



**Deadline 10: *12 October 2021***

**Sizewell C (SZC)**

**Planning Inspectorate's Reference:**

**EN010012**

**East Suffolk Council and Suffolk County Council Joint Local Impact Report review**

**East Suffolk Council URN: 20026200**

**Suffolk County Council URN: 20026012**

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### 1. Introduction

- 1.1. East Suffolk Council (ESC) and Suffolk County Council (SCC) prepared and submitted a joint Local Impact Report (LIR) at Deadline 1 [[REP1-045](#)]. That Report highlighted the many issues of key importance to both authorities in considering the Sizewell C new nuclear power station proposal. At this final deadline, Deadline 10, the Councils consider it would be of benefit to the ExA if remaining issues between

the Councils and the Applicant were referenced back to the LIR and presented for review. That is the intent of this document which is submitted jointly by ESC and SCC. Commentary on the DCO by each Council will be submitted separately at this Deadline if required.

1.2. Elements not included within this document should be considered to be resolved between the Applicant and the Councils. This document should be read alongside the final signed Statement of Common Ground between the Applicant and the Councils and the final and executed Deed of Obligation which incorporates mitigating measures that have been taken into account by both Councils. It is intended that the document will assist the ExA during consideration of the proposal after the close of the Examination.

1.3. Commentary is attributed to both Councils unless clearly specified. Each Council's final position is set out in separate Deadline 10 submissions.

## 2. LIR Review

Section of the LIR and paragraph reference	East Suffolk Council's Comments	Suffolk County Council's Comments
<a href="#">Section 6 Landscape and Visual Impact Assessment</a>		
Use of pylons to connect to the National Grid 6.46 – 6.53	ESC position remains as detailed at 6.49 – 6.50 – not objecting to pylons.	SCC position remains as detailed at 6.51 – 6.53 – SCC does not consider that the Applicant has adequately demonstrated that pylons and overhead lines are essential to connect to the National Grid and considers that a feasible alternative such as gas insulated lines, with substantially less impact on the visual impact and the AONB, could be deliverable.
Outage car park at Goose Hill 6.55 – 6.57	ESC position remains as detailed at 6.57 – not objecting to the outage car parking at Goose Hill. This position was further expanded by ESC in its Deadline 6 submission <a href="#">[REP6-032]</a> .	SCC position remains as at 6.56 – additional outage car park not justifiable in the context of the additional damage to the AONB.

## Section 7 Impacts on the AONB

Assessment of effects and mitigation for the overall impact on the AONB 7.1 - 7.13

ESC's position detailed at 7.7 -7.8 of the LIR highlighted that the development will have a considerable adverse impact on the statutory purpose of the AONB designation. However, the Applicant has proposed, and ESC has signed a Deed of Obligation that includes provision for a Natural Environment Improvement Fund during the construction period and the three years immediately after to carry out projects within the improvement area and wider if they meet the objectives of the Fund to:

- mitigate the residual landscape and visual impacts of the Project;
  - deliver sustainable long-term management and maintenance of woodlands, hedges and other established vegetation that contribute to the conservation and enhancement of landscape character;
- or
- enhance ecology, biodiversity, and wildlife, and improve habitat connectivity and resilience;
- and
- not be inconsistent with local and national planning policy or plans, for example new or improved transport infrastructure;

SCC largely shares the comments made by ESC; however SCC considers that the mitigations secured by the Deed of Obligation on their own will not overcome the residual adverse impacts of the proposal on the natural environment and the AONB. In that regard, SCC has welcomed the Applicant's proposal to provide funding for the Environment Trust, secured in a separate Deed which has now been agreed and executed in parallel to the development Deed of Obligation. SCC confidently expects that the greater proportion of the funds will in practice be devoted to measures which in whole or in part offset residual impacts and that SCC will be able to use its role within the entity to promote that outcome. SCC is also confident that the scale of the funds available will make a meaningful contribution to addressing those residual impacts. Further detail on this point is set out in SCC's Deadline 10 submission on our final position.

	<ul style="list-style-type: none"> <li>- deliver effective outcomes;</li> <li>- not be contradictory to or duplicate agreed mitigation measures set out elsewhere in this Deed or assessed in the Environmental Information; and</li> <li>- be consistent with a not-for-profit purpose.</li> </ul> <p>ESC considers that this Fund will enable the adverse impact of the proposal on the AONB to be adequately addressed during the construction and immediate post-construction phase of the Sizewell C Project.</p>	
<b>Section 8 Ecology and Biodiversity</b>		
Bat surveys 8.143, 8.144, 8.65	The Councils are content that the proposed amendments to the TEMMP to be submitted by the Applicant at Deadline 10 address the outstanding concerns that the Councils had with regards to bat surveys undertaken by the Applicant.	
SSSI Crossing 8.39 – 8.42	ESC position remains the same as detailed at 8.41 that the proposed hybrid causeway / open span bridge offers a reasonable compromise for landscape and ecological purposes.	SCC position remains as at 8.40 that a full open span bridge or three-span bridge design would be preferable, due to its lesser ecological impact and SSSI land take.
SSSI land take and fragmentation 8.15, 8.39, 8.88	The Councils continue to disagree with the Applicant on whether the single span bridge with embankments is ecologically no worse than the alternative of a triple span bridge. Notwithstanding the two Councils positions on the SSSI Crossing as detailed above, we both are aligned in stating that the bridge option proposed is ecologically worse than a triple-span option primarily due to the greater SSSI landtake.	
Fragmentation effects associated with the SSSI Crossing over the Sizewell Marshes SSSI – Bats 8.49 - 8.51	The Applicant has modified the design of the construction and operational phases of the SSSI Crossing to address concerns about fragmentation effects on bats (as secured by Requirement 12C). The Lighting Management Plan (secured by Requirement 9) implements a dark corridor in this location which will also reduce fragmentation effects. Controls over any task specific lighting in	

