



The Sizewell C Project

9.120 Comments on Earlier Deadlines, Subsequent Written Submissions to ISH11-14 and Comments on Responses to Change Request 19

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SIZEWELL C PROJECT –
COMMENTS ON EARLIER DEADLINES, SUBSEQUENT
WRITTEN SUBMISSIONS TO ISH10-14 AND
COMMENTS ON RESPONSES TO CHANGE REQUEST 19

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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This report provides:

- SZC Co.'s (the Applicant) responses to additional information and submissions made by Interested Parties at earlier deadlines, namely Deadlines 7, 8 and 9. A response is provided where matters have not been responded to previously and/or a response is considered helpful to the Examination (see Section 2);
- supplementary submissions in response to actions arising from Issue Specific Hearings 10 to 14, where previously committed to (see Section 3); and
- the Applicant's comments on responses to Change Request 19 submitted by Interested Parties at Deadline 8 (see Section 4).

1.1.1 Alongside this report, SZC Co. has submitted at Deadline 10 comments on responses to the Applicant's responses to the Examining Authority (ExA) second written questions (ExQ2) (Doc Ref. 9.125) together with comments on responses to the ExA's third written questions (ExQ3) (Doc Ref. 9.126).

1.2 Deadline 7 submissions

1.2.1 At Deadline 8, SZC Co. responded to Deadline 7 submissions where time allowed. This response was provided in [REP8-119](#), [REP8-120](#), [REP8-326](#) and [REP8-327](#). This document provides a response to remaining Deadline 7 submissions, where a response is considered necessary.

1.3 Deadline 8 submissions

1.3.1 At Deadline 9, SZC Co. submitted two responses to Deadline 8 submissions where time allowed or it was considered to be helpful ahead of Issue Specific Hearing 15:

- response by SZC Co. to Natural England's Comments at Deadline 8 [[REP9-023](#)]; and
- response by SZC Co. to RSPB's Comments at Deadline 8 [[REP9-024](#)].

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1.3.2 SZC Co. has reviewed all remaining submission to Deadline 8. A number of responses refer to concerns or matters that have been raised previously and responded to during the course of the Examination process. As such, a further response from SZC Co. is not considered necessary. For clarity, this relates to the following responses:

- REP8-168;
- REP8-195;
- REP8-207;
- REP8-214;
- REP8-215;
- REP8-217 to REP8-224;
- REP8-233;
- REP8-238;
- REP8-239;
- REP8-243;
- REP8-244;
- REP8-250;
- REP8-254 to REP8-256;
- REP8-258 to REP8-261;
- REP8-263;
- REP8-264;
- REP8-271;
- REP8-281;
- REP8-290;
- REP8-299 to REP8-312; and
- REP8-314 to REP8-328.

1.3.3 This report provides SZC Co.'s comments to the remaining responses.

1.4 Deadline 9 Submissions

1.4.1 SZC Co. has reviewed all submission to Deadline 9 and this report provides SZC Co.'s comments to Deadline 9 submissions where a response is considered necessary or helpful to the Examination. A response is not provided where matters have been addressed previously or if SZC Co. has no further comments or response to make. For clarity, this relates to the following responses:

- REP9-027 to REP9-029;
- REP9-031;

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- REP9-036;
- REP9-039;
- REP9-040;
- REP9-042; and
- REP9-046 to REP9-049.

1.4.2 At Deadline 9 SZC Co. submitted 9.112 **SZC Co. Response to Request for Further Information at Deadline 9** [[REP9-021](#)]. Appendix B (epage 37) to that document was a **Summary of Landowner Engagement on Main Development Site Coastal Flood Risk** made at the request of the Examining Authority. Subsequent to the publication of that document SZC Co. has received feedback from two landowners over the small additional flood risk identified in the **Main Development Site Flood Risk Assessment Addendum** (Doc. Ref 5.2A_Ad) [[AS-157](#)] and further characterised in ongoing discussions and engagement material. In addition, the RSPB has confirmed agreement with SZC Co. that the increased flood risk is insignificant (refer to the SoCG submitted at Deadline 10 (Doc. Ref. 9.10.24)). Consequently, an **Updated Summary of Landowner Engagement on Main Development Site Coastal Flood Risk** is attached as Appendix T to this document.

1.5 Supplementary Written Submissions to ISH10-14

1.5.1 A suite of documents were submitted at Deadline 7 and 8 containing the Applicant's Written Submissions Responding to Actions arising from Issue Specific Hearing 10 to 14, namely:

- Written Submissions responding to actions arising from ISH10: Biodiversity, Ecology and HRA [[REP7-073](#)];
- Written Submissions responding to actions arising from ISH11: Flooding, Water and Coastal Processes [[REP8-125](#)];
- Written Submissions responding to actions arising from ISH12: Community [[REP8-126](#)];
- Written Submissions responding to actions arising from ISH13: Landscape, Visual Impact, Design and Terrestrial Heritage [[REP8-127](#)]; and
- Written Submissions responding to actions arising from ISH14: DCO, DoO and allied documents [[REP8-128](#)].

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- 1.5.2 In some instance, the Written Submissions referred to further submissions or updates to be submitted at Deadlines 9 or 10. These are provided within Section 3 of this report.
- 1.6 Change Request 19
- 1.6.11 As requested by the Rule 8 letter, this document provides SZC Co. comments on responses to the Change Request 19 submitted at Deadline 8 by Interested Parties.

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2 ADDITIONAL RESPONSES TO DEADLINE 7, 8 AND 9 SUBMISSIONS

2.1 Overview

2.1.1 This chapter provides additional responses to submissions at Deadline 7, 8 and 9 where not responded to previously and a response is considered helpful to the Examination. This section provides a response to submissions made by the following parties:

- Suffolk County Council;
- East Suffolk Council;
- Environment Agency;
- Woodbridge Town Council;
- David and Belinda Grant;
- Justin and Emma Dowley;
- Mollett's Farm;
- Mr and Mrs Lacey;
- Mr Mellen;
- Mr Johnston;
- Natural England;
- Suffolk Coast and Heaths AONB Partnership;
- Suffolk Coast Destination Management Organisation;
- Suffolk Constabulary;
- Sylvia Ballard; and,
- Dr Peter Henderson.

2.2 Suffolk County Council

a) SCC's comments on the Sizewell Link Road

2.2.1 At Deadline 9 at [\[REP9-034\]](#) Suffolk County Council (SCC) provided its view as to how the application could change to consent the Sizewell link road as temporary rather than permanent. SZC Co. maintains its view that the Sizewell link road should be permanent for the reasons set out in SZC Co.'s response at Deadline 8 to SCC D7 comments set out at [\[REP8-120\]](#) (electronic pages 52 - 62).

2.2.2 SCC recognises that such a change could not be made without consultation and that such consultation could not be achieved within the remaining

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examination programme. SCC suggest that an extension to the Examination period could be made to allow for the consultation on a worked up temporary Sizewell link road, or a consultation could be undertaken by the Secretary of State after the close of the examination.

- 2.2.3 It is an important feature of examinations that they are time limited. The “Planning Act 2008: Guidance for the examination of applications for development consent” sets out at footnote 10 on page 13 (emphasis added):

*Section 98(1) of the Planning Act 2008 imposes a duty on the Examination Authority to complete the examination within 6 months. The Secretary of State has the power to extend this period, **but this is rarely exercised** (see section 98(4) of the Act).*

- 2.2.4 Paragraph 108 states (emphasis added):

*Any extension to the overall statutory timetable would require the relevant Secretary of State to make a statement to the Houses of Parliament and **would not be a decision which would be taken lightly.***

- 2.2.5 In the light of this, applications should be front loaded and those promoting alternatives should be alive to the policies on alternatives set out in NPS EN-1 (at paragraph 4.4.3), particularly that alternatives should not be vague or inchoate and that the expectation is that those promoting an alternative may expect the onus to be placed on them to provide the evidence to support it. Given the urgent need for new energy generation, the same paragraph of the NPS is also clear that any alternatives should be capable of being achieved within the same timescale as the application proposals.

- 2.2.6 Promoting an alternative on the basis that it requires the examination to be extended is not consistent with this approach.

- 2.2.7 Similarly, and despite being challenged to do so by the Applicant, SCC has not put forward the information necessary to enable its ‘alternative’ to be assessed and neither has it suggested any timescale in which that could be achieved. It does not appear that SCC has any intention of designing the alternative, grappling with the many complexities of its implications, promoting an alternative design for a temporary road or undertaking the necessary environmental and transport assessments to enable it to be considered.

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2.2.8 Neither does SCC propose to undertake the necessary consultation nor explain to the B1122 communities why it considers it acceptable to (finally) provide those communities with relief from traffic on the sub-standard B1122 for the construction period only to return (increased) traffic as soon as the construction period is over. It would also need to be explained to those communities why they are to be denied the long-term benefits of repurposing the B1122 as a quiet road with enhanced pedestrian, equestrian and cycling amenity. The permanency of the Sizewell link road has been supported in consultation exercises, and will provide a number of legacy benefits, as set out at [REP7-056] (electronic pages 139-143) and at **SZC Co.'s Response to ExQ2 CA.2.10 responses submitted at Deadline 10** (Doc Ref. 9.124).

