



The Planning Act 2008

*Sizewell C (SZC)*

Planning Inspectorate Reference EN010012

Deadline 8: *24 September 2021*

Written Summary of Oral Case

**Issue Specific Hearing 12 Community, Amenity and Recreation, Human Health, Living Conditions**

<b>Issue Specific Hearing 12 (ISH12) on Community, Amenity and Recreation, Human Health, Living Conditions</b>	
<b>Agenda Item</b>	<b>East Suffolk Council Submissions</b>
<b>1. Introductions</b>	<p>Speakers on behalf of East Suffolk Council:</p> <p>Andrew Tait QC Mark Kemp, Environmental Protection Officer (Noise), ESC</p>
<p><b>2. Community, Amenity and Recreational Impacts</b></p> <p>(i) Community Safety - Policing of development through construction and operation of the proposed development.</p> <p>(ii) Progress on Community Cohesion and Community Safety identified in the Local Impact Report and Statement of Common Ground</p> <p>(iii) Timing of provision of accommodation campus, associated health and welfare facilities and caravan park</p> <p>(iv) Assessment of displacement of visitors and additional visitors to amenity and recreational areas including the AONB</p> <p>(v) Assessment of amenity and recreational effects on the AONB</p>	<p><b>(i) Community Safety - Policing of development through construction and operation of the proposed development.</b></p> <p>ESC has agreed mitigation in the form of a £1,601,960 towards Community Safety in our Public Services Resilience Fund which is secured in Schedule 5 of the draft Deed of Obligation [<a href="#">REP7-040</a>]. ESC is confident that this mitigation will enable us to work with a range of partners including SCC, the police and community groups to promote cohesion, improve the integration of workers, reduce community tensions, and mitigate any potential risks to community safety. .</p>
	<p><b>(ii) Progress on Community Cohesion and Community Safety identified in the Local Impact Report and Statement of Common Ground</b></p> <p>ESC has agreed with the Applicant that the potential impacts on community safety arising from the project and have agreed appropriate mitigation in the form of the Public Services Resilience Fund payment to ESC of £1,601,960 over the course of the construction period which will be used as detailed above. ESC is therefore satisfied that appropriate mitigation has been secured to address concerns highlighted in the LIR (Chapter 28) [<a href="#">REP1-045</a>], and SoCG [<a href="#">REP3-031</a>]. The updated SoCG submitted at Deadline 8 demonstrates that common ground has been agreed in this area.</p>
	<p><b>(iii) Timing of provision of accommodation campus, associated health and welfare facilities and caravan park</b></p> <p>The current delivery strategy for the caravan park and accommodation campus is governed by Schedule 3 of the Deed of Obligation, with the provision for reasonable endeavours to comply with the indicative timetable in the Implementation Plan [<a href="#">REP2-044</a>]. There is also provision for the payment of a contingency fund to ESC in the event that the caravan park and/or accommodation campus are not provided by certain agreed trigger points.</p>

	<p>In addition to the reasonable endeavours and contingency fund, the Applicant has committed to a requirement in the Deed of Obligation to have completed the caravan park within 3 months of the Workforce Survey reporting more than 850 non-home based workers <a href="#">[REP7-057]</a> at paragraph 1.5.18]. That requirement should be included in the Deed or Obligation or the DCO. An equivalent requirement should be included in the Deed or the DCO, obliging the undertaker to deliver the accommodation campus by certain trigger points.</p> <p>In the event that the caravan park and/or campus are not completed by the specified triggers, the undertaker will be obliged to make the agreed financial contributions through the contingency fund, but it should be clear that the payment of that fund will not release the undertaker from the continuing obligation to deliver the caravan site and accommodation campus.</p> <p>Furthermore, the Deed should include an appropriate mechanism and strategy for dealing with any likely delay in the delivery of the accommodation to allow for advance planning for temporary alternative measures until such time as the accommodation is provided by the undertaker.</p>
	<p><b>(iv) Assessment of displacement of visitors and additional visitors to amenity and recreational areas including the AONB</b></p> <p>A payment of £150,000 on first occupation of the campus into the RAMS (Recreational Disturbance Avoidance Mitigation Strategy) is agreed between ESC and the Applicant and is included in Schedule 11 of the draft Deed of Obligation. This will be used by ESC in mitigating the in-combination recreational disturbance impacts specifically linked to the temporary accommodation campus. The purposes of this contribution have now been agreed as set out in the Deed of Obligation at 7.2 of Schedule 11 <a href="#">[REP7-040]</a>.</p> <p>European Sites Mitigation Measures are included in Schedule 11 of the draft Deed to reduce the impacts of additional recreational disturbance associated with Sizewell C. The breakdown of sums has not yet been agreed and they are not included in the draft Deed, but a total payment is included as not exceeding £1,500,000. ESC</p>

