



The Planning Act 2008

Sizewell C (SZC)

Planning Inspectorate Reference: *EN010012*

Deadline 7 – 3 September 2021

East Suffolk Council's (20026200) Response to Examining Authority's Second Round
of Written Questions

Part 1

Contents

Examining Authority Second Written Questions.....	2
G.2 General and Cross-Topic Questions.....	2
Ag.2 Agriculture and soils – No Questions for ESC	4
AQ.2 Air Quality	4
Al.3 Alternatives – No Questions for ESC	9
AR.2 Amenity and Recreation.....	9

Examining Authority Second Written Questions			
ExQs2	Question To:	Question:	East Suffolk Council's (ESC) Response
G.2 General and Cross-Topic Questions			
G.2.14	The Applicant, SCC, ESC	<p>Policy and Need</p> <p>The ExA's ExQ1G 1.12 questioned whether the Planning Statement [APP-590], paragraph 3.9.2, was correct to state that it was appropriate to treat EN-1 and EN-6 as providing the primary policies relevant to the determination of the application. The responses to that ExQ1 from the Applicant, ESC and SCC together with the Applicant's comments on the responses received from ESC and SCC are noted [REP3-</p>	<p>It is common ground that s105 of the Planning Act 2008 applies to decision-making for this project as Sizewell C will not be developed before the end of 2025.</p> <p>Section 105 requires the following to be taken into account:</p> <ul style="list-style-type: none"> - any local impact report - any prescribed matters - anything else that is considered important and relevant <p>Matters are duly prescribed by the Infrastructure Planning</p>

	<p>046]. In the decision dated 19 February 2021 relating to the application for the Wheelabrator Kemsley K3 Generating Station and Wheelabrator Kemsley North Waste-To-Energy Facility Order the Secretary of State for Business, Energy and Industrial Strategy, at paragraph 6.3, states: “As set out above, sections 104 and 105 of the Planning Act 2008 set out the procedures to be followed by the Secretary of State in determining applications for development consent where National Policy Statements have and do not have effect. In both cases, the Secretary of State has to have regard to a range of policy considerations including the relevant National Policy Statements and development plans and local impact reports prepared by local planning authorities in coming to a decision. However, for applications determined under section 104, the primary consideration is the policy set out in the National Policy Statements, while for applications that fall to be determined under section 105, it is local policies which are specifically referenced although the National Policy Statements can be taken into account as ‘important and relevant considerations’.” It is recognised that there are obvious differences on the facts between that particular case and</p>	<p>(Decisions) Regulations 2010, as amended, and are (paraphrased):</p> <ul style="list-style-type: none"> - the effect on listed buildings, conservation areas and scheduled ancient monument - the effect on navigation, the marine environment and legitimate uses of the sea - the effect on biological diversity <p>Thus, five areas are specifically mentioned, together with any other matters that are considered to be important and relevant. Local policies are not specifically mentioned in s105 albeit ESC considers them to be important and relevant matters for the decision-maker to take into account.</p> <p>East Suffolk Council and Suffolk County Council have submitted an extensive joint local impact report [REP1-044]- [REP1-101] Main LIR doc: [REP1-045]. The summary of the report (pages 475-528 of [REP1-045]) focuses almost exclusively on impacts and mitigation, with some discussion of Local Plan policies to assist the ExA and Secretary of State. ESC has not identified any conflict between relevant policies in EN-1 / EN-6 and the Local Plan. However, in the event of any conflict, ESC accepts that the policies in the NPSs should prevail. .</p>
--	--	--

		the Sizewell C Project application. Nevertheless, further comments are sought on the principle of the approach to the primacy of policy in a s105 case, as expressed by the Secretary of State in that decision.	
Ag.2 Agriculture and soils – No Questions for ESC			
AQ.2 Air Quality			
AQ.2.1	SCC, ESC	<p>Electric Charging Points</p> <p>(i) What policies do SCC and ESC rely upon to encourage or require electric charging point provision?</p> <p>(ii) Is the number currently proposed policy compliant?</p>	<p>I) Suffolk County Council have an electric vehicle charging guidance in place for parking at residential and non-residential developments in section 3.4.2 of the Suffolk Guidance for Parking (SGfP)[3].The guidance considers that ‘Local planning authorities will take into account this technical guidance in their planning decisions; as such it will be a material document in planning considerations’.</p> <p>ii) In the response to ISH3 (REP5-174 SCC made the following comment:</p> <p>SCC is working with the applicant to confirm an appropriate provision of cycle parking, motorcycle parking and electric vehicle charging provision as per our Deadline 3 response. CWTP 4.7.15: EV Charging guidance for Park and Ride and FMF sites is considered to be closest to B1 Business and B2 General Industrial uses in the Suffolk Guidance for Parking. This requires 20% of all spaces to be fitted with a charging system, with an additional 20% of parking spaces with the infrastructure in place for future connectivity. This should be</p>

