



The Planning Act 2008

Sizewell C (SZC)

Planning Inspectorate Reference: *EN010012*

Deadline 7 – 3 September 2021

East Suffolk Council comments on Deadline 6 submissions from the Applicant

East Suffolk Council 20026200

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Introduction

This submission at Deadline 7 provides ESC’s comments on selected submissions made by the Applicant at Deadline 6.

ESC consider it useful to inform the ExA that Leiston-cum-SizeWell has been running a consultation ‘*Leiston Transport Strategy*’ into proposals for the town centre to be funded by the SizeWell C proposal ([Leiston Transport Strategy](#)), the consultation ended on 30 August 2021.

ESC is close to reaching agreement with the Applicant on the content of all of the schedules of the draft Deed of Obligation that we have a direct interest in. It is understood that the Applicant will submit an updated version of the draft Deed of Obligation at Deadline 7 which we anticipate will reflect our recent discussions and agreements in principle. We will update the ExA on any outstanding concerns either at ISH14 or Deadline 8.

3.1 Draft Development Consent Order - Tracked Changes Version - Revision 7 against Revision 6 [\[REP6-007\]](#)

ESC provides comments below on the current draft DCO, albeit it understands that a further draft Development Consent Order will be submitted by the Applicant at Deadline 7 following discussions between the parties.

ESC notes that the only change in response to our previously raised concerns is to set out which requirements apply to all development, including that excluded from the definition of 'commence'. Proposed changes which now apply to everything are: 2 (Code of Construction Practice (CoCP)), 3 (Archaeology and Peat), 4 (Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)), 5B (Navigation Lighting), 6 (Site Clearance), 6A (Public Rights of Way), 8 (Temporary Construction-Related Development), 9 (Construction Lighting), 14A (Fen Meadow) and 14B (Wet Woodland). We are satisfied with this as far as it goes but other previously raised concerns still apply.

ESC requests that Requirement 12C (SSSI Crossing) is within pre-commencement as it includes controls over how this part of the SSSI will be cleared in order that construction work can commence. It is noted that the Applicant considers that this includes the production of Method Statements for working (including site clearance) in all parts of the SSSI (and not just the Crossing area). ESC considers that another Requirement needs to cover this, whether this is a new one or one that is not currently under 'pre-commencement', but this needs to become a pre-commencement requirement for the same reason as 12C.

Similarly, Requirement 14C (Marsh Harrier) should be within the classification of pre-commencement requirements, as it deals with an impact that can start occurring as site clearance starts, rather than as development commences.

Paragraph 1(5) of Schedule 2 says:

“For the avoidance of doubt, the undertaker must comply with requirements 2, 3, 4, 5B, 6A, 8, 9, 14A and 14B throughout the construction of the authorised development and these requirements are not triggered by commencement”

ESC is suggesting that requirements 12C and 14C should be included in this list.

The ones that still do not apply to the list of pre-commencement activities are: 5 (surface and foul water drainage), 5A (emergency planning), 7 (water monitoring and response strategy), 7A (Coastal Processes Monitoring and Mitigation Plan), 10 (outage car park), 11 (approved buildings, structures and plant), 12 (reserved matters), 12A (sports facilities), 12B (marine infrastructure), 13 (ancillary structures, other buildings and plant), 13A (highway works), 14 (landscape works), 15 (permanent operational lighting), 16 (removal and reinstatement), 17 (accommodation campus), 18 (rail infrastructure), 19 (site clearance at associated sites), 20 (building structures at associated sites), 21 (highway access), 22

(highway works), 22A (landscaping at associated sites), 23 (planting at associated sites), 24 (removal and reinstatement at associated sites), 25 (rail noise).

ESC considers that the drafting of the new provision (paragraph 1(5) of Schedule 2) could be enhanced so as to include the following text at the end of the existing wording *‘and these requirements apply to all material operations including those excluded from the definition of ‘commence’*’.

ESC notes to the ExA that some Requirements refer to “Natural England” (e.g., 4 and 12C) and some to the “Statutory Nature Conservation Body” (e.g., 5 and 14A/B/C). Natural England is (currently) the Statutory Nature Conservation Body and it is assumed that there should be consistency over how they are referred to.

9.62 Written Submissions Responding to Actions Arising from ISH7: Biodiversity and Ecology - Parts 1 and 2 (15-16 July 2021) - Revision 1.0 [\[REP6-002\]](#)

ESC has reviewed Revision 1.0 and provides the following biodiversity and ecology comments:

Pg. No.	Section Ref.	Relevant text / illustration	Observations and concerns	Requested:
5	1.2	<i>SSSI Temporary Land Take Clarification</i>	<p>The Applicant’s re-evaluation of temporary SSSI loss is noted. We welcome any revisions to the project which would reduce permanent or temporary impacts on the SSSI.</p> <p>Reference is made in paragraphs 1.2.5 and 1.2.6 to works being undertaken under “a Method Statement agreed with Natural England”, however as raised in our Deadline 2 Submission [REP2-173], it remains unclear how the production and implementation of these Method Statements is secured by the DCO (with the exception of that required for the SSSI Crossing works which is covered by Requirement 12C). Without adequate security that the correct working methods will be identified and implemented, we do not consider that there is</p>	Secure the production and implementation of the necessary SSSI working Method Statements via an appropriate DCO Requirement.

			sufficient certainty that the mitigation measures required will be delivered.	
8	1.3	<i>Fen Meadow Plan</i>	It is noted that the Applicant has provided a copy of this plan as a separate document [REP6-026]. ESC has made separate comments on this document as part of our Deadline 7 submission.	N/A
8	1.4	<i>Water Monitoring Plan</i>	It is noted that the Applicant will now provide the Water Management Plan at Deadline 7 rather than Deadline 6. ESC will review the plan following submission and will comment as appropriate at the relevant Deadline, although we primarily defer comment on this matter to the Environment Agency and Natural England.	N/A
8	1.5	<i>Response to legal comments provided by Mr Streeten on behalf of Heveningham Hall in relation to the Marsh Harrier Improvement Area</i>	No ESC comments.	N/A
9	1.6	<i>Provision of Additional Information Regarding Marsh Harrier Use of The Proposed Wetland Area</i>	ESC defers comment on this matter to Natural England.	N/A
9	1.7	<i>Additional Information on the Selection of the</i>	ESC defers comment on this matter to Natural England.	N/A

		<i>Westleton Marsh Harrier Habitat Creation Area</i>		
9	1.8	<i>Written agreement to maintain access for the RSPB to the southern side of Minsmere Reserve</i>	No ESC comments.	N/A
10	1.9	<i>Comments on any cartographic evidence for ancient woodland status of Nuttery Belt and Little Nursey Wood</i>	ESC notes the additional evidence provided by the Applicant in relation to this matter and has no comment to make on this.	N/A
13	1.10	<i>Summary of Bird and Bat Activity Near Farnham Hall Farm House and Farnham Hall Complex</i>	ESC notes that in paragraph 1.10.4 the Applicant commits to the submission of the results of surveys for breeding birds, bat crossing points, habitat assessment for roosting bats in Pond Wood, Nuttery Belt and Foxburrow Wood and building PRA and emergence surveys at Deadline 7. Whilst breeding bird survey information and bat activity survey information (within the site boundary) have already been provided as part of the application, results from the other types of survey proposed have not. Therefore, despite the Applicant's assertion that the 2021 surveys are to inform licensing rather than impact assessment for the DCO examination (para. 1.10.1), ESC considers that the information being collected is relevant to the determination of the DCO application. We will provide comments on the information submitted by the Applicant at Deadline 7 at the next appropriate Deadline. ESC has also made comments on the scope of the surveys being undertaken	Submission of the ecological survey work proposed for Deadline 7. Clarification on the provision of bat crossing points ('hop-overs'), including that they are compatible with highways safety and maintenance requirements.