	<p>awaits confirmation from Natural England that those sums are considered adequate to address impacts on European sites.</p> <p><b>(v) Assessment of amenity and recreational effects on the AONB</b></p> <p>The Applicant’s assessments have identified construction noise as a factor contributing to the significant adverse effects on the amenity and tranquillity of the AONB. However, there are limited options for mitigation. This is why ESC are seeking lower construction noise thresholds in the CoCP.</p> <p>While ESC does not fully agree with the Applicant’s assessment of the impacts of the Project on the amenity and recreational value of the AONB, it has negotiated a payment of £12m for the Natural Environment Improvement Fund, which is secured through Schedule 11 of the Deed of Obligation. ESC is , satisfied that the mitigating measures included in the draft Deed of Obligation, subject to agreement by NE that they are content with the figures, are sufficient and necessary and will address the identified effects. ESC particularly welcomes the proposal for an element (percentage not yet agreed) of the Natural Environment Improvement Fund to be ring-fenced for spending in the AONB (see paragraph 2.3 of Schedule 11 to the Deed).</p>
<p><b>3. Potential Adverse effects on Human Health and Living Conditions of Residents through construction and operation</b></p> <p>(i) Night-time rail operation</p> <p>(ii) Saturday working at the Associated Development Sites</p> <p>(iii) Whether extent of construction period and rural nature of the location has properly assessed health impacts of construction and</p>	<p><b>(i) Night-time rail operation</b></p> <p>ESC supports the rail freight strategy as part of wider aspiration to reduce HGV traffic on wider network, provided the Applicant does all that is practicable to reduce the impacts of rail noise and vibration.</p> <p>ESC considers that, at present it is premature for the noise strategy to fall back at this stage on the last resort of insulation. The draft RNMS <a href="#">[AS-258]</a> should contain a commitment to continuing the exploration of all forms of mitigation. We understand the Applicant proposes to update the strategy to ensure the process of exploring mitigation options continues and that appropriate outcomes are secured.</p>

<p>associated activities including traffic (iv) How has regard been paid to the protection of residential gardens from construction activities, and the subsequent operation of the site</p>	<p>In respect of the Sleep Disturbance Assessment (AS-257), the WHO sleep disturbance criteria is 45dB LAmax. The Applicant’s LOAEL is 60dB LAmax external, which gives an internal level of 45dB following the general acoustic principle of -15dB for an open window.</p> <p>The SOAEL is 80dB LAmax which was the point at which the NMS was to be implemented. ESC was concerned that there was a gap between the effect of mitigation and minimisation at LOAEL and SOAEL if noise insulation was only provided at SOAEL. The Applicant has now offered to implement the at the EIA significance level of 70dB LAmax as an external level (i.e. an internal level of 45dB). This is welcomed, albeit ESC notes that properties subject to noise between 60dB LAmax and 70dB LAmax (LOAEL and EIA significance) would have to keep windows closed to achieve the internal 45dB LAmax and meet the WHO sleep disturbance criteria. The only way to avoid that would be to provide every property withing that bracket with mechanical ventilation/cooling so they would have the option to keep their windows closed during warmer summer months in order to reduce the rail noise.</p> <p>On balance, ESC consider the Applicant’s assessment to be justified however ESC’s preference remains for the NMS to be implemented at LOAEL or that consideration be given to the provision of mechanical ventilation between LOAEL and EIA significance.</p> <p>ESC maintains that despite agreement to the LOAEL and SOAEL the Applicant should provide mitigation as far as reasonably possible to minimise rail noise and vibration impacts.</p>
	<p><b>(ii) Saturday working at the Associated Development Sites</b></p> <p>As noted in ESC’s 2<sup>nd</sup> round of ExA Q’s <a href="#">[REP7-116]</a> and at ISH8 <a href="#">[REP7-112]</a> the inclusion of construction working on Saturday Afternoon at the Associated Development (AD) sites gives rise to Significant Adverse effects. ESC considers that unless the Applicant can justify construction operations on the AD sites into Saturday afternoons then they should avoid working at these times.</p> <p>The commitment in the CoCP, Part C on the AD sites, paragraph 1.1.6, to avoid Saturday afternoon working hours “where possible” is a welcome starting point <a href="#">[REP7-038]</a>. The Applicant’s response to NV2.1 <a href="#">[REP7-054]</a> explains that Saturday afternoon working will usually be limited to maintenance. This should be reflected in the CoCP as the starting point, with departures only when justified under the bespoke mechanism/COPA19740 process.</p>

