



# The Sizewell C Project

## 9.102 Written Summaries of Oral Submissions made at Issue Specific Hearing 13: Landscape, Visual Impact, Design and Terrestrial Heritage (16 September 2021)

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## CONTENTS

1	ISSUE SPECIFIC HEARING 13: LANDSCAPE, VISUAL IMPACT, DESIGN AND TERRESTRIAL HERITAGE .....	1
1.1	Introduction .....	1
1.2	Agenda Item 2: Sizewell Link Road ('SLR') .....	1
1.3	Agenda Item 3: Southern Park and Ride ('SPR').....	4
1.4	Agenda Item 4: Two Village Bypass.....	7
1.5	Agenda Item 5: Terrestrial Heritage .....	8
1.6	Agenda Item 6: Suffolk Coast and Heaths Area of Outstanding Natural Beauty Cumulative Impact .....	10
1.7	Agenda Item 7: Monitoring and Controls .....	12
1.8	Agenda Item 8: Any Other Matters .....	13

# 1 ISSUE SPECIFIC HEARING 13: LANDSCAPE, VISUAL IMPACT, DESIGN AND TERRESTRIAL HERITAGE

## 1.1 Introduction

1.1.1 This document contains the Applicant's written summaries of the oral submissions made at Issue Specific Hearing 13 (ISH13) on Landscape, Visual Impact, Design and Terrestrial Heritage, held on 16 September 2021.

1.1.2 In attendance at ISH13 on behalf of the Applicant was:

- Hereward Phillpot QC of Francis Taylor Building (Counsel) ('HPQC');
- Alister Kratt of LDA Design (Landscape Architect and Masterplan Lead);
- John Mabbitt of Wood (SZC Heritage lead).

1.1.3 Where further information was requested by the Examining Authority (ExA), this is contained separately in the Applicant's **Written Submissions Responding to Actions Arising from ISH13** (Doc Ref. 9.106).

## 1.2 Agenda Item 2: Sizewell Link Road ('SLR')

1.2.1 Responding to Mr Collins' points regarding the design of the SLR and the general question of what differences could be made to the design of the SLR having regard to constraints, HPQC said that it is notable that there are no specific alternative proposals that SZC Co. can respond to. HPQC stated that it is also notable that SCC does not say that a better design can be achieved.

1.2.2 Regarding the matter of the balancing ponds, HPQC indicated that SZC Co. does not have any biodiversity witnesses present but can come back and confirm whether there is any scope for the biodiversity improvements that have been suggested, although this will be a matter of detailed design.

1.2.3 HPQC confirmed that Requirement 22A is agreed as set out by ESC and SCC and that the drafting would be updated for Deadline 8 to reflect that agreed position. (ESC will remain as discharging authority but insofar as any of proposals relate to proposed highway, SZC Co. will engage in pre-application consultation with SCC on those proposals). Otherwise on the outstanding question of ongoing maintenance and where the highway boundary should be drawn, this will be part of the detailed design and those areas that fall within the highway authority's responsibilities will be the

subject of commuted sums, those that do not will continue to be governed by Requirement 22A which includes an ongoing maintenance obligation.

1.2.4 With regard to Requirement 20, HPQC indicated that the points raised by SCC on lighting would need to be discussed with them outside the hearing and an update on this will be provided at Deadline 8.

1.2.5 Responding to an Inspector's question, HPQC confirmed that there is no update on the drainage matters mentioned by SCC – the position remains as per earlier in the week and these matters remain under discussion with SCC. An update will be provided at Deadline 8.

1.2.6 Mr Kratt then ran through the following points in response to the substantive landscaping matters that had been raised concerning the SLR:

- Responding to comments on the nature of design, Mr Kratt explained that the SLR generates surplus cut material and that is the outcome of work with the engineering team to integrate the road into the landscape. He confirmed that the general principles of the design of the SLR and the original route selection followed good practice, including the consideration of landscape matters, and that he and his team have been properly involved throughout and will continue to be in relation to the detailed design.
- Regarding detailed design principles, Mr Kratt again confirmed that he and his team have been fully involved. He acknowledged SCC's position concerning the question of what is/is not within the highway but highlighted that it is part of normal practice to agree the extent of adoption and anticipates that this will be resolved. He said that he can provide further detail in a follow-up note at Deadline 9.
- Regarding the identity of the discharging authority, Mr Kratt confirmed that it has been agreed that ESC will be the discharging authority and the refinement to Requirement 22A to provide this clarity will be forthcoming.
- SZC Co. has been involved in discussion with number of landowners along the route to explore further enhancements to mitigation to address particular landowner issues/interests. Mr Kratt confirmed that SZC Co. intends to submit an update at Deadline 8 with the offer of a follow up meeting to landowners and, overall, he believes that good progress is being made. The landowners comprise:
  - Mr and Mrs Dowley – Theberton House/ Potters Farm/Eastbridge Farm