			<p>in our Deadline 5 submission [REP5-138] in response to document [REP4-006].</p> <p>With regard to the residual effects on bats predicted in the ES [APP-425], whilst construction and operational habitat loss and habitat fragmentation effects are predicted to be Minor Adverse, Not Significant, the current absence of the crossing points surveys adds uncertainty to this conclusion. Also, the conclusion is based on the implementation of bat ‘hop-over’ features described in the ES. However, as set out in our responses at Deadline 2 [REP2-176], Deadline 5 [REP5-138] and Deadline 6 [REP6-032], we remain concerned that such features may not be deliverable in the form required and therefore the mitigation will not be sufficiently effective to reduce the impact to non-significant.</p>	
18 and 74	1.11 and Appendix C	<i>Ground investigation work near Farnham Hall and Foxburrow Wood</i>	<p>ESC notes the information provided by the Applicant in section 1.11 and Appendix C in relation to this matter. From the details provided, groundwater levels in the locations of the cuttings for the Two Village Bypass (west of Foxburrow Wood and north and south of Nuttery Belt) are below the depth of the bases of the proposed cuttings and therefore it is not predicted that the works will have any interactions with groundwater. As such, ESC have no further ecology comments to make on this matter.</p>	N/A
19	1.12	<i>Updated Figures 1, 2 and 3 that were submitted at Deadline 4</i>	<p>The submitted updated Figures are noted. ESC has no specific ecology comment on these, although it remains unclear why the oak tree (reference 197461) at the western end of the Farnham Hall/Foxburrow Wood track needs to be removed</p>	<p>Attempt to retain oak tree (reference 197461) as part of the detailed design of the scheme.</p>

			and we query whether the footpath in this area can be micro-sited to allow retention of the tree.	
20	1.13	<i>Review of surveys undertaken on behalf of Kelsale-cum-Carlton Parish Council</i>	No ESC comments.	N/A
20	1.14	<i>Marine In-combination Effects considered within the sHRA</i>	No ESC comments.	N/A
20	1.15	<i>Biofouling</i>	No ESC comments.	N/A
21	1.16	<i>Thin fish</i>	No ESC comments.	N/A
27	1.17	<i>Sensitivity analysis addressing FRR and LVSE efficiency</i>	No ESC comments.	N/A
27	1.18	<i>Fish and EAVs clarification</i>	No ESC comments.	N/A
27	1.19	<i>Clarification on smelt and glass eels</i>	No ESC comments.	N/A
28	1.20	<i>SSSI Crossing land take</i>	The information provided in relation to the difference in SSSI Crossing land take between the triple span bridge and the current proposed crossing design (July 2021) is noted. As consistently highlighted by ESC and other environmental stakeholders, this confirms that the triple span bridge option would result in less SSSI land take than the current proposed crossing design (July 2021).	N/A

9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices - Revision 1.0 [[REP6-024](#)] / [[REP6-025](#)]

ESC has reviewed Revision 1.0 and provides the following biodiversity and ecology comments:

Pg. No.	Section Ref.	Relevant text / illustration	Observations and concerns	Requested:
39 of REP6-024	2.3 of Appendix B	<i>Applicant's response in relation to ESC concerns on In-combination impacts of construction noise and lighting on bats at the MDS – Point 2.</i>	<p>Whilst as stated in paragraph 2.3.3 evidence from Hinckley Point C (HPC) does show that some bats will continue to use retained corridors despite increases in construction noise and light levels, it also shows that noise and lighting did noticeably alter the commuting and foraging behaviour of bats including barbastelle. This resulted in greater use of habitats on the edge of the construction area compared to the retained 'dark corridor' through the construction area.</p> <p>As set out in the LIR (REP1-045, para. 8.65) and acknowledged in the Applicant's Deadline 6 submission (REP6-024, Appendix B, para. 2.3.3) the bat assemblages at HPC and SZC are different, with the SZC site providing core habitat for the local barbastelle population whereas at HPC the site provides fringe habitat. This means that any impacts at SZC will be significantly more important to the local barbastelle population than those observed at HPC.</p>	N/A
40	2.4	<i>Point 3.</i>	ESC notes that not all of the habitat creation listed in paragraph 2.4.1 has yet been undertaken (such as the wetland and reedbed creation north of the site). An Estate-wide Management Plan (EWMP) securing the long-term use and	Submission of the EWMP submitted for review and comment. Confirmation of

			management of these areas is also yet to be submitted to the examination, although we understand that this may be submitted at Deadline 7 and will provide comments on the EWMP at the next deadline. The securing mechanism for the EWMP also remains to be defined as it will need to cover land outside of the DCO Order Limits and the Applicant's ownership. We understand that the Applicant intends to include a new requirement in the draft DCO, securing compliance with the EWMP.	how the implementation of the EWMP will be secured.
41	2.5	<i>Point 4.</i>	The bat monitoring proposals extracted from the Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) [REP5-088] and listed in section 2.5 and Table 2.3 are noted. ESC has provided considerable comment on the proposals within the TEMMP, most recently in our Deadline 6 submission [REP6-032] and require that these are addressed before the TEMMP proposals can be considered satisfactory.	Applicant to address ESC comments on the TEMMP set out in our Deadline 6 submission [REP6-032] .
51	2.6	<i>Point 5.</i>	Whilst ESC notes the control measures for construction lighting and noise set out in section 2.6, as raised in our previous submissions (most recently our Deadline 5 submission [REP5-138]), the Lighting Management Plan [APP-182] secured by draft DCO Requirement 9 does not currently include adequate controls to ensure that the necessary dark corridors are delivered and maintained. However, we understand that the Applicant intends to submit an updated Lighting Management Plan at Deadline 7. ESC will provide further comment on the revised document at the next appropriate Deadline following submission.	Updated CoCP and Lighting Management Plan documents submitted for review and comment.

			<p>With regard to construction noise, we understand that the Applicant is undertaking additional work on this matter and that it is intended to update the Code of Construction Practice to include additional controls and thresholds for construction noise in relation to ecological impacts. As with lighting, ESC will provide further comment on the revised CoCP at the next appropriate Deadline following submission.</p>	
52	2.7	<i>Point 6.</i>	<p>ESC welcomes the production of plans showing the combined noise and lighting modelling overlays as an attempt to identify areas where construction noise and lighting may cause an in-combination impact on bats, including impacting on the proposed retained/created dark corridors. However, it is disappointing that the figures (e.g. Plate 1) are presented at such a small scale in the report which has made it more difficult to interpret the information which they are presenting.</p> <p>From the information presented, it appears that the combined impacts of construction noise and light above the identified thresholds has the potential to occur in a number of locations, including on Bridleway 19 south of Upper Abbey Farm, at the SSSI Crossing and along the southern boundary of Ash Wood. ESC understands that the modelling used to produce these figures is necessarily of a relatively broad scale (particularly for noise) and that real world effects will likely be lower than those presented in the models (so the models present a precautionary situation). However, it is clear, based on the information presented to date, that the potential for adverse</p>	<p>Updated CoCP and Lighting Management Plan documents submitted for review and comment. Removal of construction lighting proposed in the area immediately to the south of Ash Wood.</p>

			<p>impacts on bats from construction noise and lighting exists at certain points within the Temporary Construction Area and the Main Development Site and therefore measures to adequately reduce these impacts are required to be secured by the DCO. ESC considers that these must be secured by the CoCP and Lighting Management Plan, both of which at this time do not include adequate controls. ESC understands that the Applicant is seeking to address these points through submission of updated CoCP and Lighting Management Plan documents. ESC will provide further comment on these when they are available.</p> <p>We also maintain our opinion that, notwithstanding the incidental mitigation of lighting impacts south of Ash Wood that will occur as a result of the proposed acoustic barrier fencing (para. 2.7.2), lighting in this location should be avoided to ensure that there is no potential for adverse impacts on roosting, commuting or foraging bats in and adjacent to the wood.</p>	
55	3	<i>Summary.</i>	<p>Whilst the Applicant’s conclusions in relation to inter-relationship effects on bats from noise and lighting are noted, the information presented indicates that in the absence of further controls there are points where construction noise and lighting will exceed the thresholds set in the ES. As we have set out previously (most recently in our Deadline 5 submission [REP5-138]), this is of particular concern where it may occur on the retained and created dark corridors (including Bridleway 19 south of Upper Abbey Farm, the SSSI Crossing and the southern boundary of Ash Wood).</p>	<p>Updated CoCP and Lighting Management Plan documents submitted for review and comment. Removal of construction lighting proposed in the area immediately to the south of Ash Wood.</p>

			<p>ESC understands that the Applicant is currently updating both the CoCP and the Lighting Management Plan to include further controls to address these matters and we will provide further comments on this following receipt and review of these documents.</p>	
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9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices - Revision 1.0 [\[REP6-024\]](#) Appendix I: Acoustic Fencing Assessment

1. Introduction

The Applicant states that any barrier that may be proposed on Network Rail land is subject to further consultation with them. It then goes on to say that the assessment in Appendix I is a desk-based exercise as to whether these areas would be suitable for barriers in planning terms, so they have not carried out site visits (the only exception being Whitearch Park) or engaged with the community on these matters (other than Whitearch Park). They have, in effect, simply used local and national planning policies to determine planning suitability from a visual amenity point of view. It is disappointing that actual full assessments have not been undertaken. ESC considers that planning policy must be balanced alongside site-specific context and community engagement.

ESC has visited the eight sites identified in Appendix I on 13/08/2021, to assess the views and locations proposed and consider the impacts of fencing on visual amenity, alongside the potential benefits to residential receptors in terms of noise reduction. In planning and/or visual amenity terms, ESC considers there is potential scope for acoustic fencing at all sites.

The conclusion of Appendix I states that acoustic fencing is considered to be inappropriate in seven of the eight locations set out in the Appendix; only Whitearch Park is identified as potentially suitable and is noted to require further assessment of potential visual and landscape impacts.