	this area are secured by the CoCP (under Requirement 2) and the Applicant has agreed to update the CoCP to be submitted at Deadline 10 to include controls and a definition of 'noisy plant' operations including in this location.
Fragmentation effects associated with the SSSI Crossing over the Sizewell Marshes SSSI – Otters and Water Vole 8.77 - 8.78	The Applicant provided Appendix F: Bailey Bridge Note at Deadline 8 <a href="#">[REP8-119]</a> which confirmed the duration of the bailey bridge at 22 weeks and that it will be unlit. The Councils are therefore satisfied that their outstanding concerns in this area have been addressed by the Applicant.
The approach to temporary land take of the SSSI 8.15, 8.39, 8.88	There was an error in the last version of the TEMMP <a href="#">[REP8-089]</a> that referred to the wrong Requirement. The Applicant has committed to amending this in the version of the TEMMP to be submitted at Deadline 10. The Councils can now agree the approach to temporary landtake of the SSSI in the TEMMP provided this point is updated at Deadline 10.
Re-establishment, mitigation, monitoring and management in relation to the beach habitats 8.45	The Applicant has agreed to update the Coastal Processes Monitoring and Mitigation Plan (CPMMP) to include reference to sediment that matches the size range and grading of the native material for re-charging the SCDF (see section on coastal geomorphology below), and as such the Councils can agree this previous area of contention with the Applicant.
Bats: The estate wide roost resource 8.49 - 8.64	The Councils' position on this is now agreed with the Applicant as clarity on the timescales in relation to mitigation measures in the bat licence have been provided by the Applicant. The Applicant has provided the Councils with revised draft Bat Licence Method Statement text which will be submitted by the Applicant at Deadline 10. On that basis, this matter is agreed.
Bats: The estate wide foraging habitats 8.49 - 8.64	The Councils have reviewed the updated EWMP <a href="#">[REP8-109]</a> which has some wrong figures in which the Applicant will need to amend at Deadline 10 submission. Subject to those corrections, this matter is now resolved to the satisfaction of the Councils.
Bats: The habitat connectivity for bats 8.74	The Applicant has modified the layout of the Temporary Construction Area (TCA) to include an additional bat commuting corridor through the centre of the site connecting Ash Wood to Kenton Hills, as well as maintaining existing corridors on Bridleway 19 and at the SSSI Crossing. The Lighting Management Plan (secured by Requirement 9) implements dark corridors through and around the TCA which will also reduce fragmentation effects. Controls over any task specific lighting in these areas are secured by the CoCP (under Requirement 2) and the Applicant has agreed to update the CoCP to be submitted at Deadline 10 to include controls and a definition of 'noisy plant' operations in these areas. The Estate Wide Management Plan (EWMP) (secured by

	Requirement 5C) will deliver the creation of additional bat foraging habitat in Kenton Hills and the Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) (secured by Requirement 4) contains measures to monitor the success of these mitigation measures and trigger the consideration of further measures if required.
Bats: Lighting 8.49, 8.68 - 8.70, 8.74	The Councils have reviewed the LMP [ <a href="#">REP8-051</a> ], CoCP [ <a href="#">REP8-082</a> ] and TEMMP [ <a href="#">REP8-089</a> ] and consider the lighting measures proposed to be acceptable. This matter is now resolved to the satisfaction of the Councils.
Bats: Noise 8.70, 8.74	The Applicant has agreed to update the CoCP (secured by Requirement 2) to be submitted at Deadline 10 to include controls and a definition of 'noisy plant'. This will address the Councils' concern over the impact of construction noise on retained/created bat corridors.
Bats: The cumulative impacts 8.74	Whilst the Councils are still waiting for some of the crossing points survey results, the LEMP [ <a href="#">REP8-076</a> ] secures the mitigation needed so the Councils consider this matter to be resolved to our satisfaction.
Otters Assessment Conclusions - in particular creation of mammal culvert under Lovers Lane 8.77	The Councils are satisfied that this matter is controlled by requirement in the draft DCO (was Requirement 13A - Main development site: Highway works [ <a href="#">REP8-035</a> ]).
Water Voles Assessment Conclusions 8.78	The Councils are satisfied that this matter is controlled by requirement in the draft DCO (was Requirement 13A - Main development site: Highway works [ <a href="#">REP8-035</a> ]).
Mitigation measures for bats (Associated Development Sites) 8.93, 8.99, 8.120, 8.126, 8.140, 8.141, 8.145, 8.152, 8.153, 8.154	Measures secured in the CoCP (Requirement 2); TEMMP (Requirement 4); the LEMPs for the Two Village Bypass and Sizewell Link Road (Requirement 22A) and the landscape plans for the other Associated Development Sites (Requirement 20), along with the bat mitigation licence to be secured by the Applicant from Natural England, satisfactorily address the concerns raised by the Councils in these points.
Mitigation measures for bats – draft licences	This matter is agreed with the Councils subject to Natural England granting the Licence.
Mitigation measures for bats – TEMMP including lighting and noise controls	Subject to the updated text agreed by the Applicant and the Councils to go in the TEMMP at Deadline 10, this particular point is now agreed.

