusion of WHO guidance in Government policy, and as far as SZC Co. knows, there are no intentions to do so in the near future.
- 14.3.49 At paragraph 79 of [\[REP2-198\]](#) WTC again conflates different noise metrics, claiming that the WHO guideline value of 44dB L_{night} is similar to the 45dB L_{AFmax} value cited in the Professional Practice Guidance on Planning & Noise (ProPG)¹², despite one value being an average measure of sound and the other being a form of ‘peak’ level, which WTC acknowledges in paragraph 80. The two are not equivalent.
- 14.3.50 At paragraph 86 of [\[REP2-198\]](#) WTC notes that:
- “The 77dB intervention level is set well above the NNBG CL SOAEL (70dB) and WTC are aware that East Suffolk Council is strongly recommending reducing the intervention level to 70dB at the façade, the SOAEL.”*
- 14.3.51 The SOAEL adopted by SCZ Co. is 77dB L_{AFmax}, measured as a free-field value, not 70dB L_{AFmax}. The **Noise Mitigation Scheme** [\[REP2-034\]](#) has now been amended so that insulation is offered at 70dB L_{AFmax} (free-field, equivalent to 73dB L_{AFmax} at a building façade).

¹¹ DEFRA (2010) Noise Policy Statement for England

¹² Institute of Acoustics, Association of Noise Consultants, Chartered Institute of Environmental Health (2017) Professional Practice Guidance on Planning and Noise

14.3.52 It is worth noting that while WTC notes that it wishes to see further reductions in the thresholds for railway noise, SZC Co. considers that the **Noise Mitigation Scheme** [REP2-034] already goes beyond the equivalent offer under the Noise Insulation Regulations¹³ in three very important ways:

- Insulation is offered in the absence of amendments to existing rail lines or the construction of a new railway line;
- An eligibility threshold is provided in the form of a maximum sound level, where the statutory provision only uses daytime or night-time average values; and
- Unlike the L_{Aeq} -based thresholds, the maximum sound level threshold is set below SOAEL.

14.3.53 In paragraph 88 of [REP2-198], WTC states that the extracts from British Standard (BS) 8233: 2014¹⁴ contained in **paragraphs 4.37, 4.38 and 4.44 of Volume 1, Appendix 6G, Annex 6G.1** of the **ES** [APP-171] are relevant as they refer to “*sporadic noise events requiring separate values for acceptable internal noise levels and that for low frequency content noise ‘lower noise limits might be appropriate’*”.

14.3.54 While agreeing that that is broadly what BS8233: 2014 states, it is important to note that the values in BS8233: 2014 are not noise limits as described by WTC, but:

“...guidance for the control of noise in and around buildings. It is applicable to the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building.” (Scope of BS8233: 2014)

14.3.55 BS8233: 2014 states that it is:

“..desirable that the internal ambient noise level does not exceed the guideline values” (section 7.7.2 of BS8233: 2014)

¹³ The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996 No 428)

¹⁴ British Standard BS8233: 2014 – Guidance on sound insulation and noise reduction for buildings, BSI Standards Publication 2014

14.3.56 While noting that BS8233: 2014 states:

*“Sporadic noise events could require separate values.”
(Note 4 to Table 4 in BS8233: 2014)*

- 14.3.57 The standard does not provide any guidance on what a suitable criterion should be. Earlier versions of the standard referred to a maximum noise levels similar to that contained in earlier WHO guidance¹⁵ on maximum noise levels, but the current version has removed such references.
- 14.3.58 Notwithstanding the lack of guidance in BS8233: 2014 as to a suitable guideline value for maximum noise levels, SZC Co. has adopted the WHO’s internal threshold of 45dB L_{AFmax} as an indicator of potential sleep disturbance, and the assessments have full regard to this value.
- 14.3.59 At paragraph 92 of [REP2-198], WTC criticises the lack of weight SZC Co. placed on the 2018 WHO guidelines. SZC Co. accepts that it should not have dismissed the guidelines on the basis of the guidelines not having been incorporated into planning policy. However, as noted previously, the 2018 WHO guidelines provide guidance on what is considered to be the LOAEL, and the 40dB $L_{Aeq,8hrs}$ value adopted by SZC Co. as the LOAEL is more stringent than the 2018 WHO guideline value of 44dB L_{night} .
- 14.3.60 At paragraphs 94 and 95 of [REP2-198], WTC states that SZC Co. “intimated” it was feasible to consider the use of vibration reducing rail systems on the East Suffolk line. To be clear, SZC Co. stated that it would explore with Network Rail the use of resilient rail pads as part of the routine maintenance programme for the line, where such measures are found to be of benefit. This point remains under discussion with Network Rail, although SZC Co. note that the conclusions of the submitted assessments do not rely on the installation of vibration-reducing track support systems on the East Suffolk line.
- 14.3.61 At paragraphs 94 and 95 of [REP2-198], WTC raises the potential impact of railway noise on the Deben Estuary Ramsar and SPA.
- 14.3.62 Section 8.8 b iv) of the Shadow HRA Report [APP-145] presents a detailed analysis of the potential effects of anthropogenic noise and visual disturbance on waterbirds. On the basis of that analysis, a 70dB noise level (L_{Amax}) is considered appropriate for non-breeding waterbirds as a precautionary threshold at which the behavioural response of birds may start to become potentially costly in terms of energy expenditure. In other words, this is a threshold at which the potential for adverse effects to