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- Mr and Mrs Grant – Fordley Hall
- Mr and Mrs Boden - Trust Farm
- Mr and Mrs Bacon – Theberton Hall Farm
- Mr and Mrs Lacey – Oakfield House, Fordley Road
- In terms of design standards, it is normal practice to work to the Design Manual for Roads and Bridges (DMRB) and this does identify good practice in respect to landscape.
- With respect to Requirement 22A, the scheme proposals are seeking to address issues relating to lighting impacts. Mr Kratt confirmed that it will only be roundabout junctions that are lit and not 'T' junctions and he could see no reason why proposed mitigation provided on the lighting proposals drawings would not be taken forward.
- In relation to the road siting and alignment, a road of this type inevitably has effects. However, Mr Kratt confirmed that in his professional opinion the proposed route took proper account of the landscape and the balance to be struck in relation to individual properties and land that would be affected and the relationship of settlements to the road corridor.
- Regarding the lighting impact, Mr Kratt indicated that he entirely accepts that the nature of the area is a generally dark/ darker sky environment and he confirmed that this was taken into account in the landscape and visual assessment contained within **Volume 6, Chapter 6** of the **ES [APP-457]**, as amended by the **First ES Addendum [AS-185]** and **Second ES Addendum [REP5-069]** and the supporting night-time appraisal at **Volume 6, Appendix 6A** of the **ES [APP-458]**.
- In relation to the points made by the SCHAONB Partnership, Mr Kratt confirmed that the SLR does not lie within the AONB. However, many of the principles regarding minimising impacts are fundamental about good practice and would be applied in any landscape context.

1.2.7 The Examining Authority indicated that it would be useful at Deadline 8 if SZC Co. would **provide a schedule detailing where and with whom negotiations with landowners had reached.**

1.2.8 Mr Humphrey noted that SCC had requested during consultation the impact of design speeds on road design noting if the design speed was lower ie 40mph would it significantly alter the design and therefore impacts. SCC noted the speed limit for the SLR had been proposed at 50 mph but that it

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was now 60 mph and asked Mr Kratt what impact, if any, could there be on the landscape if the speed limit were lower?

1.2.9 HPQC indicated that the question went beyond Mr Kratt's expertise, so **SZC Co. will come back on this question at Deadline 8.**

1.2.10 Regarding the requested schedule of landowners, HPQC explained that SZC Co. intends to provide the Examining Authority with an update on all discussions regarding the detailed design. It was submitted that SZC Co. was not contemplating changes to the application but rather will be identifying at this stage what can be achieved and submitted pursuant to approval of details at the post-DCO stage. The purpose of this exercise was to provide information to the Examining Authority so that it can understand what can be achieved within the parameters of the application as submitted. HPQC said that what it has in mind is to provide an initial update of where we are and then at Deadline 10 to provide details of what SZC Co. believe can be achieved, although these are not intended to be commitments as they are for future approvals. There are also separate but related discussions with individual landowners on private agreements (e.g. planting outside order limits) which will not be put before the Examining Authority as they are private matters, rather than something intending to be secured through the Development Consent Order (DCO).

1.2.11 Mr Kratt confirmed that the discussions with landowners was exploring enhancement to mitigation to address private residential matters and that the landscape proposals submitted as part of the DCO and any subsequent revisions to date, had allowed for the proper integration of the highway in its surrounding landscape.

1.2.12 The matters highlighted above will be contained separately in the Applicant's **Written Submissions Responding to Actions Arising from ISH13** (Doc Ref. 9.106).