Monitoring and Habitat Compensation: Fen Meadow 8.31, 8.37, 8.162 - 8.171	The Councils have agreed the signed and executed Deed of Obligation to be submitted by the Applicant at Deadline 10, we are therefore agreed on the mechanism for contingency payments should the Applicant's Fen Meadow Strategy fail for any reason.
Monitoring and Habitat Compensation: Wet Woodland 8.31, 8.37, 8.171	The Councils have an outstanding concern with regards to the timing of the compensatory wet woodland. The Councils want the habitat creation to take place in advance, whereas the Applicant cannot agree to this and do not consider it to be necessary in advance.
Offsite Associated Developments - Existing Environment 8.8	The Councils had been waiting for the results of the dormouse survey, this was negative, so we are now able to agree that sufficient data has been collected to inform the assessment.
Offsite Associated Developments – Assessment Conclusions (Bats Crossings - Two Village Bypass 8.120, 35.5)	The Councils had been waiting to agree that the assessment of the existing environment's was agreed (see line above), as that has now been agreed we can agree the conclusions of the assessments.
Offsite Associated Developments – Assessment Conclusions Veteran trees - Two Village bypass 8.117, 35.5	The Councils had anticipated receiving an updated report at Deadline 8 or 9 but it was not received. This point remains outstanding. The Councils are seeking a commitment to plant specimen trees to mitigate, in the long-term, for the loss of veteran trees, and this is to be included in the updated LEMPs for the Two Village Bypass and Sizewell Link Road.
Offsite Associated Developments – Mitigation - Sizewell Link Road 8.123 - 8.124	The Councils are satisfied with the LEMP, subject to the amendments that the Applicant has agreed to make in the version submitted at Deadline 10.
Offsite Associated Developments – Mitigation - Two Village Bypass 8.111 - 8.112	The Councils are satisfied with the LEMP, subject to the amendments that the Applicant has agreed to make in the version submitted at Deadline 10.
Offsite Associated Developments – Mitigation – TEMMP 8.112, 8.124, 8.141 - 8.142, 8.149, 8.153, 8.155	The Councils reviewed the revised TEMMP <a href="#">[REP8-089]</a> submitted at Deadline 8 by the Applicant and are satisfied that the remaining areas of clarity and concern have now been addressed. The submitted SoCG at Deadline 10 will reflect this position.
Offsite Associated Developments – Mitigation - measures identified in the mitigation strategies, draft licenses and method statements, in relation to protected species	Following confirmation from the Applicant that the reptile non-licensable method statements will be updated and submitted at Deadline 10, the Councils can now confirm that we are agreed on this matter with the Applicant.



Project-wide impacts on bats – Conclusions 8.49 - 8.64, 8.68 - 8.70, 8.74	The Councils are satisfied that the LEMP [REP8-076] secures provision of vegetation to create bat ‘hop-overs’ that addresses this area of concern.	
Section 10 Minerals and Waste		
Lovers Lane Household Waste Recycling Centre 10.31 - 10.37	ESC defers to SCC with regard to this matter.	SCC is in the process of reaching agreement on a commercial arrangement to secure the Lovers Lane HWRC.
Section 11 Coastal change / geomorphology		
Shoreline Management Plan 11.18 - 11.24	The Councils’ position in the SoCG to be submitted at Deadline 10 is not agreed with the Applicant. We have accepted non-compliance with ‘hold the line’ policy over the northern and central parts of the HCDF but we do not consider sufficient evidence has been provided to justify the more recent 26m seaward advance of the HCDF at the south end Sizewell B overlap. The Councils had requested that the Applicant demonstrate that there was no viable alternative to the 26m seaward advance, but have not received adequate justification for this from the Applicant.	
Assessment of coastal impacts 11.3 - 11.4	The Councils’ position remains as detailed in the LIR and is set out in the SoCG to be submitted at Deadline 10 by the Applicant. We do not agree that a worst case /precautionary approach has been used in the assessment. However, we do not consider that further assessments will be able to conclusively resolve this matter of difference. As such, the Councils will rely on the obligations upon the Applicant in the CPMMP to sustain the longshore sediment transport process.	
Risk and uncertainty associated with 120/140 year asset life 11.57	The Councils’ position is similar to that above in that we do not agree that adequate account has been taken of risk and uncertainty associated with a 120/140 year asset life but further assessment is unlikely to provide a definitive conclusion. As such, the Councils will rely on the obligations upon the Applicant in the CPMMP to sustain the longshore sediment transport process.	
Assessment conclusions 11.45 - 11.55	The Councils position is split in this area between: HCDF/SCDF - not agreed; BLF/MBIF - agreed; Sub-tidal intakes / outfalls – agreed; and Desalination intake / outfall – agreed.	