2.2.9 Having consulted those communities many times, received their support for the permanence of the SLR and engaged with them over the detail of future enhancements, SZC Co. has no intention of revising its application to propose a temporary link road. In addition, the Deed of Obligation (Doc Ref 10.4) has been agreed with SCC and the Deed of Obligation has been developed on the basis of the Sizewell link road being permanent. Therefore, in agreeing with the Deed of Obligation, SCC appears to have accepted that development consent should not be refused.

b) [SCC's comments on the Sizewell C outage car park](#)

2.2.10 SCC has agreed to the Natural Environment Improvement Fund, as secured in the **Deed of Obligation** (Doc. Ref. 8.17), to mitigate the landscape and visual effects of the Project. This agreement was made in the light of their knowledge of the proposed SZC outage car park and the proposed overhead power lines.

2.2.11 As the ExA will be aware, precision is one of the six tests for planning conditions set out in the National Planning Policy Framework 2021 (paragraph 55). SCC states that they are unable to formulate a precise condition and this is considered to be indicative of the flawed approach being pursued.

2.2.12 Please also see SZC Co's D10 response to comments made by SCC on ExQ2 LI.2.9 at [Doc Ref. 9.124].

c) [SCC's comments on the overhead power lines](#)

2.2.13 SZC Co. has provided substantial information to show its consideration of alternative proposals and continues to consider the broad proposal put forward by SCC to be neither workable nor achievable. A full explanation of

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the option evaluation process for the power export connections is given in the Technical Recommendation Report Appendix 5E of **SZC Co's Response to ExQ1s** [REP2-108]. Responses to the questions raised specifically on the potential suitability of Gas Insulated Lines (GIL) are detailed in SZC Co's response to ExQ1 LI.1.51 [REP2-100].

2.2.14 A full response to further questions raised by SCC on the content of the Technical Recommendation Report is provided in SZC Co's response to ExQ1 LI.1.50 at Deadline 3 [REP3-046].

2.2.15 The matter was also discussed at ISH5 and the ExA may find references to Section 1.5 of **ISH5 Written Summaries** [REP5-110] and Section 1.9 of **ISH5 Written Submissions** [REP5-117] helpful.

2.2.16 In summation, SZC Co. disagrees with Option A and Option B put forward by SCC at Deadline 9.

2.2.17 SZC Co. has repeatedly asked SCC to explain to the ExA the practical implications of its submissions on overhead power lines for the determination of the application, including in particular how it sits with the policy on considering alternatives in NPS EN-1 section 4.4. Notwithstanding this, SCC has not explained if it is asking for the DCO application to be refused because of the proposed pylons. SZC Co. contends that this is because SCC is not suggesting that and does not consider that the application should be refused because of the proposed pylons. As noted above, SCC have agreed to the Natural Environment Improvement Fund in the light of their knowledge of the proposed overhead power lines.

d) **SCC's comments on the Rights of Way and Access Strategy**

2.2.18 This section provides SZC Co.'s responses to each point raised under item 2.12 on page 23 of SCC's Comments on any additional information/submissions received by D7 [REP8-179], where a response is necessary. SCC's comment is set out in italics, with SZC Co.'s response provided below.

"2.12.3 and 2.12.4 alignment of FP21 in relationship to the coastal defence features. SCC maintains its position that the permanent route of FP21 should be along the top of the hard coastal defence feature."

2.2.19 SZC Co.'s response is set out in **SZC Co.'s Comments on Responses to SZC Co.'s ExQ2 Responses** at AR.2.0 submitted at Deadline 10 (Doc Ref. 9.124).

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“2.12.6 This point relates to SCC’s request for an off road link from BR19 to Eastbridge adjacent to Eastbridge Road. SCC believes the lack of an off road continuation from the northern terminus of BR19 to Eastbridge adjacent to Eastbridge Road is not acceptable. The creation of an off road link is covered in the PRow Fund in the Deed of Obligation, but this would rely on Highways Act powers where an objected order is determined by the Secretary of State and thus not secure.”

2.2.20 SZC Co.’s response to this was provided in **Written Summaries of Oral Submissions made at Issue Specific Hearing 12: Community** (15 September 2021) [[REP8-122](#)] at paragraphs 1.4.10 to 1.4.18 (pdf page 21). It stated that it is not logical to seek to impose this obligation through this DCO process for fear that it would not be supported on its own merits if promoted by SCC using Highways Act powers.

2.2.21 SCC now accepts that if it continues to believe that an off-road diversion is necessary, it has the funds and the powers to promote it. The matter is therefore now agreed and it has been removed from the **Statement of Common Ground – East Suffolk Council and Suffolk County Council** (Doc. Ref. 9.10.12) as a matter “not agreed”.

e) [SCC comments on 6.3 Chapter 15 Amenity and Recreation Appendix 15l of the Environmental Statement: Rights of Way and Access Strategy Rev 4.0 – Tracked Changes Version](#)

2.2.22 SCC’s comments are set out in italics, with SZC Co.’s response provided below.

“1.1.6 Bullet point 2’s comment to “to minimise as far as possible any reductions in connectivity in and around the development, especially north-south” downplays the Sandlings Walk’s importance, and is counter to SCC’s wish the path should be a PRow, and should be deleted.”

2.2.23 This has been addressed in the revised **Rights of Way and Access Strategy** submitted at Deadline 10 (paragraph 3.1.1 second bullet) (Doc. Ref. 10.26).

“1.2.9 Minor but “The route would have a suitable firm surface” should read “routes”.”

2.2.24 This has been addressed in the revised **Rights of Way and Access Strategy** submitted at Deadline 10 (paragraph 3.2.5) (Doc. Ref. 10.26).

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“1.2.13 SCC notes this new para and that equestrians will have to dismount to ensure safe crossing underneath the permanent BLF, via the use of mounting blocks. The county council considers this acceptable only on the condition the levels are incapable of being designed to allow mounted access under the BLF.”

- 2.2.25 SZC Co.’s response is set out in **SZC Co.’s Comments on Responses to SZC Co.’s ExQ2 Responses** at AR.3.0 submitted at Deadline 10 (Doc Ref. 9.124).

“1.2.28 SCC seeks clarification which s.106 agreement (now DoO) covers the funding provision for the new public access at Aldhurst Farm.”

- 2.2.26 This was addressed in the Rights of Way and Access Strategy submitted at Deadline 8 [\[REP8-055\]](#) is addressed in the revised **Rights of Way and Access Strategy** submitted at Deadline 10 (paragraph 3.5.2) (Doc. Ref. 10.26).

“1.2.32 As raised previously, there is only one highway authority therefore reference to improvements to PRow and permissive footpaths being agreed by the relevant authorities is misleading. Only SCC can implement improvements to PRow, and thus must be the final decision maker on those improvements.”

- 2.2.27 This was addressed in the Rights of Way and Access Strategy submitted at Deadline 8 [\[REP8-055\]](#) and is included in the revised **Rights of Way and Access Strategy** submitted at Deadline 10 (paragraph 4.2.1) (Doc. Ref. 10.26).

“1.2.33 The reference to “All existing permissive footpaths would remain as permissive footpaths” is not agreed in respect of Sandlings Walk.”

- 2.2.28 This was addressed in the Rights of Way and Access Strategy submitted at Deadline 8 [\[REP8-055\]](#) and is included in the revised **Rights of Way and Access Strategy** submitted at Deadline 10 (paragraph 4.4.1) (Doc. Ref. 10.26). This section of Sandlings Walk will now be a definitive Public Right of Way (bridleway) during operation secured under the Deed of Obligation.

“1.2.41 SCC contends the “formalised permissive footpath” from Kenton Hills car park connecting to the “extensive permissive network” should be public where it relates to the Sandlings Walk.”

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“1.2.42 Bullet point 5 – again SCC contends the “formalised permissive footpath” from Kenton Hills car park connecting to the “extensive permissive network” should be public.”

- 2.2.29 The ‘formalised permissive footpath’ from Kenton Hills car park to the permissive footpath network in Kenton Hills is not currently the route of Sandlings Walk, and will not be the route of Sandlings Walk during operation. Sandlings Walk currently passes along the track to the north of Kenton Hills car park, and this section will become a definitive PRow (bridleway) during operation as stated above. See Figures 15I.1 and 15I.3 of the **Rights of Way and Access Strategy** submitted at Deadline 10 (Doc. Ref. 10.26).
- 2.2.30 SCC’s comments that the route of FP21 relative to the coastal defence is not agreed are responded to in **SZC Co.’s Comments on Responses to SZC Co.’s ExQ2 Responses** at AR.2.0 submitted at Deadline 10 (Doc Ref. 9.124). SZC Co. note that there are no outstanding issues relating to amenity and recreation within the Statement of Common Ground between SZC Co. and SCC and ESC as it is not necessary to fix the location of FP21 until the final sea defence design submitted, as per Requirement 12B.
- f) [Comments on Response to the ExA’s second commentary on the dDCO and in response to Suffolk County Council's Post Hearing submissions including written submissions of oral case - Issue Specific Hearing 14 \[REP8-185\]](#)
- 2.2.31 The drafting of the dDCO has been agreed with Suffolk County Council save for those items listed in the SoCG (Doc Ref. 9.10.12(B)).
- 2.2.32 The drafting of the Deed of Obligation has been agreed with Suffolk County Council who entered into the Deed of Obligation on 8 October 2021 (Doc Ref. 8.17(H)/10.4).
- 2.3 **East Suffolk Council**
- 2.3.11 In response to section 2.5 of ESC’s comments on Deadline 7 submissions from the Applicant, submitted by ESC at Deadline 8 [\[REP8-140\]](#) with regards to the permanent beach landing facility and the temporary Marine Bulk Import Facility (MBIF) (also referred to as the “Permanent and Temporary Beach Landing Facility and SSSI Crossing Plans”), SZC Co would like to respond to the comments made in respect of plans Ref Nos. SZC-SZ0100-XX-000-DRW-100202 and SZC-SZ0100-XX-000-DRW-100203 [\[REP7-004\]](#).