As set out in Appendix I, the assessment considers the seven locations (Woodbridge Central, Deben Road, Riverview, New Quay Court, Campsea Ashe, Saxmundham north, and Saxmundham South) will likely be inappropriate for acoustic fencing based on an assessment of compliance with planning policy as set out in the East Suffolk Local Plan (2020).

Currently there also does not appear to have been any consideration of sections of line along the Leiston Branch Line or Green Rail Route, ESC would request that a similar exercise be carried out along these sections in order to identify any areas where barriers may be suitable.

It should be noted that ESC assessed the potential for acoustic fencing and its impacts as temporary development, to be utilised during the construction period and then removed. ESC did not assess the fencing as permanent development to be retained post-construction. The comments below are made on this basis.

East Suffolk Council note that many of the sites would benefit from the Applicant's targeted engagement and would expect to be involved in further discussion. As only the residents of Whitearch Park have been consulted, ESC considers that similar levels of engagement would be beneficial and productive for the other sites. The potential adverse impacts on residents' amenity as a result of night-time rail noise is a matter of great concern to ESC and acoustic fencing may be an effective form of mitigation. However, the introduction of acoustic fencing and its retention for the duration of the construction period may also have adverse impacts on visual amenity, which must be brought into consideration to form a balanced view.

ESC also notes that the illustrative positioning of potential fencing locations in Appendix I was carried out through a desk-based assessment using Google Maps and Google Streetview. As such, the positioning is not considered to be exact. ESC made their assessment acknowledging this and noting that land ownership boundaries were not provided in this Appendix, and so these comments are preliminary and indicative only.

ESC consider that barriers should be included within the Rail Noise Mitigation Strategy, as and where appropriate, in order for the Applicant to fulfil their responsibility to mitigate and minimise adverse impacts from rail noise, and full consideration and assessment of their applicability should underpin the requirement to exhaust all forms of mitigation prior to implementing the noise insulation package contained in the Noise Mitigation Scheme, as per the policy aims of NPS EN-1.

ESC notes that no design elements of acoustic fencing have been included and Appendix I does not specify the design of the acoustic fencing on which the assessment is based. Design should be considered in any assessment or decision in respect of visual amenity and we would expect the Applicant to consider different barrier types in order to reduce the visual intrusion, for example in terms of colour, material, and the use of transparent or part transparent designs. Design for reduced visual intrusion must also be balanced with acoustic performance.

2. Background

The Applicant estimates that a 5-10dB reduction in noise can be achieved with barriers and suggests a 4 - 4.5m barrier is required to achieve at least 5dB reduction at 1st floor (usually bedroom) level. The Applicant's technical reasoning behind this appears to be reasonable.

ESC considers a 5-10dB reduction in night-time noise to noise sensitive receptors from freight trains significant enough to require robust full assessment and consideration of all options by the Applicant. To put this in context and notwithstanding comparison with the adopted criteria, a difference of 10 dB is typically equivalent to a subjective halving/doubling of perceived loudness. Whilst visual amenity is an important consideration in respect of barriers, there should be a full assessment in terms of balancing loss of visual amenity with any acoustic benefits. Where appropriate, the communities affected should be consulted and their views incorporated into any decision in respect of the balance of visual and acoustic impacts.

3. Local Policy Background

The policies below are those referred to in Appendix I to assess the impact of acoustic fencing in planning policy terms. With these policies in mind, ESC has taken a balanced approach given the temporary nature of the proposed acoustic fencing.

SCLP11.1 - Design Quality

Permission will be granted where proposals:

- *Demonstrate a clear understanding of the character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness through robust evidence, informed sources and site-specific context and analysis.*
- *Respond to local context and the form of surrounding buildings in relation to the following criteria: i. the overall scale and character should clearly demonstrate consideration of the component parts of the buildings and the development as a whole in relation to its surroundings; ii. the layout should fit in well with the existing neighbourhood layout and respond to the ways people and vehicles move around both internal and external to existing and proposed buildings; iii. the height and massing of developments should be well related to that of their surroundings; iv. there should be a clear relationship between buildings and spaces and the wider street scene or townscape; and v. high quality materials appropriate to the local context should be used.*
- *Take account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on site.*
- *Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development*

SCLP11.2 - Residential Amenity

When considering the impact of development on residential amenity, the Council will have regard to the following: a) Privacy/overlooking; b) Outlook; c) Access to daylight and sunlight; d) Noise and disturbance; e) The resulting physical relationship with other properties; f) Light spillage; g) Air quality and other forms of pollution; and h) Safety and security. Development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.

4. Potential Sites for Acoustic Fencing

This section details the areas that have been considered for acoustic barriers.

ESC considers that while all sites warrant more detailed consideration than carried out in Appendix I, several sites comprise less visited, mostly residential areas. For example, the Woodbridge Central area is used by both residential receptors as well as pedestrians and tourists using the area. Other sites, like Campsea Ashe, are less visited and are predominantly just for residential use.

ESC notes only one site, Whitearch Park, has been subject to targeted consultation to obtain residents' views on acoustic fencing, rail noise, and visual amenity impact. ESC considers targeted consultation to a similar degree would be beneficial for all proposed sites.

Woodbridge Central

As is noted in paragraph 3.1.2, most of central Woodbridge falls within the Woodbridge Conservation Area. The Conservation Area designation requires special consideration be given to character and appearance of the Area; but does not exclude development. Policy SCLP11.5 states that development should preserve or enhance the appearance or character of the area, and be of an appropriate design, scale, form, height, massing, and position.

This section of the East Suffolk Line includes the boat yards, sailing clubs, Woodbridge Quay, and the Tide Mill. It is well visited by tourists.

The scheme as proposed in Plate 3.1 is not considered to be supportable from either a visual amenity or noise reduction impact. The visual impact of the development would be adverse and significant and is considered to outweigh the potential benefit in terms of noise reduction for nearby residential receptors.

From a vantage point of the railway bridge near Woodbridge Station, ESC considered the proposed fencing as shown in Plate 3.1 heading north-east would create a tunnelling effect and could be perceived as an overbearing form of development.

However, ESC considers there to be scope for acoustic fencing along a smaller section of the line (see Figure 1 below). The existing character of the area immediately behind the Riverside cinema, between the pedestrian foot bridge and nearest level crossing to the north, is predominantly industrial given its proximity to the station and railway line.

The most sensitive receptors in Central Woodbridge are considered to be the houseboats opposite the Riverside cinema. From visiting the site, ESC considers there to be potential scope for a short stretch of acoustic fencing along the south-eastern side of the railway line, nearest the houseboats, as illustrated in Figure 1.

The rear (white-rendered) wall of the Riverside currently acts as a screen for much of this stretch of railway, and limits views from the south of the rail line toward Woodbridge town. As such, the introduction of a 4-4.5m fence would not be considered to have an unacceptable impact on visual amenity in this area. Further work on the potential noise reduction would be beneficial to understand the balance between visual amenity and acoustic benefit.



Figure 1: Central Woodbridge, Pen superimposed on Google Maps imagery.

This could have an adverse visual impact, though ESC considers there is scope to minimise the visual impact of the fencing by using sensitive design. Part of this would include utilising shorter stretches of fencing than is shown in the illustrative scheme. Fencing with a mix of clear and solid panels; for example, having 2m clear fencing at the bottom, and opaque fencing at the top, would minimise the impact of the fencing. There is potential for fencing here to become a design feature if sensitively designed.

This short stretch of fencing on one side of the railway line would not separate the riverside area from the town proper, in terms of experience and perception, which is a relationship stressed by the Woodbridge Conservation Area Appraisal referred to in paragraph 3.1.3 of Appendix I.

ESC acknowledges that there would still be a residual impact on visual amenity as a result of the introduction of 4-4.5m fencing when there currently is none, however, this impact could be reduced as stated above by sensitive design of fencing.

In summary, ESC considers there is potential scope for acoustic fencing and consider this area would benefit from targeted consultation and ESC would welcome further discussion.

Deben Road, Melton

This is a short section of track along the base of Deben Road from the Public Car Park to halfway along the old Melton Hill Office car park on one side of the track, this is out of the conservation area and although visible from the well walked river footpath not within the most heavily visited area of Woodbridge.

The part of Deben Road indicated for acoustic fencing in Plate 3.5 runs north to south. The western side comprises several bungalows. The eastern side comprises a chain link fence separating the roadway from the railway line. Vehicles park along this chain link fence. There are vegetation and trees on the opposite side of the railway line, though there are still some open views towards the River Deben, as is stated in paragraph 3.2.2 of Appendix I.

There are relatively few dwellings with habitable rooms facing the railway line along Deben Road. The dwellings along Deben Road, nearest to the railway line, are bungalows, set back slightly from the road.

At Deben Road, there is no scope to put fencing on land other than land under Network Rail ownership, there is no scope for the fencing to be put on the rear boundary of affected residential properties.

As is stated in paragraph 3.2.2 (page 7), there are some existing views of the River Deben over the railway line. An acoustic fence would block residents view of the river and wider views, but these same residents would benefit from the reduction in noise.