	The assessment conclusion for the HCDF is agreed but for the SCDF it is substantially agreed except for residual points of difference including concerns with predictions for and management of future shoreline change. As such, the Councils will rely on the obligations upon the Applicant in the CPMMP to sustain the longshore sediment transport process.
Mitigation 11.56 - 11.59	The principle of mitigation and mitigation measures secured through the CPMMP are agreed but we expect there to be further commitment in the CPMMP that the SCDF comprises sediment that matches the size range and grading of the native material (the Applicant has confirmed this will be the position). This is the outstanding measure in relation to mitigation. In addition, if the prominent HCDF at the Sizewell B overlap is not able to be built on a retreated line (see 'Shoreline Management Plan 11.18 - 11.24' above) and is only required on a forward line whilst Sizewell B / Sizewell B Dry Fuel Store are operational then its landward realignment/shortening should be considered as future mitigation as part of Sizewell B decommissioning, if in the future it becomes a significant block to the longshore sediment pathway.
Schedule 2: Draft Requirement 7A CPMMP 11.55 - 11.59	The Councils have seen revised requirement 12 in the draft DCO to be submitted by the Applicant at Deadline 10 that incorporates reference to 'unless any other variations are approved by East Suffolk Council, the coastal processes monitoring and mitigation plan.....must be implemented as approved.' The Councils welcome and support this revised wording.
Schedule 2: Other - jurisdiction between mean low water and mean high water spring tidal marks 11.60	The Councils have discussed the area between mean low and mean high water springs tidal marks with the Applicant and the MMO, given the commonality between the MMO and ESC, it is unlikely that there would be disagreement in this area but to aid matters it is considered that ESC will take the lead for predominantly terrestrial issues such as the SCDF and the MMO will take the lead for predominantly marine issues such as the BLF/MBIF. A memorandum of understanding between the MMO and ESC is being explored to cover these matters outside of the DCO Examination.
CPMMP - draft triggers based on updated modelling outputs and in response to IP comments 11.10	The Councils expect the CPMMP to be updated at Deadline 10 with draft triggers based on the updated modelling outputs. Consultation will then continue post-Examination prior to submission for formal approval under expected Requirement 12.
MTF - role and terms of reference 11.41 - 11.44	A revised section on the Marine Technical Forum and review of its Terms of References by members of the MTF is in the Deed of Obligation being submitted at Deadline 10. The Councils are satisfied that this addresses previous concerns highlighted in the LIR and throughout the Examination.

Section 12 Historic Environment	
Terrestrial impacts Dunwich Heath Coastguard Cottages - 12.33 - 12.34	The Councils' position remains as set out in the LIR, as confirmed by ESC in ISH13 <a href="#">[REP8-151]</a> in that we continue to disagree with the Applicant on the magnitude of impact. However, the Applicant is proposing mitigation for Coastguard Cottages in the Deed of Obligation (to be submitted at Deadline 10) that the Councils accept will mitigate for the harm caused.
Terrestrial impacts arising from the Two Village Bypass on St Mary's Church, Farnham - 12.47, 12.55 (also Landscape and Visual).	To address the issue of intervisibility between the Two Village Bypass southern roundabout and Farnham Church, the Councils have seen a revised annotated plan that will sit within the LEMP, and it will show enhanced hedgerow with tree planting adjacent to the roundabout and along another intervening field boundary that falls within the critical line of sight. The Councils consider this helps to mitigate the issue to a satisfactory standard.
Section 15 Traffic and Transport	
Transport Management Plans (CTMP, TIMP, CWTP, OWTP)	Both Councils' positions are set out at 15.57 of the LIR, identifying the need for additional controls and caps within the transport management plans, to be secured by obligation, as well as potential additional mitigation measures. The Transport Management Plans, with relevant controls and caps, have been agreed by the Councils and are included in the executed Deed of Obligation.  See below re long-stop dates for primary transport mitigation.
Highway design and boundaries	Drainage features (see below) have not yet been agreed, and until this is agreed, the Councils cannot agree the Highway design and boundaries. The Councils consider that it is likely that this can be resolved within the current order limits but cannot conclusively confirm this without having seen the required drainage information. Beyond that, detailed design can be agreed post approval.
Timing of primary transport mitigation	The Applicant sets out in its Implementation Plan <a href="#">[REP2-044]</a> the anticipated delivery dates for key primary transport mitigation, committing to "reasonable endeavours" to deliver to those timescales.  Following discussions with the Applicant, both at hearings and separately, the Applicant agreed with the Councils to long stop dates, which are secured via requirement through the Construction Method Statement. The Councils agree that the proposed long stop dates address the concerns