			<p>increased to 25% fitted spaces and 25% future connectivity for the site accommodation campus (i.e. C1 Hotel use). In the CTWP REP2-055 the Applicant is only proposing 5% of the spaces to have charging points and a further 5% to have passive electric vehicle provision. Therefore, the measures proposed by Sizewell C do not comply with the SCC Parking Guidance.</p> <p>The Applicant has since committed to increase this provision to 20% but this matter is still under discussion and is not yet formalised.</p> <p>[3] https://www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/Suffolk-Guidance-for-Parking-2019-Adopted-by-SCC.pdf</p>
AQ.2.2	Applicant, E SC, SCC	<p>Air Quality Management Areas (AQMAs)</p> <p>There does not yet appear to be an agreed position in respect of the likely effects in terms of emissions from construction traffic on the air quality standards within the two AQMAs at Woodbridge and Stratford St Andrew.</p> <p>(i) Please advise the ExA of the latest position and what controls may be put in place to ensure the air quality in both areas is maintained at suitable levels throughout the construction programme.</p>	<p>Answer to question (i)</p> <p>ESC's and SCC's joint LIR [REP1-045] highlighted in paragraph 19.1, that a suitable cap on non-Euro VI HGVs will avoid significant impacts in the Stratford St Andrew AQMA. However, concerns were also noted in section 19.30 in the LIR regarding the monitoring and mitigation strategy, in the event of non-compliance with the 8% cap.</p> <p>The Applicant subsequently submitted an updated Code of Construction Practice (CoCP) at Deadline 5 [REP5-078] which included:</p> <p>A commitment to a cap of 8% non-Euro VI HDVs. Where a vehicle cannot meet Euro VI requirements, it will achieve Euro V standards. If HDVs cannot meet Euro V</p>

		<p>(ii) The ExA understand a commitment has been made by Scottish Power to limit the number or proportion of HGVs which do not meet the highest emissions standards. If this is correct, in light of the higher number of vehicles associated with this development is it not reasonable to expect a similar restriction for this development, or an even higher standard in light of the higher numbers of vehicles?</p> <p>(iii) In the event a commitment is made to ensure a proportion of the 'cleanest' vehicles is made, how would this be secured, monitored, and managed throughout the construction programme?</p>	<p>standards, justification for exemption should be provided with information on how emissions will be mitigated. That HDVs will be monitored and reported through the Transport Review Group (TRG).</p> <p>ESC consider the Euro Standard controls and management satisfactory to minimise and mitigate the risk of exceedances of air quality standards from HDVs in the Stratford St Andrew AQMA.</p> <p>As such, ESC no longer has concerns regarding potential air quality impacts within the Woodbridge AQMA. Air quality monitoring in the Woodbridge AQMA will be retained. Any concerns regarding non-compliance with air quality standards will be discussed and managed in the Environmental Review Group (ERG).</p> <p>Answer to question (ii) The commitment to 92% of total annual HDVs being Euro VI standard is consistent with, and in some respects exceeds, the commitment agreed with Scottish Power Renewables.</p> <p>Answer to question (iii) This commitment has been made by Sizewell C in the CoCP submitted at Deadline 5. This specifies the required Euro Standards for HDVs, which will be monitored through a vehicle registration scheme. Performance against this specification will be managed through the TRG. If any performance issues should be</p>
--	--	--	---

			identified, additional mitigation requirements will be agreed and monitored by the TRG.
AQ.2.3	Applicant, E SC	<p>Non-Mobile plant</p> <p>(i) It is noted from the evidence submitted that discussions are ongoing about the proportion of non-mobile plant that may be prescribed to be at the highest emissions standards. Is there an agreed position as to the standard that needs to be achieved or the proportion of equipment this should apply to?</p> <p>(ii) If the position is not agreed can each party clearly set out their bottom line as to the standard they consider should be achieved and why?</p> <p>(iii) Is it expected these standards would apply across the whole development, or are different standards expected at the different sites?</p>	<p>If this refers to Non-Road Mobile Plant:</p> <p>Answer to question (i) The agreed minimum NRMM standard is Stage IV and the % cap on non-stage IV is 15% per annum, as detailed within the CoCP submitted at Deadline 5.</p> <p>Answer to question (ii) The position is agreed between ESC and the Applicant.</p> <p>Answer to question (iii) It is expected that these standards will be applied at the main and associated development sites.</p> <p>If this refers to non-mobile plant (i.e. generators): Smaller capacity generator plant will be classed as NRMM. Larger capacity plant would be regulated by the EA, and it is not for ESC to set requirements on emissions standards for this plant.</p>
AQ.2.4	Applicant, E SC, SCC	<p>CoCP</p> <p>As currently drafted, there is an exemption for ‘community/local suppliers’ in the standard of vehicle that may be allowed.</p> <p>(i) How is the community/local supplier defined?</p> <p>(ii) Do the mechanisms for monitoring ensure that these operators can be clearly identified?</p>	<p>Questions i) and ii) are for the Applicant/SCC to respond.</p> <p>iii) ESC understands that there is an aspiration that local suppliers will seek to comply with the requirement to use Euro VI HDV. If this is not possible the vehicles would fall into the 8% non-Euro VI allowance and as such will not affect the predicted impacts on air quality.</p>