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2.3.12 With regards to Main Development Site, Permanent BLF (SZC Construction plan (Ref SZC-SZ0100-XX-000-DRW-100202), ESC requested clarification on a number of points.

- **Green line – Assumed indicative beach profile** – SZC Co. can confirm that the green line showing the beach profile is accurate for the chainage. The green line has been taken from the 2017 ground/bathymetric model.
- **Barge grounding platform and restraints** – the **Construction Method Statement** (Doc Ref. 10.3) confirms that the grounding platform will be made of concrete, or similar. Further details are included at Paragraph 3.1.70 of the CMS.
- **Tracks/pathways across hard and soft coastal defence** – The coast path and the subsidiary paths installed to provide temporary diversion of the coast path around the permanent BLF during construction are not hard structures which would compromise erodibility of the soft coastal defence feature. This is secured in Paragraph 3.1.122 of the **Construction Method Statement**. The maintenance tracks will be hard structures and are proposed to permit access to the beach either side of the BLF. They will be set below the SCDF recharge level to maintain access and will be designed not to adversely impact littoral drift. This is secured in Paragraph 3.1.123 of the **Construction Method Statement**. With regards to how the permanent BLF will affect or be affected by construction of an adaptive HCDF, the adaptive HCDF will only be required if future climate change effects exceed currently assumed criteria. Should it become necessary to construct the adaptive design and should the permanent BLF remain necessary at the time, then the adaptive HCDF would be designed to accommodate the permanent BLF without redevelopment.

2.3.13 With regards to Main Development Site, Temporary BLF (SZC Construction plan (Ref SZC-SZ0100-XX-000-DRW-100203) (also known as the temporary Marine Bulk Import Facility), ESC requested clarification on the piles within the hard and soft coastal defence.

2.3.14 The temporary Marine Bulk Import Facility (temporary MBIF), will be removed prior to completion of the relevant part of the permanent HCDF and SCDF. Piles will typically be extracted, but whether this cannot be achieved then piles would be cut off. There is therefore not expected to be

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any interference between the MBIF piles and the HCDF/SCDF construction. This is secured in Paragraph 3.1.98 of the **Construction Method Statement**.

2.3.15 In response to section 6.3 (page 30) of ESC's comments on Deadline 7 submissions from the Applicant, submitted by ESC at Deadline 8 [[REP8-140](#)] with regards to the **Lighting Management Plan Rev 2.0** [[REP7-020](#)], SZC Co. would like to address the two points made by the Council.

2.3.16 Firstly, SZC Co. was pleased to see that the Council welcomes the amendments made to the **Lighting Management Plan** in respect of dark and low light areas across the sites necessary for bat mitigation. The only area where ESC still has concern is at the southern end of Bridleway 19 where the route runs between the site entrance hub and the temporary construction area. The Council requests that careful implementation and monitoring of construction lighting at the southern end of Bridleway 19 to ensure a sufficiently wide dark corridor is maintained.

2.3.17 **Requirement 9** of the dDCO requires SZC Co. to manage external lighting during construction in accordance with Section 1.3 of the Lighting Management Plan. Dark corridor lighting levels will be monitored and managed in accordance with the measures and thresholds in Table 4.4 of the **Terrestrial Ecology Monitoring and Management Plan** (Doc Ref 10.28), secured pursuant to **Requirement 4** of the dDCO. A cross reference to this document has been made to the **Lighting Management Plan** which will be submitted at Deadline 10.

2.3.18 The second issue raised by the Council on the **Lighting Management Plan**, relates to the provision of dealing with complaints related to lighting during the construction and operational phases. SZC Co's complaints management procedure is set out in Part A of the **Code of Construction Practice (CoCP)** and secured by dDCO **Requirement 2**. The CoCP states:

"Details of all received complaints must be promptly communicated to ESC, or other statutory bodies such as the Environment Agency as may be appropriate, subject to any personal data being treated in accordance with SZC Co's privacy notice."

a) **ESC's Comments on Control Documents**

2.3.19 The control documents have now been copied to a new Book 10 and Schedule 22 of the dDCO has been updated to refer to the correct titles, revision numbers and document references. ESC's comments have been

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discussed with ESC and ESC have confirmed that all control documents are agreed. However, some points of further explanation have been provided here for visibility.

- 2.3.20 In response to paragraph 2.3, the **Drainage Strategy** (Doc Ref. 10.14) was originally submitted as an Outline Drainage Strategy but developed through the Examination and the revision submitted at Deadline 8 and the revision which will be certified under the dDCO is now the Drainage Strategy. Please be aware, however, that Requirement 5 has been amended to require the final version of the Drainage Strategy to be approved by SCC.
- 2.3.21 In response to paragraph 2.11, Schedule 7 of the **Deed of Obligation** has been updated in relation to the Supply Chain Strategy and agreed with the Councils.
- 2.3.22 The CoCP has been updated to require SZC Co. to submit a Waste Management Plan and Materials Management Plan to East Suffolk Council for approval before the commencement of the authorised development.
- 2.3.23 During the examination, SZC Co's commitments to the Implementation Plan have been reviewed and updated. Requirement 13 secures the binding commitment to carry out work No. 1 in accordance with the **Construction Method Statement** (Doc Ref. 6.3 3D(D)) to ensure the timely provision of mitigation measures. Additional obligations are also now proposed and the overall package of measures is more than sufficient to secure that the development will be undertaken in a manner that is consistent with the environmental impact assessment.
- 2.3.24 The **Construction Method Statement** has been updated to include Grampian triggers for the Sizewell link road, two village bypass, temporary beach landing facility and rail works. As secured by the DoO (Doc Ref. 8.17(G)), SZC Co. must use reasonable endeavours to deliver works indicated on Plate 2.1 by the milestone dates. Where, despite using reasonable endeavours, the timescales indicated in the Plate 2.1 cannot be met, SZC Co. must nevertheless deliver the following key components of the project in accordance with the defined Grampian triggers, unless otherwise approved in writing by ESC.
- 2.3.25 In response to paragraph 3.1, SZC Co. has set out the status of archaeological investigations and explained why this is the case in its response to ExQ2 HE.2.4 submitted at Deadline 7 [\[REP7-053\]](#).
- 2.3.26 In response to paragraph 3.2, Requirement 3(6)(a) has been amended to explicitly state that any post-excavation assessments are to be carried out

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in accordance with the OWSI. For clarity, site-specific archaeological management plans must be approved by Suffolk County Council in consultation with ESC.

- 2.3.27 In response to paragraph 3.6, Sediment Sampling Plans must be submitted to the MMO for approval prior to carrying out sampling ahead of any dredging works. This is secured pursuant to DML Condition 36. These plans will set out how the specific sediment sampling and analysis must be carried out.
- 2.3.28 In response to section 8.3 (pages 39-40) of ESC's comments on Deadline 7 submissions from the Applicant, submitted by ESC at Deadline 8 [[REP8-140](#)], the Associated Development Design Principles is being updated at Deadline 10 to include text stating that the ratio of bat box provision on the two village bypass and Sizewell link road will be in accordance with the relevant ratios set out in the Sizewell C Project Bat Method Statement (Doc Ref. 9.92(A)). ESC's note and support for the fact that the **Associated Development Design Principles** text at Deadline 7 [[REP7-035](#)] updating hedgerow planting to species-rich hedgerow planting is welcomed.
- b) [Comments on the 2021 Associated Development Site Great Crested Newt Survey Report \[REP7-027\]](#)
- 2.3.29 SZC Co. can confirm the total number of GCN ponds within 500m of the Sizewell link road site is 57.
- c) [Comments on the 2021 Aquatic Invertebrate Survey Report \[REP7-027\]](#)
- 2.3.30 SZC Co. can confirm that the aquatic invertebrate survey report to be produced following the September 2021 surveys will not be submitted before the close of examination as the surveys have not yet been undertaken. The surveys will be used to inform the continuing monitoring required under the **TEMMP** (Doc Ref. 10.28).
- d) [Comments on the Bat Crossing Point Survey Report 1](#)
- 2.3.31 In response to the comments raised by the ESC on the **Bat Crossing Point Survey Report 1** [[REP7-027](#)], SZC Co. can confirm the trigger for further survey is derived from guidance. As set out in Berthinussen and Altringham (2015) in order to identify potential bat commuting routes before construction, it is advised to conduct two preliminary dusk and dawn surveys (following the survey protocol below) at any significant habitat feature or boundary) that will be severed by the proposed infrastructure

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scheme (e.g. hedgerows, treelines, woodland and woodland rides, rivers, streams and wetlands). At any site where more than 10 bats are recorded using a flight path (1-5 for rare species, depending upon rarity) or rare bat species were recorded (Barbastelle and Myotis sp.) a full set of surveys should be conducted.

2.3.32 Full details of the species recorded on each of the crossing point surveys is provided in **Bat Crossing Point Survey Report 2** [REP9-004] submitted at Deadline 9.

e) [Comments on the Bat Backtracking Report 1](#)

2.3.33 SZC Co. can confirm that row 1 of Table 6 of the **Bat Backtracking Report 1** is incorrect. This information has been corrected within **Bat Backtracking Report 2** submitted at Deadline 10.

f) [Comments on the Sizewell C Project Bat Method Statement](#)

2.3.34 The following comments were raised by the ESC on the **Sizewell C Project Bat Method Statement** [REP7-080]:

“Several references are made to a CEMP in the draft Method Statement; however, it is our understanding that no such document forms part of the DCO examination document library. We query whether these sections should refer to the Construction Code of Practice (CoCP) rather than a CEMP”

2.3.35 An updated version of the **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) has been submitted at Deadline 10 (to Examination only) to address issues where a CEMP has been referenced.