	<p>raised during the Examination, to provide assurance that key transport infrastructure has to be delivered by a relevant point within construction. The agreed long stop dates are:</p> <ul style="list-style-type: none"> <li>• Phase 2 must not commence until either the desalination plant is operational, or an alternative water supply that may otherwise be approved by ESC, is in place.</li> <li>• Main Platform Phase 2 backfilling with imported material must not be commenced until the Branch line / LEEIE rail spur (Work No. 4D) and the green rail route (Work No. 4B) are available for use.</li> <li>• The Sizewell link road (Work No. 11), the two-village bypass (Work No. 12) and the temporary Beach Landing Facility must be available for use either within nine months of the commencement of Phase 3, or before the start of the Phase 3 Installation of the Reactor Building Liner, whichever is the sooner.</li> </ul>	
Highway schemes secured in the Deed of Obligation	<p>As identified in the LIR at paras 15.152 – 15.153 and tables 14 and 15, a number of smaller schemes have been identified to mitigate transport impacts. The Councils have reached agreement with the Applicant on the additional highway schemes required and contingent elements, including relevant technical and approval fees. This is included in the executed Deed of Obligation.</p>	
Sizewell Link Road 16.70 - 16.99.	<p>ESC maintains our position at 16.93 - 16.96 of the LIR that retention of the Sizewell Link Road will have a long-term legacy and benefit as the HGV route for Sizewell A, B and C, as well as promoting opportunities for the local economy and the promotion of tourism opportunities with permanent downgrading of the B1122 such as its promotion as a cycling route. Further detail was provided at Deadline 3 <a href="#">[REP3-060]</a></p>	<p>SCC maintains its position as at 16.88 - 16.92 of the LIR that while the SLR is necessary to mitigate the impact of Sizewell C construction traffic, it does not provide a legacy benefit in the operation phase of the project commensurate with its long-term impact. The SCC position is set out in full in <a href="#">[REP2-189]</a>.</p>

## Section 17 Access (PRoW), Amenity and Recreation

<p>Siting of the Coast Path 17.69 - concerns that the proposed design places the public footpath further seaward leaving it vulnerable to erosion from coastal processes and hence severance.</p>	<p>ESC supports SCC's position insofar as it relates to the need to protect the Coast Path from erosion.</p> <p>The Applicant has provided further evidence that demonstrates that the siting of the Coast Path will not be at risk from erosion of the soft coastal defence feature during the lifetime of the Sizewell C project in the updated CPMMP <a href="#">[REP5-059]</a>. In addition, the additional design detail submitted for the soft coastal defence feature <a href="#">[REP7-101]</a> demonstrates that the Coast Path will remain unaffected by coastal erosion as eroded material will be replaced before erosion reaches the Coast Path. As such, although ESC supports SCC's aspirations for the Coast Path to be relocated to the top of the sea defences for Sizewell C, we appreciate that there is not compelling justification for requiring the Applicant to do so.</p> <p>However, this does not preclude SCC as the statutory authority considering relocation of the Coast Path itself in the future on to the top of the sea defences and ESC would support this at the appropriate time.</p>	<p>SCC maintains position as stated at ISH12 <a href="#">[REP8-183]</a> that the public footpath should be sited at the top of the sea defence.</p>
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Sandlings Walk 17.5, 17.54	The Councils have agreed with the Applicant for the existing Sandlings Walk permissive path to be improved as a new bridleway through Kenton Hills and Goose Hill linking up with Bridleway 19 in the Deed of Obligation and updated Public Rights of Way Strategy to be submitted by the Applicant at Deadline 10.
Section 18 Noise and Vibration	
Noise Mitigation Scheme 18.8 - 18.42	<p>The Councils and the Applicant have always been in agreement that a Noise Mitigation Scheme (NMS) will be required but the detail of the Scheme has evolved during the Examination process and the Councils are now able to reach agreement with the Applicant. The current position can be summarised:</p> <ul style="list-style-type: none"> <li>• The Councils were previously concerned about the threshold initially proposed in the NMS for night-time rail noise (which was set at SOAEL). Following discussion with the Applicant the threshold was lowered to the EIA “<i>Significant</i>” threshold of 70 dB L<sub>AFmax</sub>, a reduction of 10 dB from the 80 dB L<sub>AFmax</sub> SOAEL. Whilst this provided a justifiable level of protection for residents exposed to external maximum noise levels of 70 dB L<sub>AFmax</sub> or higher (in terms of the 45dB L<sub>AFmax</sub> WHO internal sleep disturbance threshold) it relies on windows remaining closed. This would potentially create an issue where noise levels are between LOAEL (set at 60 dB L<sub>AFmax</sub>, assuming an open window) and the 70 dB L<sub>AFmax</sub> implementation threshold for the NMS (which relies on a 25 dB reduction for a closed window but includes provision for mechanical ventilation to help facilitate this). However, between 60 and 70 dB L<sub>AFmax</sub> properties would have to keep windows closed to adequately mitigate the noise. To address this, ESC suggested (at ISH12 <a href="#">[REP8-150]</a>) a reduced NMS be offered between 60 and 70 dB L<sub>AFmax</sub> to provide mechanical ventilation in such cases, and to allow residents to keep windows closed when higher ventilation rates are required. The Applicant has now included this in the NMS. On balance and considering the additional measures/processes now included in the RNMP, the Councils consider that the thresholds and provisions of the Rail Noise Mitigation Plan together with the NMS represent appropriate rail noise mitigation.</li> <li>• The Councils had concerns in respect of the NMS implementation threshold for construction noise being at the SOAEL, due to the duration and magnitude of works at the Main Development Site, the Councils considered there should be a greater degree of</li> </ul>