	<p><b>(iii) Whether extent of construction period and rural nature of the location has properly assessed health impacts of construction and associated activities including traffic</b></p> <p>Noise: Given the long working extended duration of the construction works, ESC considers that lower construction noise thresholds should be aligned with the criteria in Annex E5 of BS5228-1 for long projects involving substantial earth moving works (primarily because of the evening levels provided by this part of the standard, and in recognition of the high sensitivity of this part of the day in a rural residential environment). ESC has also requested that the Applicant consider the adoption of lower construction noise thresholds in the NMS for dwellings predicted to be affected by noise from long term construction on the Main Development Site. Currently the NMS criteria are set to avoid SOAEL and ESC maintains that it would be appropriate to reduce the threshold of implementation to a lower level as has been done for Rail Noise in recognition of the sensitivity of the area and length of construction period.</p> <p>ESC has accepted the preliminary noise and vibration assessments in relation to construction on the basis these will be significantly refreshed further down the line when more detail is known/agreed. These assessments will be refreshed prior to commencement and as part of the implementation of the NMS once more detailed information has been made available. Construction noise is proposed primarily to be controlled through a bespoke approvals process that will require detailed assessment of the impact of noise and vibration in order to inform Best Practicable Means (BPM) mitigation to ensure noise is kept as low as is reasonably practicable. ESC wish to ensure that appropriate COPA1974 powers are retained. It is noted that under the CoCP there is brief reference to ESC retaining powers under section 60 of the Control of Pollution Act 1974. The reference should be expanded to more explicitly refer to the power to serve notices imposing requirements as to the way in which works are carried out, which is subject to a right of appeal by the recipient. A person who contravenes the requirements of a section 60 notice will be guilty of an offence under section 60. This means that where the requirements of a section 60 notice reflect the measures set out in an approved bespoke mitigation plan, those requirements would be enforceable under section 60 of the Control of Pollution Act 1974 as well as under the DCO. ESC will continue to discuss appropriate wording in the CoCP to ensure that it adequately reflects this process.</p> <p>Air Quality: ESC is satisfied that the extent of the construction period and rural nature have been considered in the air quality assessment of construction activities and associated traffic. The Applicant has demonstrated that with</p>
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	<p>suitable dust mitigation and emission standard controls there is no significant risk of air quality objective (AQO) exceedances.</p> <p>The dust control and mitigation measures set out within the Code of Construction Practice (CoCP) and Outline Dust Management Plan (ODMP) are considered acceptable. However, there is uncertainty on exact construction activity locations and consequently whether mitigation will be sufficient in these areas. To address ESC’s concerns, the Applicant has agreed to submit a dust monitoring and management plan (DMMP) which will require approval by ESC. The requirement in respect of the DMMP at paragraph 4.1.3 of the CoCP must ensure that the DMMP is approved prior to commencement of works (as per the drafting for noise mitigation at paragraph 3.1.3 of the CoCP). The Applicant committed to this at ISH8 but the wording of the CoCP is yet to be updated to reflect that commitment.</p>
	<p><b>(iv) How has regard been paid to the protection of residential gardens from construction activities, and the subsequent operation of the site</b></p> <p>Noise: Construction noise is primarily assessed in terms of external levels outside dwellings, which would generally include residential gardens around dwellings. The NMS provides a backstop protection of exceedances of the SOAEL within dwellings in the form of noise insulation to dwellings but not gardens. Therefore, ESC is seeking lower construction noise thresholds in the CoCP and powers under the bespoke approval process to ensure that the Applicant is using Best Practicable Means at all times to reduce any noise impacts to an absolute minimum.</p> <p>In relation to operational noise ESC maintains that the appropriate sound level for the operational station is a rating level of 35dB. ESC considers that this will provide a greater measure of protection to noise sensitive receptors (including residential gardens) than the currently unsecured sound level suggested by the Applicant and our justification for this has been fully stated at ISH8 and submitted at D7 <a href="#">[REP7-112]</a>.</p> <p>Air Quality: ESC is satisfied with the methodology used to estimate particulate matter concentrations at human health receptors, including gardens, and also dust nuisance through dust soiling. Detailed mitigation measures will be set out in the DMMP which will require approval by ESC.</p>