### 1.3 Agenda Item 3: Southern Park and Ride ('SPR')

1.3.1 Picking up Mr Cooper's points concerning the height of the lighting columns at the SPR, HPQC indicated that the position has been previously explained in written responses. There had been nothing said by Mr Cooper to indicate that the factual position as set out in those responses was disputed, nor had it been said that there was anything significant that SZC Co. should be doing differently. With regard to the Newcastle University Study concerning LED lighting referenced by Mr Cooper, HPQC confirmed that SZC Co. will look at this if details can be provided. He indicated that if the Parish Council has any specific suggestions for additional lighting management that it

would like SZC Co. to consider, they should be put forward and SZC Co. will respond to them.

1.3.2 Regarding the queries that had been raised around the use of the Transport Management Area, HPQC suggested that SZC Co. would put in a brief note that identifies the circumstances in which it would be used and the lighting in those circumstances. Otherwise on the question of future Parish Council involvement, HPQC indicated that what was being suggested was not necessary – the discharging authority can consult with the Parish Council as it considers necessary in the normal way.

1.3.3 As for future restoration, HPQC drew attention to Requirement 24, which requires that within 12 months of completion of the construction work the SPR must be demolished and a scheme for restoration works must be submitted to ESC. This provides an appropriate safeguard and protection.

1.3.4 Mr Kratt made the following points:

- Regarding the suggestion to use lower level lighting, Mr Kratt explained that it was important to be clear on what is being discussed and there is a difference between visible sources and effects of light and light spill. Light spill is about the effect of direct light shed on the ground or surrounding land from the light source and noted that light spill was contained within the scheme design and mitigation proposals would limit light spill. If it did extend beyond the site boundary, it will be to a limited extent. Lighting requirements and standards require SZC Co. to minimise light spill. Mr Kratt acknowledged that sources of light will be visible in the landscape but that these effects would be reduced by:
  - use of zero tilt LED lights designed to direct light down to focus on the areas that require illumination (minimising upward light);
  - cut off lights to the site perimeter to minimise light spill;
  - low level columns at 6m in lieu of normally taller columns which in principle minimises visible point sources of light;
  - lighting controls limiting operational lighting to working zones of the car park; and
  - selection of the lowest appropriate lighting levels
- In relation to the height of column lighting, Mr Kratt noted that the proposed column lighting is limited to 6m in height in the main facility, which is a reduction from the normal approach and noted that there is an operational consideration allowing for the movement of buses and minimum operational heights and safety. There is also a balance to

be struck between the use of a few tall mounted 'mast' lights and an excessive amount of lower mounted lights to achieve the required level of illumination. Mr Kratt considers the 6m strategy to be the appropriate one providing the correct level of operational light whilst minimising light spill and wider scaled light effects. The column height used on the connecting carriageway will be 10m similar to the existing junction lighting, but the light will be better quality and less intrusive. Mr Kratt noted that SZC Co. has explored the control of working zones within the SPR to minimise the extent of effects and that LED lighting is now the norm and it is increasingly common practice to use light shields to reduce light spill.

- With respect to impact on landscape, Mr Kratt considers that 'community value' identified in the landscape and visual assessment at **Volume 4, Chapter 6** of the ES [\[APP-390\]](#) and subsequent **First ES Addendum** [\[AS-183\]](#) is correct and that he does not believe the assessment has underestimated the impact of the SPR on landscape as a consequence of this. He highlighted that the methodology and assessment were agreed with both authorities.
- Regarding meetings with the Parish Councils, Mr Kratt acknowledged that the last meeting where landscape design was discussed was October 2020. However, following that meeting, SZC Co. made rapid progress with its response – in particular SZC Co:
  - extended the site's perimeter bund;
  - confirmed the retention of the double hedgerow and trees; and
  - provided additional space to allow perimeter planting adjoining the public right of way on western boundary.

Mr Kratt concluded that he believes that SZC Co. has provided a proportionate response and one which substantially addresses the principal landscape concerns raised.

- Regarding additional viewpoints, Mr Kratt confirmed that SZC Co. undertook this additional assessment at the request of stakeholders and the effects were considered to be small - negligible from the agreed locations during construction and operation and did not generate the need for additional mitigation.
- Finally, with respect to ESC's points concerning Requirement 20 and agreed principles, Mr Kratt indicated that the intention is that the scheme aligns with those principles and for the lighting scheme to align with the LEMP principles.