	<p>protection available to residents. After discussions, the Applicant has reduced the threshold for the NMS in respect to construction noise to align with the BS5228 ABC method category A level, a reduction of 10dB in terms of implementation criteria. The Councils welcomed this reduction and have agreed this point with the Applicant.</p> <ul style="list-style-type: none"> <li>• The Councils had several concerns in respect of administering the NMS, firstly that it needed to be a flexible package that was available to residents for the life of the project allowing it to be based on individual assessment rather than just prediction. It would also make the NMS a useful part of the complaint resolution process where criteria were met and take account of residents changing their minds or in circumstances where houses were bought, sold or built and new residents were affected. The Applicant has included a review process in the NMS that can be triggered in a variety of circumstances which has satisfied the Councils' concerns.</li> <li>• The Councils had concerns in respect of particular specific situations and receptors, these included properties of atypical construction such as house boats and park homes and in respect of residents with specific needs where noise sensitivity is a known factor such as SEN children. The Applicant has addressed these concerns and has included provisions in the NMS.</li> </ul>
Operational noise 18.43 - 18.53	<p>Throughout the Examination, the Councils have maintained our position that there may be impacts arising from operational activities at Sizewell C, acknowledging that there may be little that can be done to resolve such issues given the GDA process for the station and the nuclear licence the station will operate under.</p> <p>The Applicant has agreed to include a requirement in the DCO that provides an operational noise limit as a means to control and prevent future noise emissions from increasing beyond those agreed (and assessed) which has been agreed with the Councils. This requirement will be included in the Deadline 10 DCO submission and is welcomed by the Councils.</p>
Rail noise 18.56 - 18.71	<p>The Councils have been supportive of the benefits of using rail to take HGV movements off the highway but in doing so have highlighted (18.63) the impacts arising on noise-sensitive receptors. During the Examination process, the Applicant has made amendments and inclusions to the Rail</p>

	<p>Noise Mitigation Plan (RNMP) that have enabled the Councils to reach agreement on its content. The current position can be summarised:</p> <ul style="list-style-type: none"> <li>• The Councils were concerned about the deliverability of the measures within the RNMP. Requirement 25 means that ESC will need to approve the RNMP before trains can run. ESC will expect the RNMP to contain the mitigation that has been committed to as deliverable by the Applicant, and ESC therefore considers this to be an appropriate mechanism to establish deliverability.</li> <li>• The Councils were previously concerned that the scope of operational and engineering mitigation included within the RNMP was not comprehensive enough, principally in regard to the potential for track improvements on the East Suffolk Line, acoustic barriers and level crossing warning yodels. The Applicant's position was that they did not have sufficient information to commit to specific mitigation measures in these areas. However, the Councils consider them essential, and that where specific details could not be finalised at this time a series of processes for ongoing assessment and engagement, along with a commitment to deliver any measures deemed suitable and worthwhile, should be included in the draft RNMP. This is vital to the Applicant demonstrating that all possible steps have and will be taken to mitigate and minimise impact, and to exhaust all other forms of mitigation prior to offering noise insulation. The Applicant has provided details of such processes and a commitment to delivery in the draft RNMP, and the Councils now considers the document to be acceptable.</li> </ul>
<p>Quiet road surfaces 18.86, Table 20, row H</p>	<p>The Councils highlighted in the LIR at 18.86 that a measure to reduce road traffic noise at source would be to incorporate quiet road surfaces in the mitigating measures. This could be to new roads proposed or as a re-surfacing measure.</p> <p>The Applicant has submitted an updated Noise Mitigation Scheme (Annex W Deed of Obligation <a href="#">[REP8-087]</a>) this does not specifically reference use of quiet road surfacing. The Plan attached for the Marlesford and Little Glemham improvement scheme includes potential areas of quiet surfacing, but it is not mentioned elsewhere.</p>