ESC considered there would be a significant adverse impact on visual amenity along Deben Road where fencing is illustrated in Plate 3.5 (page 7). The use of tall acoustic fencing would give rise to a tunnelling effect limited light for users, which would have an adverse amenity impact on the bungalows along and users of Deben Road.

In summary, ESC considers there may be scope for fencing, though not as proposed in Appendix I. ESC considers targeted consultation would be beneficial and ESC would welcome further discussion on this matter.

New Quay Court, Melton

There is a three-storey block of flats near the railway line, of which the end flat (furthest to the east) is very close to the railway line. The end dwellings are most likely to be adversely affected by night-time rail noise.

ESC notes that as the dwellings are three storeys, 4-4.5m fencing would not provide significant noise reduction benefit to the top-floor flat/flats. Fencing in excess of 4.5m would have a significant adverse effect on visual amenity to these receptors.

Acoustic fencing, whether 4-4.5m or higher, would block residents view of the river and wider views, but these same residents would benefit from the reduction in noise. ESC considers this site would benefit from targeted community engagement and would benefit from further assessment.

In summary, ESC considers there is potentially scope for acoustic fencing. Targeted consultation would be helpful and ESC would welcome further discussion on this matter.

Riverview, Melton

As is noted in paragraph 3.4.2 (page 12) of Appendix I, the houses along Riverview are predominantly bungalows, and so it may be the case that the acoustic fencing could be of a lower height (potentially 2.5-3m, instead of the 4.4.5m assessed elsewhere). Given the presence of two-storey dwellings along Fayrefield Road, ESC considers there to be potential scope for fencing of 4-4.5m in front of the two-storey dwellings, dropping down to a lower height for the bungalows along Riverview.

It is considered that acoustic fencing, of reduced height, of a short distance fronting the bungalows along Riverview could present significant noise reduction benefits.

Paragraph 3.4.4 (page 13) notes the acoustic fencing could create adverse visual amenity impact for the two-storey properties facing east along Riverview. ESC considers the noise benefit to the bungalows along Riverview to be of greater benefit in terms of noise reduction than the resultant harm to visual amenity.

Though there are views from the two-storey dwellings along Riverview, these views are limited by the existing vegetation between Riverview and the Deben.

ESC considers targeted consultation with the bungalows along Riverview, and perhaps the few two storey dwellings, would be beneficial.

It was also noted on site that the indicative potential barrier location identified in Plate 3.10 (page 12) would not extend south enough to cover the new development located on the site of a former factory/warehouse off Melton Road (consented by permission DC/17/1884/FUL). As the desk-based study relied on Google Maps for the purpose of this assessment, the imagery shown in Plate 3.10 is now outdated, as it shows the site prior to the above application being built out.

The new development off Melton Road comprises three storey dwellings. The eastern-most dwelling is in close proximity to the rail line, though given its three-storey nature the potential benefit of 4-4.5m acoustic fencing is likely limited for the top-floor flat.

In summary, ESC considers that there is potential scope for acoustic fencing and ESC would welcome further discussion on this matter.

Campsea Ashe

This is not a conservation area or popular tourist/visitor area. It is a place where it will be the residents and village that are affected by the issue of night-time rail noise. There are very low background sound levels at night, and ESC notes from residents' representations that they are concerned about noise from the trains.

Campsea Ashe Parish Council submitted a written representation at Deadline 2 [[REP2-235](#)] which noted in Section III – East Suffolk Line:

“1) Over 70% of the housing in Campsea Ashe is located within 10 – 200 yards of the line, another 20% within 500 yards.

2) During the prolonged consultation process, CA PC has had comments from residents re potentially increased nighttime train movements. Noise levels generated by night trains have been identified by residents as being unacceptable, especially those living within 200 yards along the line. As CA is located in a rural quiet environment, with no specific underlying noise generation, the noise generated by night trains do become highly perceptible and will strongly impact on the quality of live for 70% of our residents and moderately for 20% of our residents. Although EDF/SZC has assured that mitigation measures will reduce impact, we are not convinced the proposed measures will actually decrease impact to a level that would be acceptable.

3) Vibration caused by the train movements will impact approximately 20% of the homes in CA, which are located close to the line.”

The Parish Council repeated their concerns at ISH2 and 3, submitted at Deadline 5 [[REP5-194](#)] and again, at ISH4 [[REP5-195](#)].

The benefit of noise reduction from the use of acoustic fencing is considered to be greater than the adverse impact on visual amenity in this case.

There are houses in very close proximity to the railway track. The dwellings along the southern extent of Little Horsey Park, Ullswater Road, and those accessed through Talbot Walk off Hembling Terrace, are all in close proximity to the rail line.

There is an embankment with vegetation and trees on the western side of the track, which limits views from the two-storey dwellings towards the countryside to the west. As such, the presence of a 4-4.5m fence is not considered to unacceptably and adversely impact visual amenity.

This acceptability of acoustic fencing may be dependent on whether the vegetation is retained, or whether the acoustic fencing would need to be on the properties' rear boundaries (along Little Horsea Park).

For ease of reference, ESC has separated the railway line through Campsea Ashe into three sections, as shown on Figure 2 below.

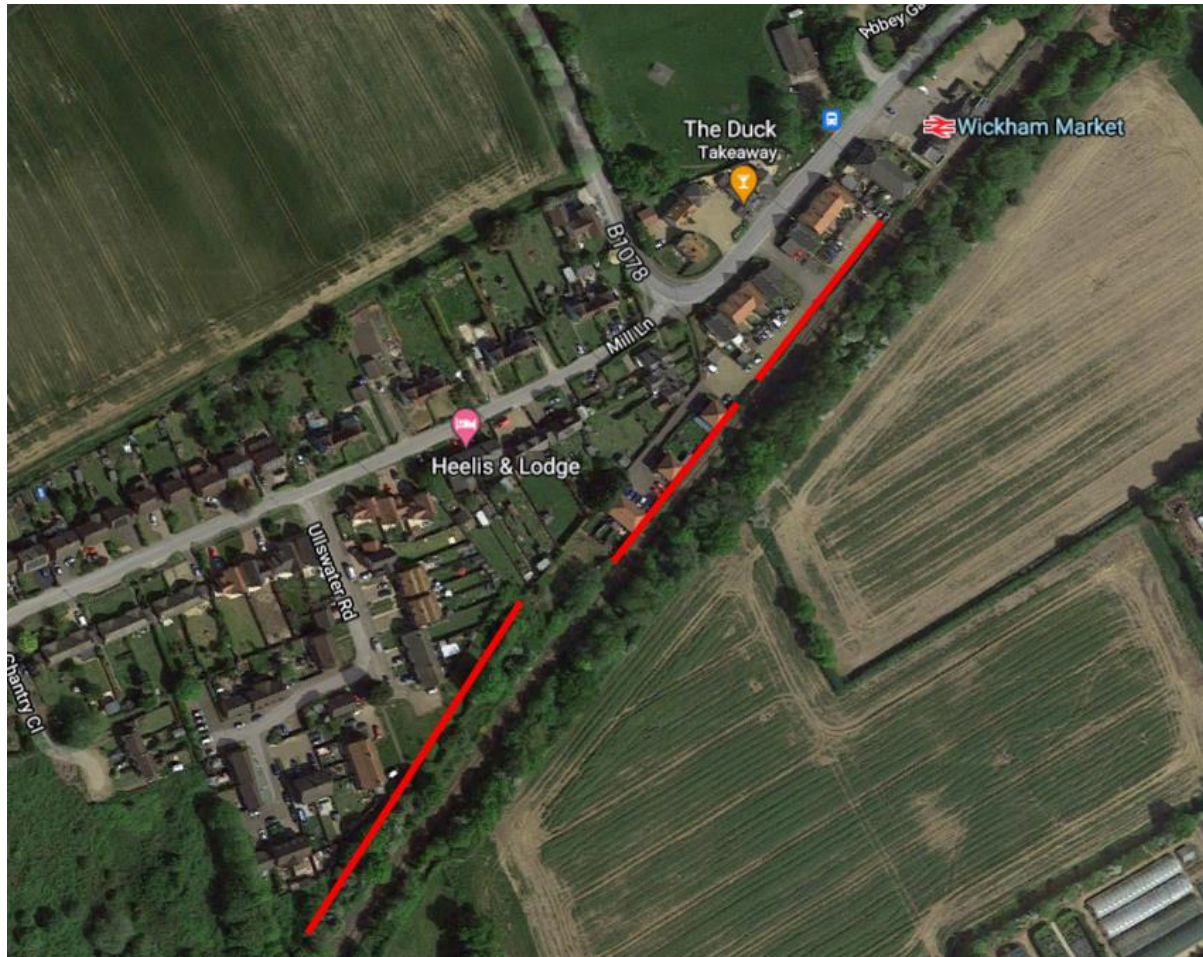


Figure 2: Campsea Ashe, pen superimposed on Google Maps imagery.