“The list of granted bat licences does not appear to include the licence granted for the felling of a confirmed bat roost tree in Coronation Wood which is within the red line boundary. ESC also understands that a licence application is in preparation (and may now have been submitted) in relation to works to repair and re-roof the main barn at Upper Abbey Farm (also within the red line boundary). Dependent on the status of this licence application this may also need to be added to the list.”

2.3.36 An updated version of the **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) has been submitted at Deadline 10 to provide the details of the licence granted for the felling of a confirmed bat roost tree in Coronation Wood which is within the red line boundary. Details of the licence granted

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for the works to repair and re-roof the main barn at Upper Abbey Farm have also been included.

“It is noted that there is still one area of woodland to be removed as part of the development which has not been surveyed for potential bat roosts. This is the area of wet woodland within the area of the SSSI Crossing. It is essential that this area is surveyed, and the required mitigation identified, prior to the granting of the licence.”

- 2.3.37 As stated in submissions at Deadline 8 [REP8-119] at paragraph 2.9.47, SZC Co. completed tree surveys in accessible areas of the SSSI triangle in August and September. However, as the SSSI triangle remained flooded, it was not possible to access the whole area and survey all trees. Where possible, trees were surveyed as accurately as possible from the surrounding areas, and have been extrapolated to inform a roost resource assessment. The results of these surveys have been submitted to Examination at Deadline 10 (Doc Ref. 6.13(D)).

“The third paragraph on page 19 includes the following sentence “Although Walkers Spinney is a relatively small ancient woodland, these techniques are still considered to be proportionate and more appropriate than traditional techniques. ESC is not familiar with a part of the development site called Walkers Spinney and requests clarification on this from the Applicant”

- 2.3.38 This is a typographical error and an updated version of the **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) has been submitted at Deadline 10 (to examination only) to address this issue.

“The first row of Table B on page 26 makes reference to radio-tracking in June 2019. We are not aware of any radio-tracking having been undertaken in 2019 and query whether this should be June 2010 (duplicating the row below).”

- 2.3.39 This is a typographical error and an updated version of the **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) has been submitted at Deadline 10 (to examination only) to address this issue.

“The proposed ratios for roost resource mitigation and the types of features to be used are noted. ESC understands that these have been agreed with Natural England and therefore we have no further comment on them.”

- 2.3.40 SZC Co. can confirm that Natural England have provided the proposed ratios for roost resource mitigation. This is based on other NSIPs.

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“This section makes reference to the approximate locations of mitigation bat boxes being identified on Figure E4i. However, there does not appear to be a Figure E4i included as part of the submitted Method Statement (Parts 1 to 6) and it is not listed as a figure in Section I (page 84/85). It is therefore queried whether this important document has yet been submitted?”

- 2.3.41 The draft **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) provides a framework for mitigation and was submitted to Natural England to obtain a Letter of No Impediment. Detail is to be developed, including updated surveys in 2022 to finalise the mitigation layout.

“E3.3b Table 1 sets out the calculations for the number of replacement potential roost features which are required to be delivered as part of the development, across the MDS and the AD sites. This gives a total requirement of 407 potential roost features to be provided, based on the ratios set out at the beginning of section E3.3b (page 74). However, the section on medium/long-term provision highlights that 191 of these features will not be available for bats to use until 70+ years into the life of the development, which is significantly after the loss of the original features will have occurred. There therefore appears to be a significant under provision of replacement potential roost features, with nearly 50% of those to be lost not replaced until near the end of the operational lifespan of the power station. This is a significant concern as it appears that the development will leave the potential roost resource in the area significantly depleted for the construction phase and most of the operational phase of the power station.”

- 2.3.42 SZC Co. can confirm that this has been clarified and updated within the updated **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) to state that all of the provision is to be front loaded, with all bat box erection ahead of the tree removal for which it mitigates

“At the start of section E3.3b (page 74) a number of potential roost feature replacement techniques are listed, including bat boxes, totems/monoliths, translocations of existing roost features and veteranisation of trees. However, only provision of bat boxes is then listed as the proposed mitigation in the Initial/short-term provision section. We query why the other identified measures are not proposed to be used, particularly given our concern (as set out above) about the late provision of the remainder of the required potential roost features.”

- 2.3.43 SZC Co. confirms that the short term provision is primarily bat boxes and reclaimed features, as totems/monoliths and veteranisation take a while to

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develop. However, they will be initiated at the commencement. This is confirmed in the updated **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)).

g) **Comments on Dormouse Survey Report 1**

2.3.44 Surveys have been undertaken during August and September 2021. Currently no further surveys are planned, however the tubes are to be left in situ.

h) **Comments on Reptile Non-licensable Method Statements for associated development site**

2.3.45 SZC Co. agrees that reptiles should be retained within the vicinity of their donor AD Site and as close as possible to where they were found. SZC Co. can confirm that each of the non-licensable method statements for reptiles has been reviewed, and where necessary, updated to clarify (if reptiles are found), the ECoW will move the animals to a place of safety. The update text states that the chosen location would be decided on a case-by-case basis, but it would be near to a suitable refuge or hibernation feature (existing or purpose built as required), surrounded by suitable foraging and basking habitat and judged to be a safe distance from the ongoing vegetation works. This approach has been agreed with ESC ahead of the Deadline 10 submission.

i) **Comments on the Reptile Mitigation Strategy**

2.3.46 SZC Co. confirms that in the Reptile Mitigation Strategy it is noted that final carrying capacity estimates of the receptor sites will be made following completion of habitat management/creation within these receptors.

j) **Comments on the Estate Wide Management Plan**

2.3.47 Specific provision for enhanced areas for foraging for bats within the retained plantation of woodlands has been added to the EWMP (Doc Ref. 10.15). A commitment to review management plans regularly and to amend them where necessary to deliver the Estate vision has been added to section 5.

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2.4 Environment Agency

Fish Impingement and Entrainment Monitoring Plan

- 2.4.1 At Deadline 8, the Environment Agency provided written feedback [[REP8-160](#)] on the Fish Impingement and Entrainment Monitoring Plan (FIEMP). SZC Co has updated the FIEMP where appropriate for submission at Deadline 10 (Doc. Ref 10.7).
- 2.4.2 SZC Co. notes that the Environment Agency refers to agreeing an EAV method to allow assessment of the results of the monitoring. SZC Co feels it is important to clarify that the purpose of the FIEMP is to confirm the assessment of impacts provided in the ES [[APP-317](#)] and ES Addendum [[AS-238](#)] and not to repeat or replace those assessments. That is, the plan is intended to confirm the impingement and entrainment *predications* presented in the ES [[APP-317](#)] and ES Addendum [[AS-238](#)] with real data collected from the operation Sizewell C, together with data collected at Sizewell B simultaneously for comparison. The plan then provides potential schemes to offset any potential impacts should the ES and ES Addendum have under-predicted impingement or entrainment.
- 2.4.3 A full response to the Environment Agency comments is provided in **Appendix A**.
- a) ISH10 Response
- 2.4.4 At Deadline 7, the Environment Agency provided their summary of oral case for ISH10: Biodiversity and Ecology [[REP7-131](#)]. SZC Co. responses to those comments are provided in **Appendix B**.
- b) ISH11 Response
- 2.4.5 In the Environment Agency's Appendix A: Environment Agency summary of oral case for ISH11: Flooding, Water and Coastal Processes [[REP8-156](#) epage 3] at section 4(a) Sizewell Link Road FRA they state:

“There previously was an outstanding issue regarding increases in flood depths on the floodplain upstream of some of the river crossings, however most of these have since been shown to be within the development boundary, and so are considered to be acceptable and do not need landowner permission. There was one area for SW6 crossing outside of the site boundary, however the applicant has since clarified that this was a mapping error, and inspection of the modelling cross-sections shows that the water remained within the channel in all flood events.”

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2.4.6 SZC Co. attaches at **Appendix C** a copy of the correspondence provided to the Environment Agency demonstrating the mapping anomaly and confirming that the flooding remains within the channel at crossing SW6.

2.5 East Suffolk Internal Drainage Board

a) **ESIDB Comments on additional information/submissions received by Deadline 7** [[REP8-139](#)]

2.5.1 ESIDB makes the following comments in their **Comments on additional information/submissions received by Deadline 7** [[REP8-139](#)]:

“Appendix 2A of the Environmental Statement: Drainage Strategy [REP7-018]. The applicant has advised the ESIDB that an updated version of the drainage strategy will be submitted at Deadline 8 and so the Board reserves comment until this has been evaluated.”

2.5.2 The updated **Drainage Strategy** [[REP8-050](#)] was submitted at Deadline 8.

“Water Monitoring Plan [REP7-075]

According to the Water Monitoring and Response Strategy (Appendix 2.14. A Groundwater and Surface Water [AS-236]) trigger levels are to be secured through the formal permitting and licencing regimes. The Board would therefor like further clarification on the relationship between the trigger levels proposed in the draft water management plan [REP7-075] and any formal permitting and licensing regimes, such as Land Drainage Consents under the Land Drainage Act 1991.

The Board would like further information on whether East Suffolk Internal Drainage Board would be able to contribute to discussions held by the Environment Review Group, if trigger levels are reached within the Internal Drainage District.”