	<p>The Councils maintain their position set out in the LIR that adverse noise and vibration impacts likely to arise from additional road traffic could be reduced/mitigated by provision of new quiet road surfaces and it is included in the executed Deed of Obligation to be submitted by the Applicant at Deadline 10.</p>
<p>Section 19 Air Quality</p>	
<p>Air Quality mitigation measures 19.25 - 19.31</p>	<p>The LIR had highlighted a number of areas for which air quality mitigation was sought, the majority of these have now been agreed with the Applicant which is welcomed. The final outstanding matter is regarding the Dust Monitoring and Management Plan which is to be secured under the Code of Construction practice. A revision was submitted at Deadline 8 <a href="#">[REP8-082]</a>. The Councils are satisfied that the necessary revisions are included within the CoCP. In addition, future monitoring funding and a contingency fund for future air quality monitoring and assessment are included in the signed and executed Deed of Obligation to be submitted at Deadline 10 by the Applicant.</p>
<p>Air Quality mitigation of construction generator emissions 19.21 (ii) and (iii) and 19.31</p>	<p>The LIR highlighted the potential impact of diesel-powered generators (19.21 (iii)) and the potential impact of diesel powered non road mobile machinery and plant and the need for electrically powered plant to be used at the earliest possible opportunities to reduce reliant on diesel generators and subsequently reduce emission levels.</p> <p>The Applicant is proposing to submit an update to this at Deadline 10 that will ensure that the capability for plant to be powered using the site electrical power supply is reviewed by SZC Co. before diesel generators are installed on site. Once site electrical power is available, a review of all existing installed diesel-powered plant must be carried out by SZC Co. to determine whether such plant can be replaced with electric powered plant. We expect this wording to be incorporated into the draft CoCP final version to be submitted by the Applicant at Deadline 10.</p>
<p>Air Quality emissions minimisation measures specifically with reference to electric vehicle charging points (19.10, 19.19)</p>	<p>The Councils sought additional detail in relation to electric vehicle charging points at car parks. The Councils sought for this to be increased from the 5% proposed plus 5% passive, to 20% proposed and a further 20% passive spaces with appropriate LIR identified several requests for minimisation and mitigation measures at 19.25-19.31.</p>

	The Applicant has updated the Construction Worker Travel Plan, Annex L <a href="#">[REP8-088]</a> of the Deed of Obligation to reflect this provision. The trigger to move from passive charging points to active charging points at 80% utilisation is acceptable to the Councils.
Air Quality monitoring and mitigation pedestrian crossings on A12 and B1122	Pedestrian crossings were not specifically referenced in the LIR as there were not any new crossings proposed in the original submission. However, pedestrian crossings are now proposed to be provided at Yoxford and Theberton on the A12 and B1122 respectively. There is potential, particularly on the A12, for new pedestrian crossings to have an adverse impact on air quality. As such, an appropriate package of monitoring, assessment and review is required. The Councils are satisfied that the costs of monitoring and assessment are now included in the signed and executed Deed of Obligation to be submitted by the Applicant at Deadline 10. However, the review process is not clearly defined. It is anticipated that the review process will be through the Transport Review Group, this needs to be identified clearly by the Applicant in Deadline 10 submissions.
<a href="#">Section 20 Flood and Water</a>	
Sustainable water strategy potable and non-potable water 20.37 – 20.43	The Applicant has a three-stage approach to potable and non-potable water supply. The Councils note that this is not yet resolved and there will be an ongoing review process primarily led by the bodies with regulatory control in this area.
Appropriate surface water drainage infrastructure which prioritises the use of SuDS and does not increase existing surface water flood risk 20.1 – 20.3	<p>The level of detail within the Drainage Strategy submitted by the Applicant at Deadline 10 does not demonstrate that the Applicant's primary surface water drainage mitigation is suitable, sufficient, and deliverable within the Order Limits, and in accordance with national and local policy, best practice and guidance to prevent an increase in surface water flood risk and/or pollution.</p> <p>Whilst good progress has been made by the Applicant since Deadline 8 to provide additional evidence, it has not been possible for the Applicant to complete this work before close of the Examination. The Councils and the Applicant agreed that, for the drainage strategy to be acceptable, it must:</p> <ul style="list-style-type: none"> <li>• demonstrate that proposals provide for the effective drainage of all development sites;</li> <li>• demonstrate that the proposals do not increase off-site surface water flood risk; and</li> </ul>

	<ul style="list-style-type: none"> <li>• demonstrate that proposals do not increase risk of surface water pollution.</li> </ul> <p>SCC, in its Deadline 10 final position statement and a separate detailed submission on surface water drainage, seeks to work with the Applicant to an agreeable Drainage Strategy, which could, on their discretion, be accepted by the Secretary of State to replace the Deadline 10 Drainage Strategy as the relevant control document.</p> <p>An amended Requirement also requires the Applicant to submit a final drainage strategy for approval by the Councils.</p>
<a href="#">Section 29 Accommodation and Housing</a>	
Accommodation Campus – timing, 29.29 - 29.30	<p>The Councils accept the project need for the accommodation campus but had continued to raise concerns with the timing of its delivery. The Applicant has now provided in the signed and executed Deed of Obligation trigger points for delivery of Phase 1 and Phase 2 of the campus and a Housing Contingency Fund to be triggered if the campus is not delivered by the milestones that are included in the Implementation Plan. The Councils are therefore satisfied that the Project has adequately committed to delivery of the accommodation campus in a timely manner and that there is funding available should the project fail to deliver within the identified timescales (secured and controlled by the Deed of Obligation – signed version to be submitted by the Applicant at Deadline 10).</p>
Caravan site at the LEEIE – timing 29.31, 29.35	<p>The Councils accept the project need for the caravan site at the LEEIE but had continued to raise concerns with the timing of its delivery. The Applicant has now provided in the signed and executed Deed of Obligation trigger points for delivery of the caravan site and a Housing Contingency Fund to be triggered if the caravan site is not delivered by the milestones that are included in the Implementation Plan.</p> <p>The Councils are therefore satisfied that the Project has adequately committed to delivery of the caravan site at the LEEIE in a timely manner and that there is funding available should the project fail to deliver within the identified timescales (secured and controlled by the Deed of Obligation – signed version to be submitted by the Applicant at Deadline 10).</p>

## DCO and Deed of Obligation

### DCO- Requirement 2 Code of Construction Practice

Throughout the Examination process the Councils have been requesting and receiving revisions to the draft Code of Construction Practice, in particular with reference to noise, vibration, ecology and air quality.