Some properties share boundary fencing, others have individual boundary fencing.

Top red line:

Dwellings along Little Horsea Park, opposite The Duck public house (the top red line as indicated above), are set back slightly from the railway line and so have a reasonable amount of separation and planting between them and the railway line, creating the perception of some separation. If the vegetation is retained and the fencing could be installed somewhere between the vegetation and the railway line, then ESC could consider this acceptable. However, if the acoustic fencing was required to stand on the rear boundary of those dwellings, so the rear garden boundary of those properties had to be a 4.5m fence, then it would be oppressive and an overbearing form of development.

Middle red line:

Further down the railway line to the south there are five dwellings standing very near the railway line where fencing would likely have a significant adverse amenity impact as there is a very small amount of land separating the dwellings from the railway line. These dwellings are numbers 16-20 on the private road off Hembling Terrace (planning application reference C/10/2510).

These dwellings are south-facing and so a 4-4.5m acoustic fence would block a significant amount of sunlight/daylight, and so the amenity impact would be larger and may significantly limit the occupants' enjoyment of their private amenity space. Therefore, on balance, ESC's support for acoustic fencing in this location is dependent on where the fencing would be erected, and on where the planting sits in relation to Network Rail land.

Bottom red line:

Further south on the railway line ESC considers acoustic fencing would have a less significant amenity impact based on the positioning of dwellings. Numbers 1-6, 9, and 10 Ullswater Road (created by demolishing 8 dwellings and replacing with 20 dwellings, reference C/09/1862) are set back slightly from the railway line and separated from it by trees and vegetation. ESC considers there is potential scope for acoustic fencing along this stretch of railway line, though would require further information in terms of positioning and retention of vegetation/planting.

In summary, ESC considers that there is potential scope for acoustic fencing, targeted consultation would be beneficial and ESC would welcome further discussions on this matter.

Whitearch Park, South of Saxmundham

The Applicant states at paragraph 3.6.6 (page 18) that a targeted consultation exercise is ongoing with the occupants and owners of Whitearch Park.

The Applicant submitted an updated noise assessment at Whitearch Park at Deadline 6 ([\[REP6-030\]](#) 9.69 *Update on Noise Assessment at Whitearch Park - Revision 1.0*).

As paragraph 2.1.3 notes, the height of the railway line falls relative to Whitearch Park from south to north, so that the railway is on an embankment at the southern end of the Whitearch Park, at grade approximately at the centre of the eastern site boundary, and in cutting at the northern end of the site.

The embankment and cutting are both approximately 5 metres high/deep at their highest/deepest (paragraph 2.1.4, [\[REP6-030\]](#)).

ESC agrees with the potential for acoustic fencing along the line at Whitearch Park to provide noise reduction benefit.

There is extensive existing screening along the railway line at this point, with a stretch of the railway line going through a cutting with embankments either side.

Opposite Whitearch Park Homes across an agricultural/arable field is a linear row of houses on Festival Close and Mill Lane. 4-4.5m acoustic fencing on top of the embankment will be visible in views from these dwellings over the field, but ESC considers that given the degree of separation and distance from these dwellings to the railway line, this would not give rise to unacceptably adverse visual amenity impacts.

As stated in the Appendix, the acoustic fencing would be placed on top of the existing embankment. This would make the overall height of the structure higher than placing the fencing at ground level, not on the embankment. This increased height will increase the visual bulk of the fencing, and it would likely be perceived as being more overbearing. It would also make the fencing look more out of place in wider views.

There are existing open views from the houses to the east of Whitearch Park along Festival Close. While ESC supports the illustrative positioning of the fence on the western side of the railway, it is still considered that the fence will have an adverse visual impact on the existing open views. ESC could support visual mitigation in the form of screen planting.

If there is scope for the fencing to be positioned inside the cutting, this would be supported as it would somewhat reduce the visual impact of the fencing compared to positioning it on top of the embankment. It has not been included within the assessment in Appendix I, but ESC notes the potential for the existing cutting/mounds of earth to act as acoustic mitigation. If this is the case, ESC questions if there is potential to reduce the height of the acoustic fencing needed to go on top of the embankment, if the embankment itself can help mitigate the rail noise.

The updated noise assessment for Whitearch Park [REP6-030] notes on page 7 that acoustic fencing of 2.5m high on the existing embankment would have considerably limited effect on noise reduction, ESC questions if this means 2.5m high fencing is ruled out, and query if that means fencing would need to be over 2.5m - 4.5m fencing instead, sat on top of the embankment.

Paragraph 2.1.5 of the updated noise assessment [REP6-030] provides some further detail on the modelling undertaken at Whitearch Park.

ESC considers further survey work and targeted consultation would be beneficial, as identified in Appendix I and would welcome further discussions on this matter.

Saxmundham South

Paragraph 3.7.1 of Appendix I notes that in the area immediately south of Station Approach / Albion Street, the acoustic fence would fall within the Saxmundham Conservation Area. The rest of the acoustic fencing, as shown in Plate 3.18 falls outside the Conservation Area.

There are listed buildings near the railway line; to the north of Alma Place, on Albion Street, there is a cluster of 8 mid 19th-Century terraced dwellings, of which numbers 1-15 are Grade II Listed. The outlook from these dwellings is dominated by the rail line which runs immediately alongside these dwellings.

Nos. 1-15 are Listed as a group, with the listing description as follows:

“Terrace of 8 houses. Mid C19 with extensions at rear. Gault brick; pantile roof with 4 gault brick ridge stacks. EXTERIOR: 2 storeys and basement: each house has one window front. 4-centred carriage arch in centre. Front doorways, all with replacement doors, alternate between left and right sides of ground floor windows. Fall in ground level west to east requires that entrance doors be approached by higher flights of steps to No.1 than No.15. Original fenestration of 8/8 unhorned sashes to ground floor and 4/8 unhorned sashes to first floor, all under gauged skewback arches. Ground-floor sashes remain to No.9, first floor sashes to Nos 1, 3, 7 & 9. Additional 3/6 unhorned sash over carriage arch. INTERIOR: not inspected.

Emphasis is placed on the group of dwellings as one unit. The dwellings have been altered and extended over time by various planning applications and Listed Building Consents. ESC noted on site that over time, individual dwellings have been subjected to alterations which break up the unity of the dwellings as a cohesive unit. The rear of the dwellings now comprises some brick, render, and painted brick.

The presence of Listed Buildings and a Conservation Area makes assessment of the impact of acoustic fencing more difficult in policy terms, than if these designations were not in place.

Policies SCLP11.4 and SCLP11.5 are not supportive of harm to listed buildings, their setting, or to Conservation Areas.

Paragraph 3.7.2 states the introduction of fencing would be highly visible and prominent in views from the level crossings which cross the railway line and from properties close to the line.

The introduction of acoustic fencing is not considered by ESC to unacceptably adversely impact visual amenity in the area such as to rule out any acoustic fencing from a visual amenity perspective. Given the very small distance between the properties on Alma Place and the railway line, the residential amenities of these properties would be the most affected.

There is a brick wall, approximately 5-6 feet tall, opposite the dwellings on Alma Place. This wall somewhat limits existing views from the ground floor of these properties. However, even with the presence of this wall, there are still open views across the railway line and to the south, from Alma Place. The introduction of acoustic fencing would sever the open views. Even if, as discussed for other locations, the fencing is sensitively designed and incorporated transparent panels, there would be a residual adverse impact on visual amenity. Though, this harm would be temporary as the acoustic fencing would be removed at the end of the construction period.

While on site, ESC noticed the potential adverse impact on visibility across the level crossing if acoustic fencing is installed. ESC questions if fencing could be offset at the northern end and southern end to address this and maximise visibility across the level crossing.

There is limited space between the brick wall along Alma Place and the railway line to locate an acoustic fence; ESC question if the fencing could be placed on top of the existing brick wall or located nearer the railway line. ESC considers there is limited scope given the existing rail infrastructure between the line and Alma Place.

Paragraph 3.7.5 notes the fencing would have a detrimental impact on the available day and sun light to the ground floor rooms of houses along Alma Place. ESC considers this impact could be somewhat mitigated by careful design of the acoustic fencing. If clear panels are possible, these could be used to reduce the amount of daylight blocked by the fencing and could also serve to preserve views across the rail line.

Paragraph 3.8.1 of Appendix I states acoustic fencing would be inappropriate in the setting of the Listed Buildings on Albion Street. ESC noted on site the setting of these buildings is clearly intertwined with their relationship and proximity to the railway line. The Saxmundham Conservation Area Appraisal notes on page 7 that the cottages in Albion Street are known to have been erected to house employees of the railway. The railway line and station are immediately adjacent to the Listed dwellings, alongside other associated rail infrastructure including a signal box, level crossing, and barriers. Section 12.9 of the Saxmundham Conservation Area Appraisal notes that the Station Road/Albion Street

area has a varied mix of development and aesthetically lacks the cohesive qualities of other areas of the town. As such, there is no unified character in this area.