¹⁵ A threshold of 45dB L_{AFmax} contained in the 1999 WHO Guidelines for Community Noise

individual birds may start to arise and, below this level, significant effects would not be expected.

14.3.63 A threshold of 70dB noise level (L_{Amax}) is, therefore, adopted as the threshold against which the potential effects of railway noise on the non-breeding waterbird qualifying features of the Deben Estuary SPA and Ramsar site are assessed.

14.3.64 The predictions from the operational noise modelling indicate that the zone of predicted exceedance of the 70dB L_{Amax} noise level is restricted to a narrow corridor along the railway line, and at no point does this zone extend into the Deben Estuary SPA and Ramsar site. With the exception of a very small area (approximately 0.55ha) adjacent to Melton, where the predicted noise level is between 60 and 70dB L_{Amax} , the predicted noise level within the SPA and Ramsar site is less than 60dB L_{Amax} . Consequently, no significant disturbance effect to waterbirds within the SPA and Ramsar site would be expected.

14.3.65 Other issues raised by WTC principally relate to whether or not it may have been possible to dual the East Suffolk line to increase the potential for daytime freight movements. These are matters to which SZC Co. has responded – for instance in the Initial **Statement of Common Ground with Network Rail** [[REP2-074](#)].

14.4 Heveningham Hall Estate [[REP2-287](#)]

14.4.1 SZC Co. has reviewed the Written Representations submitted on behalf of Heveningham Hall Estate and provides the below comments.

Model locations - it is unclear how the receptor locations subject to dispersion modelling for each of the European designated sites have been identified

14.4.2 Receptor transects have been selected for sites that are within 200m of the affected road network, as concentrations will have returned to background levels beyond this distance. This 200m distance is in accordance with the Highways England's DMRB LA 105 assessment requirements. A number of habitats have been assessed at multiple transect points on the habitat site where the site is adjacent to multiple roads in the road network. The combined effect of emissions from all roads in the modelled road network has been considered at all habitats within 200m of a modelled road link.

14.4.3 Figure 12B.1 in **Volume 2, Appendix 12B** of the **ES** [[APP- 213](#)] shows the local road and rail network that has been assessed in the air quality assessment. The transport network covers an area between Lowestoft and

Ipswich, and receptor locations have been selected and assessed at locations along the A12, near associated developments and on additional roads that are potentially affected by the scheme.

Ammonia - no consideration has been afforded to the deposition of ammonia

- 14.4.4 No assessment of ammonia concentrations from road vehicles has been included, as Highways England guidance on assessing impacts from road traffic emissions (LA105) does not identify ammonia emissions as pollutants requiring assessment. In addition, road traffic ammonia emissions are not included in the Defra toolkit nor were they identified as being appropriate to consider in the **EIA Scoping Report** [\[APP-168\]](#) or **Scoping Opinion** [\[APP-169\]](#). It is not expected that DMRB will be updated to consider ammonia emissions from vehicles for the foreseeable future. Ammonia emissions from road traffic are not expected to result in significant contributions at the habitat sites or any other receptor based on the level of emissions from vehicles and the dispersion of road traffic emissions down to background levels within 200m of the highway.

Geographical consideration of air quality effects

- 14.4.5 For clarity, regarding the statement that effects would only be relevant to “the portion of the site immediately adjacent to the road”, this is based on the outcome of the modelling of transects at intervals of 5m from the edge of the site closest to the road, then at 10m and 25m further away from the road. This modelling shows that NO_x concentrations, nitrogen deposition and acid deposition reduce with distance from the road, and for the majority of receptors, it is only the first few transect points closest to the road (within approximately 15m) that are predicted to exceed the 1% screening threshold. Beyond that distance, effects are predicted to be below the 1% screening threshold. The worst affected point has been reported in the ES Addendum, but the impact assessment considers the overall effect on designated sites.
- 14.5 **Suffolk Coastal Friends of the Earth** [\[REP3-134 to REP3-137\]](#)
- 14.5.1 SZC Co. will continue to engage with the Suffolk Coastal Friends of the Earth through the ongoing discussions on the Statement of Common Ground between the parties.