Having regard to noise and vibration, the main areas of issue between the Councils and the Applicant were in respect of the form of management and control of construction noise, construction noise thresholds and the recognition that the evening period had a higher sensitivity the day-time working hours. In summary:

- The Councils and the Applicant have had significant discussions in respect of the process and means by which construction noise is to be managed, monitored and mitigated. Section 61 of the Control of Pollution Act (CoPA) 1974 provides a process and method by which construction work can be assessed and approved in order to reduce noise impact and also provides for a dispute resolution and enforcement process for those approvals. This is a standard process used in large scale construction works. The Applicant wanted to proceed with a bespoke process rather than S.61. The Councils did not object to this in principle, provided the bespoke process provided equivalent or better controls than the standard S.61 process. Following discussion and amendments to the NMMP by the Applicant, the Councils were prepared to accept that the Bespoke Mitigation Plan (BMP) process set out in the NMMP along with the powers under S.60 of CoPA provides equivalent controls and has been accepted by the Councils as appropriate to control construction noise.
- The Councils had concerns in respect of the construction noise thresholds questioning whether the levels in BS5228 Annex E5 would be more appropriate due to the nature of the works at the Main Development Site. Whilst the Applicant disagreed in respect of the site thresholds, they were prepared to acknowledge these levels in the point where the BMP process would be initiated with ESC and reduced these thresholds to 55dB daytime in line with Annex E5, importantly they were also prepared to acknowledge that the evening period was more sensitive by setting an additional evening threshold of 50dB. On this basis the Councils agreed these matters with the Applicant.

	<ul style="list-style-type: none"> <li>The Councils have accepted that Best Practicable Means (BPM) should be the main control for noise on site and the emphasis for mitigation, the Councils expectation is that noise will be controlled to the lowest practical level regardless of thresholds.</li> </ul>	
DCO – discharge of Requirement 5	<p>As stated in our submission at Deadline 8 <a href="#">[REP8-140]</a>, ESC agrees with the Applicant and the DCO as drafted that it should be the discharging authority in respect of Requirement 5.</p> <p>As local planning authority, ESC is frequently the determining authority for large scale proposals, an example of which includes the proposals for the relocated facilities at Sizewell B station, the most recent application being DC/20/4646/FUL, referred to by the Applicant as Relocated Facilities 2.</p> <p>Given the sensitivities of the Sizewell C locations, in particular the Main Development Site and the potential implications for ecology and biodiversity as well as surface water flooding, ESC consider that they are best placed as the experienced authority in dealing with such discharging matters. It is therefore appropriate that Requirement 5, as drafted, is retained in the DCO order as made to enable ESC to be the discharging authority in relation to foul and surface water drainage in consultation with the</p>	<p>SCC have asked that this requirement be amended so that SCC, as the Lead Local Flood Authority (LLFA), is the discharging authority for surface water drainage. This change would reflect SCC's statutory responsibility for surface water drainage and would provide assurance that impacts and related risks to surface water drainage flooding are discharged by the most relevant and competent authority for surface water drainage.</p>

	<p>Environment Agency, East Suffolk Internal Drainage Board, Natural England and the Lead Local Flood Authority.</p> <p>Further commentary on this was given at ISH11 <a href="#">[REP8-149]</a>.</p>	
<p>Deed of Obligation - Access to contingent and non -contingent funds for mitigation purposes.</p>	<p>There are several contingency funds that have been agreed between the Applicant and the Councils for:</p> <ul style="list-style-type: none"> <li>- School and Early Years Capacity Contingency Contribution.</li> <li>- Housing Contingency Fund.</li> <li>- Residential Care Home Closure Contingency Fund.</li> <li>- Emergency Services Contingency Contribution.</li> <li>- Police Contingency Contribution.</li> <li>- Emergency Response Contingency Contribution.</li> <li>- Adult Social Care Contingency Fund.</li> <li>- Sizewell C Employment Outreach Contingency Fund.</li> <li>- European Sites Access Contingency Funds.</li> <li>- Fen Meadow Contingency Fund.</li> <li>- Smelt Contingency Fund.</li> <li>- Noise and Air Quality Monitoring Contingency Fund.</li> </ul> <p>The detail and trigger points for the Funds is included in the signed Deed of Obligation to be submitted by the Applicant at Deadline 10.</p> <p>The Councils are satisfied that the inclusion of these Contingency Funds provide a necessary layer of mitigation should it be evidenced during the construction period that it is required. Access to the Funds will be through the relevant Review Groups which are set up within the Deed.</p>	