The introduction of acoustic fencing, while it would have an impact on visual amenity, is not considered to be out of character for this area, the character of which area is dominated by proximity to the railway line.

Given the designation of the Conservation Area and presence of Listed Buildings, any acoustic fencing would need to be designed sensitively and uniquely for its setting. The fencing will form part of the setting of the Listed Building, which Local Plan policy SCLP11.4 - Listed Buildings, gives weight to under sub-point (a). ESC considers the visual impact of acoustic fencing along the rail line near Alma Place could be somewhat minimised through careful design.

Therefore, on balance, the potential noise reduction of acoustic fencing in this case is considered to be of significant benefit to the nearby sensitive residential receptors along Alma Place. ESC acknowledges there will be a residual adverse visual impact and likely residual adverse residential amenity impact, though this could potentially be partially mitigated by sensitive design. There will also be a residual impact on the character and appearance to the Conservation Area and the setting of the Listed Buildings.

ESC acknowledges this is a complex site given the positioning of buildings near the railway line, the presence of the Listed Buildings on Albion Street, and the designation of the Conservation Area.

Therefore, on balance, ESC considers there to be potential scope for acoustic fencing along Alma Place. ESC considers that targeted consultation would be beneficial and would welcome further discussion on this matter.

Other fencing locations in South Saxmundham

The introduction of acoustic fencing further south on the railway line, alongside Park End, would largely be screened in views from the houses along Park End given the presence of dense vegetation/shrubbery. Though this is acknowledged to vary seasonally, this screening creates the perception of a degree of separation from the railway line.

On the opposite (eastern) side of the railway line from Park End, is Chantry Road. On this road there is Pace Petrol Station and an industrial unit comprising Samkin of Saxmundham. Further south along Chantry Road is Chantry House, a block of residential flats.

There is existing vegetation separating Chantry House from the railway line. As stated above, ESC is keen to retain as much existing vegetation as possible and would require more information on the retention or removal of this planting before forming a balanced opinion.

Vegetation acts as visual screening and also influences perception. If vegetation obscures the railway line from view, trains passing by are less visible and so may be perceived as less intrusive and noisy. Removal of vegetation is harmful in its own right, in terms of visual and residential amenity. Therefore, as stated for other sites, ESC would be keen for as much vegetation to be retained as possible. As land ownership in terms of Network Rail land was not provided in the Appendix and so cannot be considered, so ESC cannot comment on the potential need to remove vegetation to accommodate acoustic fencing.

In summary, ESC considers that there is potential scope for acoustic fencing. ESC considers that targeted consultation would be beneficial and would welcome further discussion on this matter.

Saxmundham North

ESC has concerns in this location about the use of outdated satellite imagery in Appendix I.

Illustrative mapping shows fencing stopping to the south of white signal box/overhead line equipment to the north of the development. Having visited site, ESC has seen that the line of development extends significantly further north than is shown in Plate 3.22. Since the satellite images used were taken, there has been more residential development to the north-east of Beech Road, along Hornbeam Road and Oak Close. The indicative location of fencing shown in Plate 3.22 stops short of these new dwellings.

59 dwellings on land east of the northern end of Beech Road were consented by application DC/18072/FUL, followed by subsequent discharge of condition applications DC/19/3818/FUL and DC/20/0048/FUL.

Given the existing embankment where the rail line sits, ESC questions where the fencing would be positioned in relation to the existing embankment and whether fencing could be positioned lower down the embankment. There is a reasonable distance between the houses and the railway and existing screening/vegetation separating the rail line from the houses. As stated above ESC would be keen to see as much vegetation as possible retained and would not support the removal of all screening vegetation to accommodate a temporary acoustic fence.

ESC visited the site and photographed the railway line from various viewpoints. One point was the Balancing Pond at the northern tip of Beech Road as indicated on Figure 3 below.



Figure 3: North Saxmundham, pen superimposed on Google Maps imagery

The two-storey dwellings in this area are the closest of the new Hopkins development to the railway line. From this vantage point, ESC looked north-west to the railway line. Along this stretch, the line sits on an embankment and is somewhat screened by vegetation and trees on the embankment. Given the existing vegetation and height of the embankment, views from the houses along this northern end of Beech Road are limited to the north-east towards the countryside.

Figure 4 below looks north from the Balancing Pond as a train is passing by, showing the increase in ground level from the houses to the railway embankment. The photo also highlights the limited views toward the north-east to the countryside.



Figure 4: North Saxmundham, ESC photo

Paragraph 3.8.3 of Appendix I notes the introduction of acoustic fencing may have a detrimental impact on wider views from the site towards Carlton Park to the north and the Saxmundham Conservation Area.

ESC considers these views to be already somewhat limited, given the railway line embankment. Therefore, on balance, ESC considers the potential benefit in terms of noise reduction from the acoustic fencing to be greater than the adverse impact on visual amenity.

In summary, ESC considers that there is potential scope for acoustic fencing and ESC would welcome further discussion on this matter.

5. Conclusions

ESC has assessed the sites and proposed locations for acoustic fencing from a noise mitigation perspective and a planning/visual amenity perspective.

Properties in these areas are very close to the track and stand to benefit from a likely 5-10 dB reduction in passing freight train noise if acoustic fencing is provided. For the most part the same residents have the potential to be affected by adverse effects in terms of both noise and visual amenity. ESC acknowledges that this is an oversimplification of visual amenity, however tourist/daytime visitors to sites like Central Woodbridge who do not stay in the area overnight will be affected by adverse impacts to visual amenity during the day, but leave the area overnight, and will not be affected by the increase in night-time rail noise.

Any detriment to visual amenity in this case is temporary, as the fencing can be removed at the end of construction or an earlier agreed time when the full timetable is fully understood and it is accepted that the number of night-time trains is reduced) and the previous view will be restored. ESC acknowledges the rail noise itself will also be temporary during the construction period and will then cease.

Whilst visual amenity is an important consideration in respect of barriers, there should be a full assessment in terms of balancing loss of visual amenity with any acoustic benefits. Where appropriate the communities affected should be consulted and their views incorporated into any decision in respect of the balance of visual and acoustic impacts. Design should also play a part in any assessment or decision, and we would expect the Applicant to consider different barrier types in order to reduce the visual intrusion, for example in terms of colour, material, and the use of transparent or part transparent designs.

Adequate community engagement will be important to establish what residents would prefer. However, ESC acknowledges that this will likely be a complicated issue as the situation may arise where some residents would prefer the reduction in rail noise and so support barriers over the adverse impact to their visual amenity, while others may value visual amenity over the reduction in rail noise.

9.64 Fen Meadow Plan Draft 1 – Revision 1.0 [\[REP6-026\]](#)

ESC notes that this document is the second of three plans to be provided on the creation of fen meadow compensation habitats, the first being the Fen Meadow Plan Report 1 [\[REP3-051\]](#) and [\[REP3-052\]](#) submitted at Deadline 3 and the final being the Fen Meadow Plan Draft 2 which will become the Fen Meadow Plan secured by DCO Requirement 14A. This current report provides interim data collected from the three proposed compensation sites and details of draft management interventions which will be implemented at each of the sites in order to create fen meadow habitat.

ESC welcomes the submission of this report as it provides greater detail on the measures proposed to create fen meadow compensation habitat than has previously been submitted to the examination process. With regard to detailed comments on the specific management interventions proposed at each compensation site, ESC defers to Natural England as the Statutory Nature Conservation Organisation. With regard to the long-term management of the sites, it is noted that the management detailed in the report only goes to Year 10, with a review of management requirements then to be undertaken by the Environment Review Group. As with other elements of this project away from the Main Development Site, ESC queries what the long-term ownership arrangements will be for these sites. Given their importance in delivering compensation for the loss of SSSI habitats at the MDS it is essential that their long-term future and appropriate management is adequately secured through the DCO.

9.69 Update on Noise Assessment at Whitearch Park - Revision 1.0 [\[REP6-030\]](#)

The table comprises:

- First column: the relevant page number (document, not pdf page);
- Second column: a reference (section, figure, or table number);
- Third column: relevant source document extract (text or Figure snapshot)
- Fourth column: our observations and concerns on the cited extract
- Fifth column: our requested action upon SZC Co. (see below).

All extracts from the *UPDATE ON NOISE ASSESSMENT AT WHITEARCH PARK*, including page, section number, text and footnotes etc. are shown in *italics* in first three columns, including references elsewhere as appropriate.

In Column 5 where further information is requested by ESC / SCC this generally takes one of the following three forms, or a combination thereof:

- Clarification
- Confirmation
- Further information.

Where a response is provided for comment only and no further information is specifically requested, this is indicated using a hyphen (-).