<p><b>4. Effects on Public Rights of Way and Non-Motorised Users and understanding of implications for people with protected characteristics</b></p> <p>(i) Suffolk Coastal Path                  (ii) Bridleway 19                  (iii) B1122 in the early years                  (iv) Other Rights of Way</p>	<p><b>(i) Suffolk Coastal Path</b></p> <p>No comment.</p>
	<p><b>(ii) Bridleway 19</b></p> <p>No comment.</p>
	<p><b>(iii) B1122 in the early years</b></p> <p>No comment.</p>
	<p><b>(iv) Other Rights of Way</b></p> <p>No comment.</p>
<p><b>5. Cumulative Impacts on Health and Well Being</b></p> <p>(i) Suitability of assessment and understanding of the broader effects on health and well-being including any affects of economic displacement and provision of social care and community health provision                  (ii) Whether a sufficiently holistic view has been taken to bring together an understanding of the cross-topic concerns on health and well-being and as such sufficient/appropriate mitigation has been identified</p>	<p><b>(i) Suitability of assessment and understanding of the broader effects on health and well being including any affects of economic displacement and provision of social care and community health provision</b></p> <p>No comment.</p>
	<p><b>(ii) Whether a sufficiently holistic view has been taken to bring together an understanding of the cross-topic concerns on health and wellbeing and as such sufficient/appropriate mitigation has been identified</b></p> <p>ESC’s primary role in this area is only linked to assessment of noise impacts and air quality. It is for others to use those assessments / outcomes to address concerns re: health and well-being.</p>
<p><b>6. Monitoring and Controls</b></p>	<p><b>(i) Latest position on Community Fund, Public Services Resilience Fund and Natural Environment Funds</b></p>



<p>(i) Latest position on Community Fund, Public Services Resilience Fund and Natural Environment Funds</p>	<p><b>Community Fund:</b> ESC has agreed the magnitude of the Community Fund (Schedule 14) as £23million total during the construction period. It will be paid to and facilitated by the Suffolk Community Foundation; ESC will be represented on the Panel (2 representatives) which will be the decision-making body that administers the Fund.</p> <p><b>Public Services Resilience Fund:</b> ESC has agreed the magnitude of our element of the public services resilience fund (Schedule 5), it is primarily focused on community safety resilience measures and will be applied towards commissioning and/or delivery of the Local Community Safety Measures approved by the Community Safety Working Group. Sum agreed is £1,601,960 during the construction period.</p> <p><b>Natural Environment Fund:</b> ESC has agreed the overall magnitude of the Natural Environment Improvement Fund of up to £12million. There are also two posts agreed – one to be hosted by ESC - Sizewell C Natural Environment Implementation Manager, and one hosted by the SCHAONB – Natural Environment Improvement Project Officer. In addition, the Applicant is going to form an Environment Trust for during the operational years of the project (minimum 60 years) and will pay £1.5 million a year into that Trust during construction and first 20 years of operation and £0.75 million a year for the remaining operational phase (referenced in a response to ExA Second questions – LI.2.2 <a href="#">[REP7-049]</a>- <i>'It is also worth noting that SZC Co. has agreed the scale of the Environment Trust, which will be secured separately to the Deed of Obligation. SZC Co. continues to work with the Councils and other stakeholders to finalise the detail (which will be secured through a separate legal agreement) including matters relating to governance. The Trust will have available to it £1.5 million per year of construction and the first 20 years of operation, and £0.75 million per year of the remaining operational phase. Further details will be provided to the community in the coming few months.'</i> ESC welcome this as an aspect of corporate social responsibility. Schedule 11 of the draft Deed on Natural Environment also includes a payment into the Recreational Disturbance Avoidance Mitigation Strategy (RAMS) of £150,000 to be used by ESC in mitigating the in-combination recreational disturbance impacts specifically linked to the temporary accommodation campus. The Schedule also includes a Land Management and Skills Scheme, Farmland Bird Support Measures, European Sites Mitigation Measures, European Sites Access Contingency Fund, Fen Meadow Contingency Fund, and a Habitats Bond to be agreed with ESC of up to £2million. Other elements of the Fund will be paid to the EA, RSPB, and NT.</p> <p><b>Additional item added on the day (ii) Need for any further Requirements or refinements of the Undertakings</b></p>
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	No comment on the day but we have since considered further and our content with what we have detailed in this written summary.
<b>7. Any other matters relevant to the agenda</b>	
<b>8. Close of the hearing</b>	