2.5.3 The process of submitting and agreeing subsequent environmental permits that follow the DCO will be cognisant of the monitoring and mitigation set out in the **Draft Water Monitoring and Management Plan (WMMP)** (Doc Ref. 10.12) and anticipated by the **Main Development Site Water Monitoring and Response Strategy** (Doc Ref. 10.20), relating to both groundwater and surface water. The trigger levels proposed in the WMMP relate to setting the most beneficial range of water level in respect to the Sizewell Marshes SSSI, whilst the land drainage consents and environmental permits manage the inputs to the watercourses to replicate pre-existing baseline conditions. Consequently, both regimes act in concert

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to manage water levels within a beneficial range to be agreed through the subsequent permitting process with stakeholders.

2.5.4 There is not a singular causal relationship between the values of input (consented flows) and trigger levels, since the trigger levels also consider wider catchment factors, such as variable baseline conditions, other inputs to the wider catchment and downstream effects. Consequently, the agreement of greenfield runoff rates for permitted discharges will be guided by the appropriate good practice guidance in order to best mimic natural conditions, as governed by the Land Drainage Act 1991. It is not proposed to tie the consented discharge rates to level triggers.

2.5.5 With regard to its contribution to the Environment Review Group, the **Deed of Obligation** [REP8-088] confirms that East Suffolk Internal Drainage Board will be a member of both the Water Management Working Group [REP8-088, epage 140] and the Water Levels Management Group [REP8-088, epage 141].

b) **Written representation for Issue Specific Hearing 11 (ISH11) on Flooding, Water and Coastal Processes** [REP8-138]

2.5.6 ESIDB makes the following comments in their **Written representation for Issue Specific Hearing 11 (ISH11) on Flooding, Water and Coastal Processes** [REP8-138]:

“5. Outline Drainage Strategy [REP2-033] Outstanding issues relating to the Outline Drainage Strategy. Note: IDB has not had time to review the updated Drainage Strategy submitted at Deadline 7, prior to ISH 11.”

2.5.7 The updated **Drainage Strategy** [REP8-050] was submitted at Deadline 8 and is updated at Deadline 10 (Doc. Ref. 6.3 2A(D)/10.14).

“(a) Main Development Site, including Water Management Zones”

2.5.8 In ESIDB’s submission they raise several detailed technical points which can be summarised as relating to:

- *Representation of WMZ catchments in source control modelling and associated discharge rates;*

2.5.9 Technical drainage meetings have been held subsequently between SZC Co., ESC, SCC and ESIDB. These have been guided by the **Drainage Strategy Action Plan** submitted at Deadline 8 by the Applicant as Appendix B to 9.104 **Written Submissions Responding to Actions**

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Arising from Issue Specific Hearing 11: Flooding, Water and Coastal Processes (14 September 2021) [[REP8-125](#) epage 60]. Item 6 on the Action Plan addresses this question which has been resolved in discussions between SZC Co. and stakeholders and recorded through a technical explanatory note that is appended as **Annex 2A.5** to the **Drainage Strategy** submitted at Deadline 10 (Doc. Ref. 6.3 2A(D)/10.14). The further development of design detail is subject to agreement through Requirement 5 to the DCO.

- *Location of WMZ4 additional discharge;*

2.5.10 The updated **Drainage Strategy** (Doc. Ref. 6.3 2A(D)/10.14) submitted at Deadline 10 includes Figure 2A.4 Rev 3 which identifies indicative outfall locations. The design for WMZ4 is under development. This detail will be addressed within the next design stage and is subject to agreement through Requirement 5 to the DCO. Furthermore, these designs will be submitted as part of associated environmental permit applications subsequent to the DCO.

- *Discharges from WMZs 7, 8 and 9 during evolving construction phases;*

2.5.11 The updated **Drainage Strategy** (Doc. Ref. 6.3 2A(D)/10.14) submitted at Deadline 10 includes Figure 2A.4 Rev 3 which identifies indicative outfall locations, including WMZs 7, 8 and 9. The design of the proposed outfalls is under development and will determine which outfall locations will be required during different phases of construction. This detail will be addressed within the next design stage and is subject to agreement through Requirement 5 to the DCO. Furthermore, these designs will be submitted as part of associated environmental permit applications subsequent to the DCO.

- *Detail on realignment of the Sizewell Drain relating to the allowance for maintenance access for ESIDB to carry out their statutory function;*

2.5.12 Appendix 19C to Chapter 19 of the Environmental Statement [[APP-309](#) epage 2] describes the Sizewell Drain diversion outline design. SZC Co. recognises that this watercourse is designated by ESIDB as an Adopted Watercourse and that ESIDB is the regulator as per Section 23 of the Land Drainage Act 1991, furthermore, that consent is required to do works controlled by the Board's Byelaws (made as per Section 66 of the Land Drainage Act 1991). In discussions between SZC Co. and ESIDB, ESIDB

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has described the maintenance access requirements, which corresponds to a 9 metre maintenance strip. This requirement is acknowledged and understood and will be addressed at the next design stage and will form part of the associated environmental permit application subsequent to the DCO.

- *Operation of the TMO and CDO in relation to when discharge of surface water to sea is undertaken and the regulatory role of the EA.*

2.5.13 The **Temporary Marine Outfall Operation Summary** is provided as Appendix E to [REP5-120 NNB Generation Company \(SZC\) Limited Deadline 5 Submission - 9.54 SZC Co. Comments on Submissions from Earlier Deadlines \(Deadlines 2-4\) Appendices](#) at page 119. The operation of both the TMO and CDO are described in the updated **Drainage Strategy** (Doc. Ref. 6.3 2A(D)/10.14) submitted at Deadline 10.

2.5.14 SZC Co. recognises that definition for the deployment of the TMO and CDO in relation to surface water discharge is required and that this should be developed in close consultation with stakeholders. This will form part of the next design stage and be included within the application for environmental permits. Specific discussions on discharge consents were held between SZC Co., SCC, ESIDB and the EA on 28 September 2021 and concluded that the EA would be the lead regulator for this aspect.

6. Water Monitoring and Response Strategy [AS-236] Outstanding issues relating to the Water Monitoring and Response Strategy.

- *According to the Water Monitoring and Response Strategy trigger levels are to be secured through the formal permitting and licencing regimes. The Board would therefore like further clarification on the relationship between the trigger levels proposed in the Water Monitoring Plan [REP7-075] and any formal permitting and licensing regimes, such as Land Drainage Consents under the Land Drainage Act 1991.*

- *The Board would like further information on whether East Suffolk Internal Drainage Board would be able to contribute to discussions held by the Environment Review Group, if trigger levels are reached within the Internal Drainage District.*

2.5.15 As set out above in reply to this point raised in relation to ESIDB's **Comments on additional information/submissions received by Deadline 7 [REP8-139]**, the trigger levels proposed in the WMMP relate to setting the most beneficial range of water level in respect to the Sizewell Marshes SSSI, whilst the land drainage consents and environmental

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permits manage the inputs to the watercourses to replicate pre-existing baseline conditions, as well as providing a management regime for quality. Consequently, both regimes act in concert to manage water levels within a beneficial range to be agreed through the subsequent permitting process with stakeholders. As explained above, the agreement of greenfield runoff rates for permitted discharges will be guided by the appropriate good practice guidance in order to best mimic natural conditions, as governed by the Land Drainage Act 1991.

2.5.16 In regard to the contribution to the Environment Review Group, the **Deed of Obligation** [REP8-088] confirms that East Suffolk Internal Drainage Board will be a member of both the Water Management Working Group [REP8-088 epage 140] and the Water Levels Management Group [REP8-088 epage 141].

2.6 RSPB and SWT

a) Comments on the Bat Crossing Point Survey Report 1

2.6.1 The following comments were raised by the RSPB and SWT on the **Bat Crossing Point Survey Report 1** [REP7-027].

“18.4. Figure 1A shows only three crossing point locations for the main development site (MDS) and we request the Applicant clarifies how the crossing points were selected and explains why some significant commuting routes along hedgerows and treelines that will be severed are not included. The commuting route between Nursery covert and Ash Wood and some road crossings of Bridleway 19 are not included. The surveys identified CP24 and CP25 as important commuting routes and concluded CP26 at the SSSI crossing is not an important commuting route although the updated bat impact assessment shows an important commuting route at the SSSI crossing (at CP26).”

2.6.2 Within the main development site, these are the three retained commuting routes. Commitments are already made for bat features to assist crossings at the bridleway road crossing identified at the construction phase.

2.6.3 The commuting route between Nursery Covert and Ash Wood in the construction phase is not a ‘retained’ commuting route. It will be a new route created in the construction phase and so it cannot be monitored at present. The new commuting route will be centred on two new water management zones with new lines of tree planting and one retained tree line. Baseline

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in this area is obtained from the static surveys, transect and bat tracking surveys.

- 2.6.4 CP26 was not identified as an important crossing route according to the current methodology. However, in the construction phase, this is likely to be of more value as this is a retained route (where other opportunities are impacted by the construction phase). In this location of the SSSI Crossing, a new bridge is proposed which will permit safe passage for bats underneath the bridge so no additional mitigation is needed (hop-overs).

“18.5. We are concerned the failure to identify and monitor all commuting routes to be severed means the potential impact of the development on commuting bats will be underestimated and the mitigation will be inadequate. We request clarification and consideration of additional crossing point surveys at these locations.