Pg No.	Section Ref.	Relevant Text / illustration	Observations and Concerns	Requested:
1	1.1.3	A targeted consultation exercise was undertaken between 12th May 2021 and 11th June 2021 to seek views from the residents and owners of Whitearch Park, located south of Saxmundham, on the potential noise effects from the use of the East Suffolk line by SZC Co. as part of its freight management strategy to bring construction materials to the Sizewell C site.	ESC very much welcomes targeted consultation by the Applicant with sections of the community affected by night rail noise and believe that the consultation at Whitearch park should be considered as a template for targeted consultation with other communities where night rail noise would produce an adverse impact and where barrier deployment has potential to be effective. ESC considers that this type of targeted consulted would be especially helpful in resolving any conflict between loss of visual amenity and acoustic benefit from those barriers.	-
1.2.5		The trains are expected to be travelling at between 10 and 20mph as they pass Whitearch Park.	Currently Whitearch Park sits outside of the 10mph speed restricted area, however it also sits directly next to the speed restricted area. Given that the	Further information

			Applicant considers speed of the train to be one of the most significant noise control measures, ESC request that the Applicant considers the extension of the Saxmundham speed limit section to incorporate Whitearch Park. If they are unable to do so, ESC would like to see reasonable justification for this; for example, if it is due to concerns regarding the timetable then an explanation should be provided as to why this is the case.	
1.2.1 4	4	It was concluded that the majority of the homes at Whitearch Park would be subject to night-time L_{AFmax} levels below 70dB (green and yellow shaded areas), which is considered to be a negligible or minor adverse effect, when the sensitivity of their residential use is taken into account. These would not be significant effects in an EIA context.	ESC note that homes subject to noise levels above 70 dB L_{AFmax} would be eligible for enhanced noise insulation under the Noise Mitigation Scheme (NMS), the threshold for which is currently set at the EIA significance threshold. ESC is yet to formally agree that this is the appropriate threshold for the NMS due to outstanding concerns over the deliverability of the Rail Noise Mitigation Strategy. In this case, there would be 24 properties falling between LOAEL and SOAEL and therefore subject to an adverse impact, where there is clear policy aim to <i>“mitigate and minimise”</i> impact. The Rail Noise Mitigation Strategy (RNMS) will be the main tool for mitigation and	-
1.2.1 5	4 4/5	Two of the existing park homes were predicted to have noise levels of between 70dB and 77dB (red shaded area), with one park home predicted to be just over 77dB (blue shaded area). These are considered to be moderate adverse effects at the two park homes and a major adverse effect at the other; these are regarded as significant effects in an EIA context. For all park homes except one, the outcomes would fall either below the LOAEL, or between the LOAEL and		

1.2.1 6		SOAEL where in planning policy terms the requirement is to mitigate and reduce noise of this level to a minimum. For the single park home predicted to be exposed to L_{AFmax} noise levels above 77dB, planning policy requires the effect to be avoided, which can be achieved through the Noise Mitigation Scheme [REP2-034].	minimisation of rail noise impact and it will therefore be important that the RNMS is sufficiently comprehensive and deliverable in full. In line with NPS EN-1, noise insulation should only be considered where all other forms of mitigation have been exhausted, and ESC reserve the right to request that the threshold for the NMS is reduced further if the RNMS does not demonstrably meet the policy aim. Specifically, ESC considers that the track past Whitearch Park should benefit in full from the RNMS, including track upgrades as appropriate, and inclusion within the Saxmundham speed restriction area.	
1.2.1 7	5	It was concluded that the walls of the park homes at Whitearch Park were likely to provide a sound reduction of at least 35dB and the windows at least 25dB. It was therefore considered that the Noise Mitigation Scheme would be effective in improving the sound insulation of the park homes.	ESC request that detailed technical justification is provided for the assumed sound reductions.	Clarification.
1.2.2 0	6 6	The acoustic barrier was expected to reduce train L_{AFmax} noise levels to less than 70dB at all of the park homes, resulting in effects that would be no worse than minor adverse, which are not significant in an EIA context.	It is clear that a barrier at this location would provide worthwhile noise reduction benefits to residents of Whitearch Park. In addition to an acoustic barrier, ESC consider that the track past Whitearch Park should also	-

<p>1.2.2 1</p>		<p>Notwithstanding the effect of the assessed barrier, the supplemental noise assessment acknowledged that any barrier would be subject to discussion with the relevant authorities, including Network Rail, East Suffolk Council and Benhall and Sternfield Parish Council, the owner and residents at Whitearch Park, and subject to the necessary permissions and further assessment of other potential environmental effects, prior to any decision whether or not to install any barriers.</p>	<p>benefit, in full, from the RNMS, including track upgrades as appropriate, and inclusion within the Saxmundham speed restriction area.</p>	
<p>2</p>	<p>7</p>	<p>SITE VISIT AND CONSULTATION RESPONSES</p>	<p>ESC welcome the consultation and engagement between the Applicant and the community at this location and would request that it should be considered a template for other locations where barriers have potential to be effective, but where there is a potential conflict between visual amenity and acoustic benefit provided by the barrier.</p>	<p>-</p>

<p>3.1.2 3.1.7</p>	<p>8 9</p>	<p>Plate 4.3 in the May 2021 supplemental noise assessment⁵ purports to show the effects of a 2.5m barrier on the boundary between Whitearch Park and the railway. Due to the level changes of the railway, a boundary of that height in that location would not in fact have the acoustic effects indicated in Plate 4.3. Plate 4.3 overestimates the mitigating effect of such a barrier at the southern end of the site and underestimates it at the northern end of the site.</p> <p>Plate 3.1 shows that a barrier at the top of the embankment that transitions to the top of the cutting will be effective in reducing the train noise levels to below 70dB at every park home. This would result in no worse than minor adverse effects, which are not significant in an EIA context</p>	<p>It is clear that a barrier at this location would provide worthwhile noise reduction benefits to residents of Whitearch Park. In addition to an acoustic barrier, ESC consider that the track past Whitearch Park should also benefit, in full, from the RNMS, including track upgrades as appropriate, and inclusion within the Saxmundham speed restriction area.</p>	<p>-</p>
<p>3.1.9</p>	<p>9</p>	<p>The deliverability of this barrier alignment is currently under discussion with Network Rail, although it is noted that subject to a feasibility test and SZC Co. meeting the costs of any barriers, Network Rail has advised that it does not have an in-principle objection to acoustic fencing.</p>	<p>ESC has been made aware that Network Rail will now not support barriers which appears to be a significant change in position in a short period of time, ESC would like to see full justification of this new position given the clear and demonstrable noise reduction benefits from the new barrier alignment.</p>	<p>Further information</p>
<p>3.1.1 0</p>	<p>10</p>	<p>SZC Co. has amended the Noise Mitigation Scheme to recognise the potential for the construction of the homes at Whitearch Park to vary, and has included a more flexible approach to the specification of insulation. This amended version of the Noise</p>	<p>ESC welcome the adoption of a flexible approach to the Noise Mitigation Scheme.</p>	<p>-</p>

		Mitigation Scheme will be submitted to the Examining Authority at Deadline 6 (6th August 2021).		
3.1.1 1	10	Should a noise barrier be feasible along the East Suffolk line at Whitearch Park, provision for its installation will be included either in a further update of the Noise Mitigation Scheme, in an update to the draft Rail Noise Mitigation Strategy [AS-258], or via another securing mechanism as may be agreed between SZC Co. and the relevant stakeholders.	ESC maintain that the option for barriers form part of the applicant's responsibility (in line with planning policy) to mitigate and minimise above LOAEL and to exhaust all other forms of mitigation before offering noise insulation. ESC therefore consider that any noise barriers identified as worthwhile and feasible should be included in the Rail Noise Mitigation Strategy.	-

Commentary on the draft Development Consent Order (dDCO) [[PD-038](#)]

ESC provides the following comments regarding the ExA's Commentary on the draft Development Consent Order (dDCO) issued on 3 August 2021:

Section 2 – the Applicant's summary of case for ISH1

2.1 ESC's position on the Applicant's definition of 'general accordancy' (Sch 2 para 1(4)) is that 'substantively consistent' is better than general accordancy but still leaves too much discretion to the Applicant to depart from the examined and agreed control documents. ESC would prefer that the drafting is amended so that it approves any departure from the control documents.

2.2 ESC agrees that the above definition of 'general accordancy' should apply to the text of the control documents as well as the DCO. Suggested drafting:

"(4) Where any requirement or document listed in Schedule 22 provides that the authorised development or any part of it is to be carried out in 'general accordancy' with details, or a scheme, plan or other document that is listed in Schedule 22 and certified under Article 80 of this Order, this means that the undertaker will carry out such work(s) in a way that is consistent with the information set out in those details, schemes, plans

or other document or if not, any deviation from those details, schemes, plans or other document is approved by East Suffolk Council and does not give rise to any materially new or materially different environmental effects to those assessed in the environmental information."

2.3-2.4 ESC agrees that the suite of control documents lacks consistent definitions, obligations for final documents to be in accordance with outline documents, for the development to be carried out in accordance with the provisions of the documents and mechanisms for departing from the documents.