1.3.5 The Examining Authority raised three points, which HPQC and Mr Kratt responded to as follows:

- Cycle routes – Mr Kratt agreed to take away and provide a written response. The response will be provided at Deadline 9
- Requirement 24 - A drafting point was raised on this requirement, which it was suggested potentially applies more broadly across the DCO – specifically that in Requirement 24 there is no time period for the submission to ESC nor for implementation/completion of the approved details, which means that it is currently lacking as a clear commitment. HPQC agreed that this would be reviewed and taken into account on the Deadline 8 version. A broader review exercise would also be undertaken in this regard, as suggested.
- The question of weight that can be attached to the landowner material being provided – HPQC indicated that, in terms of weight, SZC Co.'s position is that the landscaping that has been proposed is adequate to mitigate the likely significant effects. The Examining Authority has heard from others that more is required. When considering the question of landscape impact, a relevant consideration is the extent to which it can be further mitigated/offset by enhancements at the detailed stage. The material that SCZ Co. is intending to submit regarding its work with landowners will show what is achievable. So in terms of weight, it would be appropriate to attach weight to it as it illustrates that what can be done at the detailed stage. Mr Kratt reiterated that the original assessment of effects is based on the submitted landscape proposals and that design is sufficient to address landscape integration and effects and that the landowner discussions were enhancements to address private landowner concerns. This is something that the discharging authority will be entitled to take into account when determining the acceptability or otherwise of details that are submitted for approval in due course. So in terms of weight, it would be appropriate to attach significant weight to these illustrative details, because they demonstrate what can be done at the detailed stage and there is a mechanism to ensure that the details submitted must be assessed for acceptability and approved by an independent public body acting in accordance with the public interest.

## 1.4 [Agenda Item 4: Two Village Bypass](#)

1.4.1 In response to ESC's desire for LEMP to say more about planting, HPQC said that SZC Co. has heard what they have said and will pick up and report back at Deadline 8.

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- 1.4.2 In response to SCC, HPQC said that SZC Co. will report back at Deadline 8 on discussions with SCC on drainage.
- 1.4.3 In response to Mr Wilson's comments, HPQC confirmed that any impacts relating to the bypass or other Associated Development sites have to take account of their role as mitigation - the impacts have to be considered in that context, taking account of the potential harms elsewhere that they serve to avoid and mitigate, and not in isolation.
- 1.4.4 Mr Kratt said that, with respect to Parkgate Farm and the integration of the roundabout, he agreed that there is sufficient land in the redline and would be pleased to progress discussions with ESC in that regard.
- 1.4.5 Mr Kratt noted that the Local Plan designation of Special Landscape Area referred to in relation to landscape sensitivity, was not carried forward in most the recent Local Plan.
- 1.5 **Agenda Item 5: Terrestrial Heritage**
- 1.5.1 Responding to Heveningham Hall Estate (HHE), HPQC made the following preliminary points – firstly that HHE has not made any formal representations or submissions on the subject of heritage to the examination subsequent to their Written Representation, which SZC Co. responded fully to at Deadline 3.
- 1.5.2 However, much of what HHE have said builds on the presumed premise that there is material harm and at a level that SZC Co. does not recognise as being correct. Secondly, where SZC Co's assessment shows harm, and where it is justified and effective to provide mitigation of that harm by way of funding, that has been done in the Deed of Obligation. HHE has not established that there is harm to any heritage assets that is more significant or extensive than has been assessed in the ES. Nor has it identified any harm which requires further mitigation, let alone a specific set of mitigation measures which would be effective to address an identified harm and can be shown to be justified and proportionate. The policy in NPS only requires funding where necessary and proportionate.
- 1.5.3 Although HHE raised concerns about the implications of the phrase “general accordant”, the submissions made on its behalf did not include any recognition of the most recent drafting changes to Schedule 2 of DCO. The word ‘*substantively*’ has been removed with consequential changes to the drafting in terms of materially different environmental effects. So, concerns that have been raised here are directed at a previous iteration and fall away accordingly.