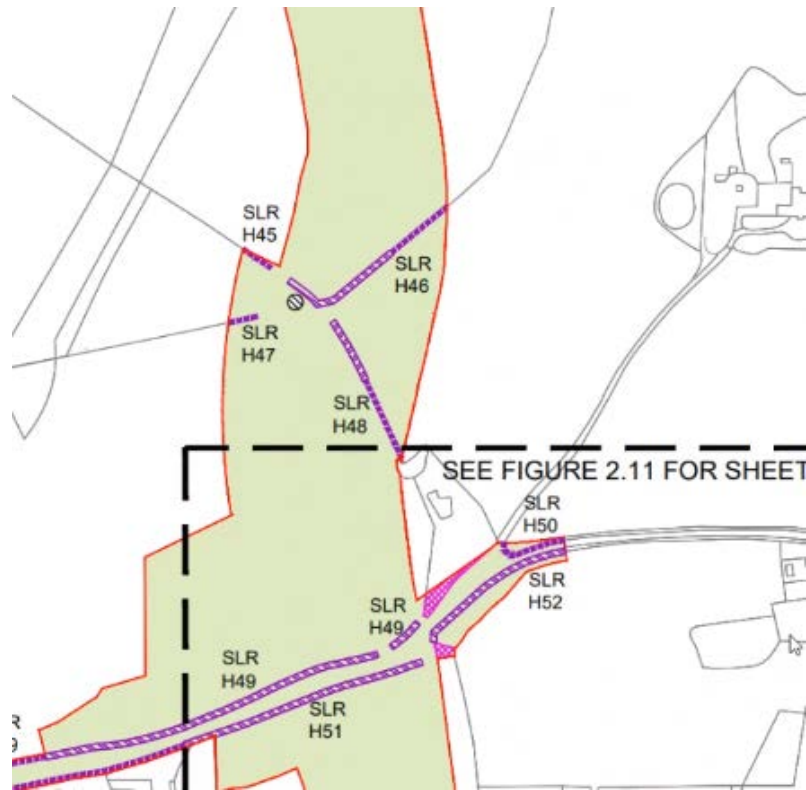
18.6. Figure 1B shows the crossing point locations for the Sizewell link road. Crossing point surveys have not been undertaken at three hedgerows between CP20 and CP22 that will be severed by the road. We also request clarification and consideration of additional crossing point surveys at these locations.”

- 2.6.5 The locations identified were scoped into the surveys based upon: a) severance of linear features caused by the proposed route; b) where it was considered that mitigation could be incorporated based on the data collected. The purpose of the surveys was not to inform an updated impact assessment, but to inform detailed mitigation design. The data has and will continue to address the type/parameters of the mitigation which will be required to compensate for the loss/severance of such linear features. In the examples given (18.5 and 18.6), due to the required vegetation removal and the orientation of the hedgerow in relation to the road schemes, and additional main works proposed (at the main development site), mitigation in the form of hop-overs etc for the severance in this location is not possible.

- 2.6.6 It was considered that further crossing point surveys elsewhere within the main development sites would be inappropriate as the linear features to be lost are directly located within the construction areas and, with the exception of the dark corridor areas, will not be suitable for commuting bats during construction. No further corridors can be situated in this area and additional crossing point surveys would not help mitigation design and there would be no need for construction phase-monitoring surveys. This eliminated the need for pre-construction monitoring.

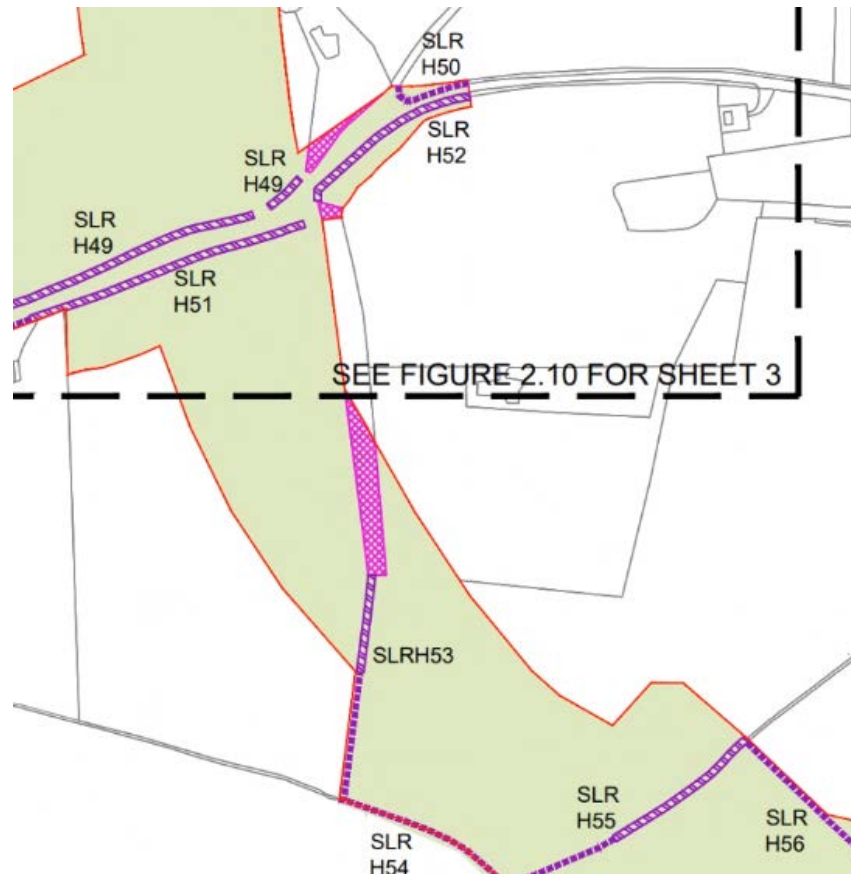
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2.6.7 Images of vegetation removal included below.



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“Section 3.1 explains each crossing point had two surveys between April and July 2021 and those with more than 10 observed bat passes or any calls of rare species such as barbastelle were taken forward for further survey between July and September. Table 1 shows most crossing points had two surveys separated by 3 or 4 weeks however CP3, CP13 and CP26 each had two surveys just seven days apart.

18.8. We would expect the surveys to have good temporal coverage with at least two surveys at each crossing point within June-August in accordance with Appendix G of the guidance which states Surveys are best done June-August inclusive. May and September are acceptable, but bat activity may be lower than in other months and behaviour may not be typical of mid-summer. Annual repeats of surveys must be carried out at the same time of year at each site to avoid seasonal changes in bat activity.

18.9. The following crossing points not selected for further survey did not have two surveys within June-August: CP10, CP14, CP15, CP16 and

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CP26. We are concerned the limited temporal coverage, some of it at suboptimal times may have missed important commuting routes.

18.10. The guidance also states Longer surveys, running later into the night, may be necessary if vulnerable, woodland-adapted species are involved.

18.11. We query whether longer surveys for barbastelle were completed and request the Applicant provides detailed survey methodology for scrutiny by the Examining Authority and interested parties. The guidance also states surveys should be repeated at the same time each year and for a minimum of three years post-construction, and for a minimum of three years post-construction.”

- 2.6.8 The survey schedules were spaced in line with best practice where possible. However, limitations, with access, available timeframes and COVID 19 issues meant that in some instances the surveys needed to be conducted in months which are within the bat survey window (as detailed in BCT guidance) but outside of the core period.
- 2.6.9 Where a survey was completed in conditions that were suboptimal or it was considered by the surveyor that there was a constraint to the survey, this survey was repeated. An example of this includes CP21, which was surveyed for a third time and subsequently added to the survey set to ensure a full suite of surveys was available.
- 2.6.10 In addition, if the two surveys at all the points were conducted in July/August, this would not allow any time for the provision of any data to examination. For CP21, the additional survey indicated the need for this crossing point to be scoped in.
- 2.6.11 Altringham’s methodology states a minimum survey duration of 60 minutes. SZC Co. extended survey durations to two hours based on barbastelle being a late emerging species, as detailed in the BCT guidance. Considering the large proportion of crossing points which identified barbastelle and Myotis sp., this is not considered a constraint on this survey.
- 2.6.12 Additional bat surveys have been undertaken since 2010 including transect, static and bat tracking surveys. Given the volume of bat data collected and that consideration for barbastelle emerging times was included within the methodology, SZC Co. does not consider there to be any survey constraints or data gaps in relation to barbastelles or other species.

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“It is not clear why the “further survey” triggers, other than barbastelle presence, have been set at the levels they have (i.e. numbers of observations and numbers of passes).”

- 2.6.13 The further survey trigger is based on the approach defined by Berthinussen and Altringham (2015), at any site where more than 10 bats are recorded using a flight path (1-5 for rare species, depending upon rarity) a full set of surveys should be conducted. In this case, SZC Co. considered a rare bat to be a species such as Barbastelle and Myotis sp. During the two initial surveys, if over 10 passes of any/all species were recorded or the presence of one barbastelle / Myotis sp. was recorded, this triggered the need for a full suite of six surveys.

“18.15. It is apparent in recent surveys that there was some equipment failure but the reports do not identify which surveys were affected, so we cannot judge how much of a limiting factor this might have been (i.e. was the same location affected by equipment failure on both surveys). We believe this may be a serious limitation on the quality of the dataset.”

- 2.6.14 Equipment failures were identified where one of the two detectors utilised failed. There was a second detector on each survey and an infrared camera (surveyors were paired so this is not considered to have impacted the baseline results). The final report will detail all the limitations encountered, however as is presented in the second bat crossing point report, adequate data was collected to allow assessments to take place and provide data for monitoring.

“18.16. The Applicant do not include the data collected at each survey so it is not possible to make a comparison between survey points.”

- 2.6.15 Data is provided within the Bat Crossing Point Survey Report 2 (Doc Ref. 6.13(D)).

“18.17. We request detailed survey methodology and results following the good practice guidance are submitted to the Examination for scrutiny by the Examination Authority and interested parties. We also request the TEMMP is updated to include construction and post-construction.”