2.5-2.6 ESC accepts the principle that elements of the development can be constructed without further approval if they are in defined locations and suitably controlled by certified documents, and with further approval if they are not but remain within defined parameters. However like the control documents ESC considers the current drafting and locations of the controls to be confusing and uncertain. The Applicant is arranging a teach-in, ESC reserve the right to make further comment after that session.

2.7 ESC is concerned if limits of deviation are only now being defined for certain works.

2.8-2.10 See comments on 2.3-2.4. ESC is content with level 3 documents not being subject to external approval as long as all the necessary controls are in the corresponding level 1 or 2 document, and the undertaker remains responsible for the project.

2.11 ESC remains concerned that 'reasonable endeavours' does not oblige the Applicant necessarily to provide the mitigation necessary to offset the impacts of the project - even if the mitigation is described as 'embedded mitigation' in the Environmental Statement.

2.12-2.13 it is the case that unless a DCO limits a development there is no general obligation for it to remain with the impacts assessed in the Environmental Statement. In other words the controls are needed.

2.14 ESC does not accept the threat of pauses as sufficient to escape approvals for the details of the project.

2.15 ESC acknowledges that it is relative rather than absolute dates that matter and has agreed to remove its reference to a year (2028) in its proposed requirement in [\[REP5-139\]](#), but mitigation being in place before the effects it is mitigating against is essential, otherwise those effects must count as adverse impacts when making the decision on the application.

2.16 ESC would be interested in the answer to this question as well.

2.17 ESC agrees, with the caveat that the 2028 can be removed so there is no obligation to construct the campus by a particular date if the main construction is delayed.

2.18-2.19 ESC acknowledges the points made in Appendix C of [\[REP5-113\]](#) about criminal enforcement but considers that the disincentive effect of the possibility of a criminal conviction outweighs any increased administration of prosecuting such a breach.

2.20 ESC is grateful that the Applicant has mirrored the s106 ability to obtain injunctive relief in proposed article 9A(1). ESC would of course be happy if cross-undertakings were expressly forbidden by the DCO, but is content to leave it to the court's discretion as is the case for s106.

2.21 ESC is neutral as to the mechanism by which the obligations of the Deed of Obligation are transferred as long as there is no risk that they will not be transferred. It supported a deed of adherence in the context of a s106 agreement given that the Applicant currently owns very little land and this was the mechanism by which more land would be subject to the s106 agreement as it was acquired.

2.22 ESC does not expect anyone other than ESC, the Applicant and SCC to be parties to the Deed of Obligation, just as would be the case for a s106 agreement.

2.23 ESC considers that proper sequencing whereby mitigation must be in place before construction can start or the project can be operational is preferable to requiring bonds. The only exception to this is therefore where construction starts and then expenditure is needed, although most of such effects (e.g. the Emergency Services Contingency Contribution and (transport) Contingent Effects 1 and 2) would stop if construction stopped. The Fen Meadow Contingency Fund is the only case where the effects would continue even if construction stopped, as ecological harm would have occurred and improvements to the fen meadows to counteract this would not have been carried out. A bond could be appropriate, however, it does seem to be unlikely that the Applicant would not be able to pay.

Section 3 – the draft Development Consent Order

3.1 Noted

3.2 Company names and numbers checked and verified. Technically Community Action Suffolk and Suffolk Community Foundation in Schedule 14 are 08316345 and 09284825 rather than 8316345 and 9284825 respectively but the meaning is sufficiently clear.

3.3-3.4 ESC comments on Articles 9, 9A and 9B as follows:

i) ESC notes that 9(5)(b) refers to a deed of adherence prior to any transfer, but paragraph (5) starts 'Where the undertaker has transferred...' – the obligation for a deed of adherence should be moved to a separate paragraph for clarity, and a proviso added to 9(1) to refer to the deed of adherence provision

- ii) ESC suggests that before the comma in the first line is added 'and any contractual remedies'
- iii) ESC would prefer that 9A(3) was moved to Article 8 so that all exceptions to the Applicant having the benefit of the Order were in one place
- iv) Article 9A(10) should say 'In this article' not 'In this section'
- v) ESC requests that the Applicant notifies ESC if the Applicant is applying to discharge part of the Deed of Obligation, and that the Secretary of State is required to consult ESC (or SCC as appropriate) on the proposed discharge
- vi) ESC is considering whether the removal of the five-year period before the terms can be modified or discharged is appropriate (i.e. s106(3) vs 9B(2)).

3.5 ESC is content that art. 53 now comes within paragraph 32B(1)(d) as offences that may be created in a DCO.

3.6 ESC comments that the placing of the provision does not affect its legal effect but it is now inconsistent with other works descriptions. ESC notes that these statements do not commit the works to being in the locations shown on the plans.

3.7 See the response to 2.1 and 2.2 above.

3.8 ESC is content that the restriction on any approval not giving rise to materially new or different environmental effects to those already assessed means that further assessment would not be required for such approvals (other than to establish that no materially new or different environmental effects would arise).

3.9 ESC agrees that as currently drafted the provision only extends to 'level 1' and not 'level 2' documents and does not extend to the DoO. The wording should be amended to cover the former case, and the wording of the DoO rather than the DCO should be amended to cover the latter case. ESC comments that the provision would make more sense if the word 'except' was moved to after the word 'deviations'.

3.10 ESC considers that this requirement is intended to mean 'before the date six months after the earlier of Unit 1 or Unit 2 comes into operation' to allow for earlier agreement.

3.11 ESC considers it is more important that 'marsh harrier implementation plan' should be defined.

3.12 ESC notes that work 4A(c) is covered by requirement 22 as a highway work.

3.13 ESC agrees with the ExA's suggestion that the executed version should be certified.

3.13.1 ESC notes that the rail noise mitigation strategy is still defined as a certified document in article 2. It is not before the examination which may be why it has been removed from Schedule 22. ESC considers that either an outline strategy be produced or the definition be amended to list what it must contain, before the end of the examination.

Section 4 – the Deed of Obligation

4.1 ESC notes the ExA's comments.

4.2 ESC notes the ExA's comments and suggests the Applicant removes reference to "the Planning Inspectorate".

4.3 ESC notes the ExA's comment and this is a point for West Suffolk Council and Suffolk County Council to discuss.

4.4 ESC will ensure that, prior to the DoO being completed, the details of all relevant companies and other entities will be checked.

4.5 ESC understands that this wording is to confirm that the indexation formula will only be applied to increase the relevant contribution sum. Where the indexation would result in a reduction in the payment of a contribution, i.e. a indexation figure of less than 1, the indexation formula is not applied.

4.6 A: ESC notes the ExA's comment and will discuss with the Applicant and SCC. B: ESC would suggest that the Applicant propose some suitable wording at clause 15.3.3(a) obliging the relevant Council to deliver the mitigation as agreed with the Applicant. C: ESC is happy with the amended quorum and voting arrangements which deal with the possibility that a body which is to participate in a governing body declines to enter into the deed. D: ESC suggests that the Applicant adds a further attestation clause to the form of Deed of Covenant.

4.7 The equivalent provision is clause 20. ESC suggest a new 20.4 *"approval pursuant to clause 20 shall not be given (except for minor or immaterial variations) unless it has been demonstrated to the satisfaction of the relevant Council that the variation sought does not give rise to any materially new or materially different environmental effects in comparison with those assessed in the Environmental Information"*.

4.8 ESC notes the ExA's comment.

4.9 ESC notes the ExA's comment.

4.10 ESC notes the ExA's and will continue to liaise with the Applicant and Suffolk County Council to progress the DoO.

Section 5 – the Code of Construction Practice

5.2 ESC considers that the CoCP is still not drafted in terms of commitments – it still contains the words or phrases ‘would’, ‘could’, ‘should’ or ‘is proposed’ 307 times between them. As mentioned above ESC has prepared an appendix to this document setting out whether and how the control documents provide commitments.

5.3.1 ESC disagrees with the ExA’s suggestion – even where effects are no worse than the residual impacts reported in the ES, the Applicant should still seek to minimise them.

5.3.2 Paragraph 2.4.10 is more of a narrative nature than a commitment so ESC is not concerned that its wording is not comprehensive.

5.3.3 The Applicant can update references to the dDoO to the executed version if it is made before the end of the examination; the Applicant will not be able to update references to the made DCO since it will not have been made by then and the references could change if and when the Secretary of State decides to grant the DCO (e.g. Part B, paragraph 1.4.1). One mechanism would be to refer to the last dDCO submitted to the Examination and draft a definition that refers to the equivalent requirement in the made DCO. It is possible that the requirement does not appear in the made DCO, in which case the provision in the CoCP would no longer need to apply.

5.3.4 [we don’t know why the Applicant has removed the section ‘criteria for success’ from its main development site aquatic invertebrate and fish mitigation strategy’ (the 144th page of [this document](#)) – it is possible that the criteria were never used and so were redundant. Such criteria would presumably normally be used to test whether the mitigation was working, and if not, implement further mitigation.]