		(iii) In seeking to support local suppliers in this way can the air quality standards that need to be achieved still be met?	
AQ.2.5	Applicant, ESC	<p>CoCP Non-Road Mobile Machinery (NRMM)</p> <p>(i) Does an annual basis for calculating the 15% of NRMM which could be non-Stage IV plant achieve a suitable degree of control? Will this for example be a rolling twelve-month period or annually by a specific date?</p> <p>(ii) If a high proportion of non-stage IV plant was used during a particular period how would this knock on to construction for the rest of the reporting period if limited amounts of Stage IV plant were available?</p> <p>(iii) In the event the 15% could not be reached what would be the consequence?</p>	<p>Answer to question (i)</p> <p>ESC considers that the 15% cap on annual NRMM with a less stringent standard than stage IV is satisfactory. The Applicant should confirm whether this is annual or rolling, although ESC considers that either would be acceptable.</p> <p>There are concerns regarding the placement of NRMM relative to human health and ecological receptors, and the placement of NO₂ monitoring locations to capture NRMM air quality impacts. However, it is expected that this risk can be managed, provided suitable detail is provided in the dust monitoring and management plan (DMMP) that the Applicant has committed to, which will require agreement and sign-off by ESC.</p> <p>Answer to question (ii)</p> <p>This question is to be addressed by the Applicant.</p> <p>Answer to question (iii)</p> <p>In this event, there would be a risk of potentially significant adverse impacts at human health and/or ecological receptors. Such risks could potentially be managed, for example by increasing the separation between non-compliant NRMM and receptors. Baseline or operational phase air quality monitoring data may also be useful to inform the assessment of these risks. Any departure from the 15% commitment would need to be fully assessed to ensure that</p>

			<p>significant impacts would not arise, and this would need to be agreed by ESC and potentially other stakeholders (e.g. Natural England). If significant impacts due to NRMM emissions cannot be avoided, there would ultimately be a risk that construction activities using this plant would need to be temporarily halted.</p> <p>ESC anticipates that any such non-compliance and further assessment would be reported to and managed by the Environment Review Group.</p>
AI.3 Alternatives – No Questions for ESC			
AR.2 Amenity and Recreation			
AR.2.2	Applicant, ESC, SCC	<p>Leiston Sports Facilities</p> <p>Within the Deed of Obligation [REP5-083] page 60 para 2.2.6 reads “If all requisite consents for the Leiston Sports Facilities cannot be obtained, East Suffolk Council shall repay the remainder of the Sports Facilities Works Contribution to SZC Co and enter into discussions in good faith about the appropriate provision of alternative facilities.”</p> <p>(i) What additional consents are required? (ii) In the event they are not granted how would the recreational provision be provided? (iii) The wording suggests there remains some doubt as to the provision of the facility, yet it has been included as primary mitigation in the</p>	<p>These questions are primarily for the Applicant to respond to but from ESC perspective and understanding.</p> <p>(i) additional consents will be required from Alde Valley Academy and SCC as lessee and leaseholder of the land for the 3G pitch. ESC will need to obtain authorisation from ESC Cabinet to enter into a contract with SZC Co. and our leisure contract partners to build the facilities should they be consented in the DCO.</p> <p>(ii) ESC is not aware of any alternative available should these facilities not be provided in this location by ESC under contract to SZC Co.</p> <p>(iii) ESC is confident that the facilities will be able to be provided as proposed, Alde Valley Academy and SCC have been very supportive and encouraging to date.</p>

		ES assessment [Section 15.5 APP-267]. Please clarify the situation	
AR.2.3	Applicant, E SC, SCC	<p>Public Sector Equality Duty</p> <p>In response to FWQ AR1.27 ESC identified that concerns remained over whether all potential impacts had been properly identified for people with protected characteristics and consequently whether mitigation appropriate to those individuals/groups had been identified. Additionally, SCC did not consider there had been a comprehensive assessment in relation to community safety or community cohesion.</p> <p>(i) Can each party please provide an update on your positions to inform the ExA as to the suitability of the assessments, the conclusions reached, and the mitigation offered.</p> <p>(ii) Please advise on the latest positions in the discussions on the establishment of the Public Service Resilience Fund and Community Funds and whether these now have elements within them to address the concerns identified for people with protected characteristics?</p>	<p>(i) There have been further positive discussions with SCC as local highway authority and the Applicant on the potential for additional crossings on the A12, B1122 and B1125, which was the particular area of concern raised by ESC in our response to FWQ AR1.27.</p> <p>(ii) ESC has had positive discussions with the Applicant regarding Public Services Resilience Funding to ESC in regards to community safety aspects. The detail of this will be in the Deed of Obligation submitted at this Deadline by the Applicant. ESC is satisfied that with this funding, residual possible impacts to persons of protected characteristics can be addressed and mitigated for.</p>