- 2.6.16 The survey methodology is provided within **Bat Crossing Point Survey Report 1** [[REP7-027](#)].

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b) Comments on the Bat Crossing Point Survey Report 2

2.6.17 The following comments on the **Bat Crossing Point Survey Report 2** [REP9-004] were provided to SZC Co. by the RSPB and SWT in an email dated 6 October 2021 during engagement on the SoCG for Deadline 10.

“The surveys are not of equal duration (Appendix A) which will make accurate comparison difficult. That is a breach of the guidance^[1].”

2.6.18 The surveys undertaken by SZC Co. were undertaken from sunset and lasted a minimum duration of 60 minutes. On most surveys the duration was extended beyond 60 minutes for one (or more) of the following reasons:

- Arrival and start of survey before sunset;
- Where bat activity was being recorded near to the end of the first 60 minutes surveys continued; or
- Where bat visibility was good.

“Some of the surveys were conducted in sub-optimal weather conditions and we welcome the Applicant only considering surveys in suitable weather conditions in the assessment against the threshold for further surveys (3.3.4). This limitation must also be considered in the final report after completion of the six surveys in 2021 and in the assessment of future survey results.”

2.6.19 This is noted. Where one of the first two surveys were conducted in sub-optimal weather conditions, the survey was repeated.

“The Applicant should provide detailed methodology for surveys, data handling and analysis to ensure consistency pre, during and post construction. This is an important point because each crossing point has only 2-3 surveys in the optimal time June-August with many surveys in May and particularly September where activity may be lower and the surveys are not of equal duration.”

2.6.20 The methodology is set out within **Bat Crossing Point Survey Report 1** [REP7-027].

^[1] Berthinussen A & Altringham J (2015) WC1060 Development of a Cost Effective Method for Monitoring the Effectiveness of Mitigation for Bats Crossing Linear Transport Infrastructure, Defra [Defra, UK - Science Search Appendix G WC1060AppendixG page 2](#)

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“We welcome the survey results for crossing points taken forward for additional survey and request the Applicant provides survey results for the crossing points that were not taken forward.”

- 2.6.21 These results will be included in the final report issued to relevant stakeholders once the report is complete.

“Crossing point 13 met the threshold for additional surveys but Table 4-10 only presents the results for the first 2 surveys and we request the Applicant provides the full survey results.”

- 2.6.22 Unfortunately, in this location, access was revoked after survey 2, and it has not been possible to conduct the further surveys. This is the same for CP14 15 and 16.

“We are concerned the Applicant does not propose to submit the final survey data to the Examination for scrutiny by the Examining Authority and interested parties (paragraph 1.1.2).”

- 2.6.23 The crossing point surveys are ongoing and continue beyond the close of Examination. As such it will not be possible to submit them to Examination, but the results will be shared with relevant stakeholders once available.

“The TEMMP includes crossing point surveys for the Sizewell link road and two village bypass only. We request the TEMMP is updated to include surveys of all crossing points at the main development site, Sizewell link road and two village bypass at the same time each year before and during construction, and for a minimum of three years post-construction using consistent methodology in accordance with the good practice guidance.”

- 2.6.24 The TEMMP has been updated at Deadline 10 to include the crossing points surveyed during the 2021 Crossing Point Surveys at the main development site.

c) [Comments on the Sizewell C Project Bat Method Statement](#)

- 2.6.25 The following comments were raised by the RSPB and SWT on the **Sizewell C Project Bat Method Statement** [[REP7-080](#)].

“As detailed in our Deadline 7 submission and our Written Representations we are concerned about the residual effects for barbastelle and do not agree the Applicant has provided evidence to demonstrate the proposed development will maintain favourable conservation status of bats in the local area. There are no conclusions as to what the predicted residual

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effects may be for barbastelle. Having concluded significant impact on barbastelle due to habitat fragmentation, there appears to be no attempt to explain what that will actually mean to the population or, how conclusions can be tested through an appropriately detailed monitoring protocol;”

2.6.26 Further information around lighting impacts and noise mitigation has been provided to Examination at previous deadlines. These mitigation approaches including the provision of further foraging habitats including new woodland rides and glades and the creation of wide dark corridors for commuting bats.

2.6.27 Therefore, it is considered that with the application of the following mitigation the scheme is unlikely to have a significant residual effect on the barbastelle (and other) bats:

- Dark corridors (i.e. artificial light intrusion no greater than 0.01 Lux and glared appropriately shielded).
- Noise levels being managed in line with bat sensitivities (i.e. through CoCP).
- Provision of 65ha of foraging habitat and 3km of linear foraging habitat being created prior to and during construction
- Provision of pre and during construction replacement potential roost features

2.6.28 An appropriate monitoring protocol is outlined in the TEMMP (Doc Ref. 10.28) and secured through Requirement 4 (Doc Ref. 3.11(J)).

“Section C3 (electronic page 12) refers to Ecology Technical Note: Approach to assessing the impacts to bats from high-frequency noise. We query whether this note has been submitted to the Examination.”

2.6.29 SZC Co. can confirm this reference is incorrect and it is reference to the assessment presented within, and modelling undertaken to inform, the **Updated Bat Impact Assessment** presented within the **First Environmental Statement Addendum [AS-208]**. Reference to this technical note has been removed from the updated **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)).

“Section C5 instructs the Applicant Where a site/structure/tree has demonstrable hibernation potential appropriate surveys must be carried

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out. We query why hibernation surveys were only undertaken in 2011 (epage 12)."

- 2.6.30 The approach outlined within the **Sizewell C Project Bat Method Statement** (Doc Ref. 9.92(A)) is to assume hibernation potential from the survey and assessment of habitats. This is because hibernation varies with weather conditions. However, trees that have hibernation potential will be identified and mitigated for through the provision of suitable boxes designed for bat hibernation.

d) Other comments on Bats

- 2.6.31 The following comments were provided by the RSPB and SWT by email.

i. Lighting Management Plan - Tracked Changes Version¹

"We are very concerned that paragraph 1.3.22 notes Bridleway 19 must remain as a green corridor with no fixed lighting unless it is required for safety purposes. This seems to negate the mechanisms above securing the dark corridor. We request clarification of how this sits with the dark corridors and a mechanism for keeping this area dark."

- 2.6.32 SZC Co. can confirm that on review, the phrase '*...unless it is required for safety purposes*' has been deleted from the LMP at Deadline 10. Noting the paragraph below, task lighting may be used in these areas following approval of the ECoW.

"We note paragraph 1.3.43 notes Where task lighting is used in close proximity to dark corridors, low light areas or site boundaries, the approval of the EcOW will be sought, in accordance with the procedure outlined in the CoCP."

ii. Terrestrial Ecology Monitoring and Mitigation Plan - Tracked Changes Version²

iii. Bats Table 4.4: Bat Monitoring (Construction and Operation)

"We note some of the measures are vague and we request more certainty:

¹ 6.3 Volume 2 Main Development Site Chapter 2 Description of the Permanent Development Appendix 2B of the Environmental Statement: Lighting Management Plan - Tracked Changes Version - Revision 3.0 [REP8-051](#)

² Terrestrial Ecology Monitoring and Mitigation Plan - Tracked Changes Version - Revision 3.0 [REP8-090](#)

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Construction Y1 to Y12 – roosts

We note noise and light monitoring must be undertaken during the bat roost surveys and Further consideration will be given to how additional noise and light monitoring can be used at other times to determine whether interventions are required (epage 53). This is very vague and we request more certainty.”

- 2.6.33 SZC Co. can confirm that clarification is now provided in the TEMMP that the EWG must carry out a review of how such monitoring should be used. The monitoring during the bat roost surveys is proposed to confirm that the measures defined within the CoCP are effective at mitigating noise and light to acceptable levels. The noise and light monitoring must be undertaken using methodologies agreed with the EWG.

“Construction Y1 to Y12 - commuting routes

We note construction static locations will be matched with pre-construction location where possible (epage 57). Matching construction with pre-construction locations is important to obtain a meaningful comparison.”

- 2.6.34 SZC Co. can confirm that the proposed monitoring locations, as defined in Table 4.4 of the TEMMP, match the survey locations of the 2021 surveys as detailed in [REP9-004] which were updated to include a number of locations removed during the 2020 surveys following comments from stakeholders. These are also included on an updated Appendix 1 which shows the locations of each of the monitoring locations.

“Potential interventions notes Should it be found that certain routes are not being used or overall there is substantial reduction in the permeability of the site to bats, a number of interventions are possible. - Additional planting can be utilized to enhance the connectivity of routes; - Movable potted vegetation can be used to reduce the gaps in the vegetation during construction (epage 57). This does not provide certainty. We request more certainty.”

SZC Co. Response: Table 4.4 of the TEMMP has been updated to include the following statement “The details of any further mitigation or enhancements must be submitted to the EWG for approval and implemented as approved.” Other measures that may be implemented include changing the timings of nearby works, reassessment of the lighting placements or the installation of additional bat crossing point structures (if these were to be required, these would be designed according to the best practice at the time of the intervention).