- 1.5.4 Dr Mabbitt drew the Examining Authority's attention to the material already presented which addresses the substance of these points and indicated that **he will provide a detailed response in writing, but in response to the key points made by HHE:**
- Dr Mabbitt noted that SZC Co's understanding and treatment of setting and assessment methodology and scope is appropriate, and has been agreed with Historic England (as item PW HE1 of the Statement of Common Ground at Table 2.1 [REP2-070]) and with ESC and SCC (as Issue HE1 of the SoCG at Table 8.1 [REP2-076]). Any suggestion that setting and curtilage has been conflated is unsustainable, as demonstrated by consideration of the contribution of the A12 and the wider landscape around Yoxford to the significance of Cockfield Park in the ES [APP-499]. With regards to traffic impacts, the ES chapter explicitly states that have considered traffic impacts (section 9.3.16 of Volume 7 Chapter 9 [APP-499]).
- 1.5.5 HPQC noted that Historic England's response had explained that their primary remit is to advise on impact on listed buildings. Had they considered there to be unacceptable impacts on the Grade I or Grade II\* assets to which HHE referred, or a need for additional mitigation to render those impacts acceptable, one would have expected them to make that clear. They have not objected on that basis and have not asked for any specific or additional mitigation.
- 1.5.6 HPQC indicated that any further response to HHE's submissions would be provided in writing.
- 1.5.7 HPQC noted the National Trust's statement in lieu of attendance at ISH13 and particularly, National Trust's agreement to the funding offered by SZC Co. in respect of enhancements to on-site interpretation.
- Responding to the National Trust's written submission, HPQC said that he understands that a technical note has now gone to the National Trust and that hopefully **we will be able to confirm the position at Deadline 8** once have discussed further with them.
  - The matters highlighted above will be contained separately in the Applicant's **Written Submissions Responding to Actions Arising from ISH13** (Doc Ref. 9.106).

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- 1.6 **Agenda Item 6: Suffolk Coast and Heaths Area of Outstanding Natural Beauty Cumulative Impact**
- 1.6.1 HPQC confirmed that, so far as AONB Partnership's point of approach (that impact on part of the AONB is an impact on the whole) was concerned, SZC Co. has addressed this previously and extensively in writing. The same position applied in respect of the points made by SCC. Those submissions were not therefore repeated at the hearing.
- 1.6.2 SCC's reference to the Environmental Trust was noted, but HPQC explained that this would be addressed in ISH 14 tomorrow to explain what that is. In short, however, it is not something on which SZC Co. relies as part of its case for the approval of its application, nor is it something that it asks the Examining Authority to take account of. On that basis the draft document to establish the Trust has not been submitted to the examination.
- 1.6.3 HPQC noted that both ESC and SCC agree the relevant mitigation that is put forward by way of funding in the DoO. This is in Schedule 11 – the Natural Environment Improvement Fund which is administered by the Natural Environment Awards Panel. They distribute funds within a defined area – Suffolk Heritage Coast – and consider applications for funding against certain relevant criteria as set out in Schedule 11. The fund is a maximum of £12m, which is a very significant sum of money for those purposes. HPQC confirmed that this is the fund referred to by ESC and SCC.
- 1.6.4 Finally in response to TASC, regarding the beach landing facility and coastal features, those impacts have been properly and fully assessed and is no shortfall in information or adequacy of assessment. The difference is point of approach and perspective here – the balance that needs to be struck between different interests in determining an appropriate freight strategy. This included balancing temporary adverse impacts on the AONB versus the impacts of bringing more freight in by road. None of the options for freight management were without impacts, and a balance needed to be struck to determine the most appropriate strategy. SZC Co. believes that it has struck the right balance. What is not clear from TASC's submissions is whether it would prefer a different balance whereby more use was made of HGVs and/or night time train movements. Unless parties were prepared properly to grapple with the need to strike that balance, and the implications arising, then less weight should be given to their criticisms of individual aspects of the Freight Management Strategy such as the temporary BLF.
- 1.6.5 HPQC indicated that Mr Kratt would respond to 2 specific things – adequate weight given and adequacy of visualisations provide to inform judgment. Mr Kratt then picked up these issues as follows:

- Adequacy of assessment – Mr Kratt explained that the Natural Beauty and Special Qualities document that had been referenced, was prepared to define the criteria by which you address impact on AONB, and that the baseline of assessment was correct and agreed. Regarding judgments, **these will be picked up in response to previous question at Deadline 8.** With respect to natural beauty indicators, Mr Kratt referred to Tables 13.14 & 13.17 of the main development site landscape and visual assessment, located at **Volume 2, Chapter 13** of the ES [[APP-216](#)] and noted that these tables provide a full understanding of the criteria and evidence drawn upon and against which an assessment of effects should be made comprising Natural Beauty Indicators including Relative Tranquillity and Special Qualities including Health and Wellbeing and Community. Mr Kratt noted that this basis for assessment of effects had been agreed with consultees and the assessment of effects (including the susceptibility of each indicator and quality, nature of effect and scale and extent of effect) had been substantially agreed by the LPA consultees as recorded in emerging SoCGs. This is reinforced by the recent agreement to the residual mitigation for the AONB expressed in the Natural Environment Improvement Fund expressed in the DoO.
- Within the assessment of ‘Relative Tranquillity’ (referred to within the document and forming part of the scope of AONB effects to be assessed), specific reference is made to the Amenity & Recreation assessment within the ES to inform the assessment (**Volume 2, Chapter 15** of the ES [[APP-267](#)]). Mr Kratt stated that he considered the factor of relative tranquillity has been properly assessed based on a proper understanding of the issue. Within the Amenity and Recreation assessment, Mr Kratt confirmed that the issues of noise, air quality, etc had all been considered in the round to inform judgment within the technical assessment.
- Mr Kratt noted that in relation to effects on natural beauty indicators and special quality judgements there has also been proper cross-over with natural environment assessment and heritage assessments by example. In the case of special quality relating to ‘Health and well-being’ the effects have similarly been assessed and judgments have been made informed by technical assessment and in consultation with the expert team. Under the special quality of ‘Economy’ judgements were informed by technical EIA assessments including Soils and Agriculture (**Volume 2, Chapter 17** of the ES [[APP-277](#)]) and Socio Economics (**Volume 2, Chapter 9** of the ES [[APP-196](#)]).
- Mr Kratt noted that each of the natural beauty indicators and special qualities sub-headings have been addressed. Mr Kratt concluded that

he considers that all of these factors have been properly assessed with a correct level of cross-over of technical disciplines and the judgments that have been made are fully recorded. Mr Kratt agreed **to provide the relevant cross-references to the Inspectors in a written note**. These cross-references are set out in the SZC Co. response to ExA Q3 Cu.3.2, as submitted at Deadline 8.

- Visualisations – Mr Kratt confirmed that SZC Co. is just completing the additional construction phase visualisations and these will be provided at Deadline 8. He said that they are the result of fully integrated work with the engineering/technical team and he believes that they will support judgments already made.

1.6.6 Responding to comments concerning cumulative impacts, HPQC said that it was helpful to have confirmation from the councils that cumulative impacts have been properly assessed and no further mitigation is sought in respect to them. HPQC added that the Fund is to deal with the impacts of the project including cumulative impacts as assessed. Other projects coming forward in due course will themselves have to assess cumulative impacts, including where relevant cumulative impacts with Sizewell C, and these will be considered in respect to each individual scheme.

- In response to submissions made on behalf of the AONB partnership, HPQC noted that the partnership was not suggesting that any particular design changes needed to be made.
- The matters highlighted above will be contained separately in the Applicant's **Written Submissions Responding to Actions Arising from ISH13** (Doc Ref. 9.106).

## 1.7 Agenda Item 7: Monitoring and Controls

1.7.1 Regarding the Suffolk Design & Review Panel referred to by ESC, HPQC confirmed that this is an existing body and referred to its website. *[A link to which is provided as part of the Applicant's **Written Submissions Responding to Actions Arising from ISH13** (Doc Ref 9.106)].* HPQC explained that the Panel was set up in 2012 in response to the National Planning Policy Framework and the website explains how it works and the cost for bringing a proposal to panel. HPQC added that he understands a sum has now been agreed with the Panel and that this will be included in the Deadline 8 version of the DoO (Doc Ref. 8.17(G)).

1.7.2 HPQC also highlighted that there would be further work in respect to the drafting in the DoO concerning the Panel – at the moment it does not adequately deal with the timing of review or the scope of matters that will

be subject to be review. However, there is a developed understanding of this, which will be reflected in the Deadline 8 version. In addition to funding the Panel's work, it will identify those elements of the development that are to go through the process, include an obligation to engage and take account of the Panel's recommendation and explain this as part of the submission of details for approval so that discharging authority will be able to take account of these recommendations and the undertaker's response to them when discharging requirements. Other parties will have the opportunity to comment on this drafting at Deadline 8.

## 1.8 **Agenda Item 8: Any Other Matters**

### 1.8.1 HPQC agreed two further actions in exchanges with the Inspectors and SCC:

- Final version of the Design and Access Statement to be provided at Deadline 9.
- SCC drafting points (re plan references concerning the Yoxford roundabout) in Requirement 22 to be reviewed.