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iv. Roosts

“The TEMMP does not appear to include the specific requirement removed from the latest version of the oLEMP Table 6.3 to replace lost or damaged bat boxes”

- 2.6.35 SZC Co. can confirm an additional statement has been added to the TEMMP to include this need to replace lost or damaged bat boxes. The statement included reads *“Where it is identified that a bat box has been damaged or is lost, a new box must be installed in the same location.”*

v. Code of Construction Practice Tracked Changes Version³

*“We note this CoCP commits SZC Co. to compliance with non-licensable method statements and mitigation strategies (paragraph 6.1.6). **The Bat Non-licensable Method Statement listed does not appear to contain or reference all the additional mitigation measures submitted to the Examination.***

*In addition it is our view that, **all protected species mitigation measures submitted to the Examination and contained within the protected species licence applications must be secured in the TEMMP and the CoCP and therefore also secured within the DCO via Schedule 2 Requirements 2 and 4. Please could the Applicant explain how these measures are secured.***”

- 2.6.36 The Examination process cannot give effect to the draft licenses. The draft licenses have all been submitted in parallel directly to Natural England to obtain Letters of No Impediment (to ultimate licence grant) which would be helpful to the Examination. When (if) the licences are ultimately granted by Natural England, SZC Co. must comply with the details of any issued licences and they act as a binding form of control in addition to the CoCP with their own legislative securing mechanism.

- 2.6.37 In addition, the **TEMMP**, in Paragraph 1.4.8 states:

“In the event that the final versions of the protected species licenses as issued by Natural England vary the monitoring requirements in relation to any given protected species at any particular site, then the monitoring

³ 8.11(E) Code of Construction Practice Tracked Changes Version [REP8-083](#)

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requirements in that licence would supersede the monitoring requirements in this plan, for the relevant period defined in the licence.“

2.6.38 It is also relevant that the **CoCP** commits SZC Co. to comply with the appended non-licensable method statements and mitigation strategies. This is the most appropriate securing mechanism for ecological mitigation documents (e.g. Reptile Mitigation Strategy), which cannot be otherwise secured through a protected species licence.

vi. Further comments on the Draft Noise Monitoring and Management Plan - Main Development Site - Revision 2.0⁴

“The Applicant does not appear to have addressed the comments in paragraphs 8.1 to 8.3 of our Deadline 7 submission⁵.

Figure A.1 – Barrier (Noise) Location Plan

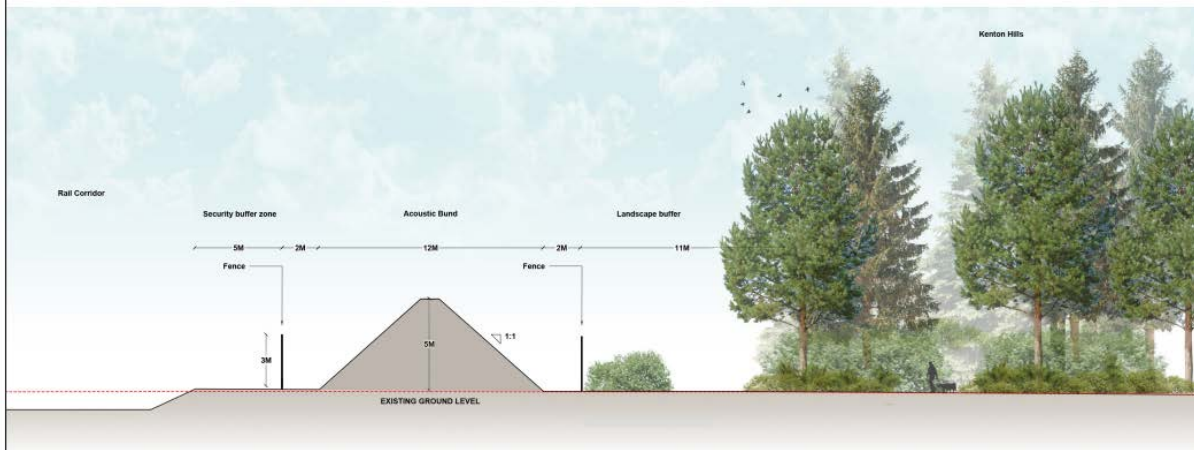
8.1. It is concerning there appears to be no screening along the northern edge of Kenton Hills and Nursery Covert, despite proximity of barbastelle roosts and foraging/commuting and the noise (and light) spill into these areas. Whilst accepting a 5m screen will never mitigate all impacts we would expect some screening in these locations. It is possible the Applicant believes the proposed earth bund will act as the screen. If this is the case, this needs to be made clear and justified. Again, the same point applies with reference to the relative height: barbastelle roost, commute and forage above 5m and hence there is expected to be considerable residual effect despite screening that does not appear to have been accounted for.”

2.6.39 The 5m bund (12m in width) does represent a screen and will provide a high level of light, visual and noise screening to adjacent woodland areas. Please see the indicative cross section provided below which is Section G of the Construction Masterplan Indicative Sections [<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-005395-D3%20-%20The%20Sizewell%20C%20Project%20-%20Other%20-%20Main%20Development%20Site%20Description%20of%20Constructio%20n%20Appendices%203A-3D.pdf#page=28>]. The cross section shown below also shows two 3m high fences and security and additional landscape buffers. The distance between the edge of the rail corridor and Kenton Hills is 32m in this indicative cross section.

⁴ Draft Noise Monitoring and Management Plan - Main Development Site - Revision 2.0 (REP7-048)

⁵ RSPB & SWT Comments on Other Submissions (submitted at Deadline 5 and 6) REP7-154 section 8

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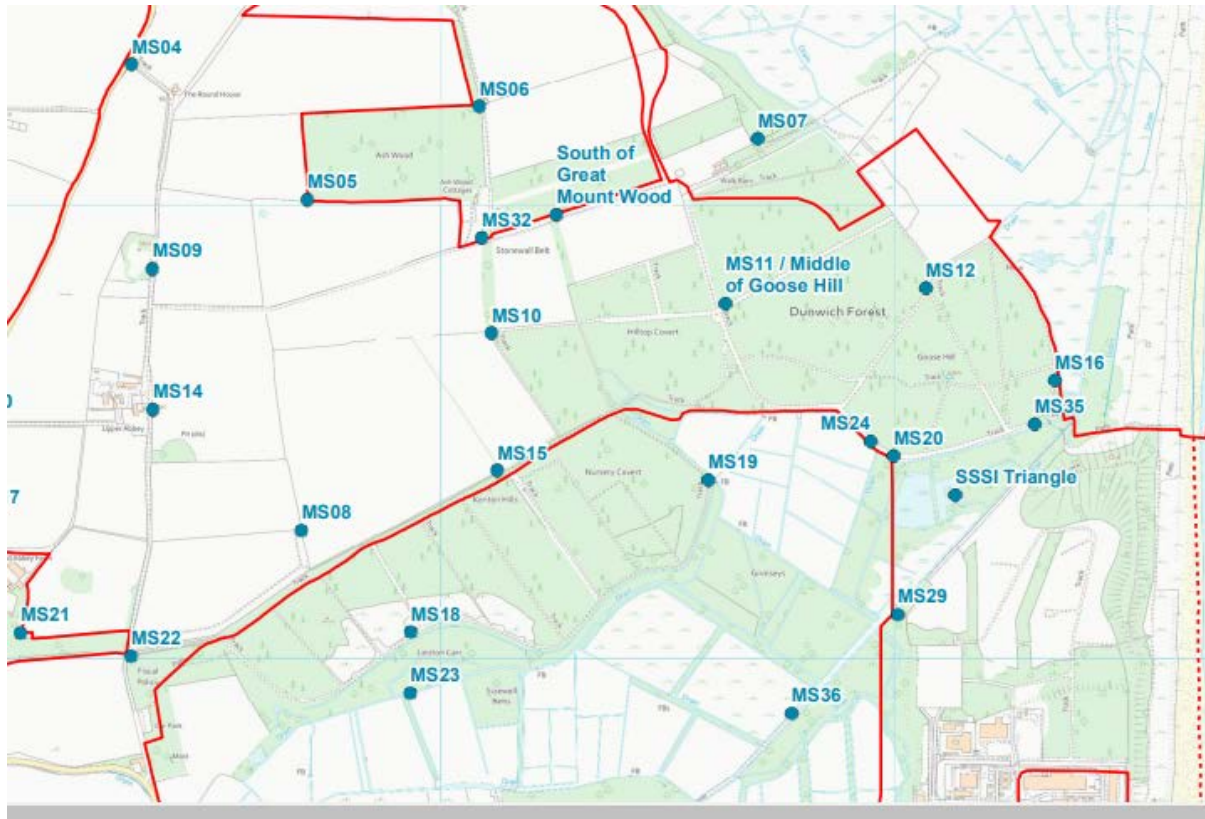
“Figure B.1 – Indicative Monitoring Location Plan

8.2. *It appears the plan has been primarily driven by anthropogenic led concerns. We question why there is no monitoring for and adjacent to key areas such as Kenton Hills, southern end of Bridleway 19, around much of Ash Wood, nor at the SSSI crossing.”*

2.6.40 SZC Co. can confirm that monitoring is proposed in these locations, as show on the figure extract below (taken from Appendix 1 of the **TEMMP**).

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“Figure C.1 - ES baseline monitoring location plan

8.3. *There are baseline monitoring locations within Kenton Hills (MS16) and Nursery Covert (MS17). We request baseline and construction monitoring at the barbastelle roosts and foraging/commuting areas in those areas.”*

2.6.41 SZC Co. can confirm that monitoring is proposed at static locations MS16 and MS17 as noted in Table 4.4 of the TEMMP and shown on the extract above.

vii. Estate Wide Management Plan⁶

“We welcome the Applicant has addressed our initial comments submitted at Deadline 8⁷ in the updated Estate Wide Management Plan (EWMP) also submitted at Deadline 8. Having had time to fully review the EWMP we now provide further comments.

⁶ Estate Wide Management Plan [REP8-110](#)

⁷ RSPB & SWT Comments on other submissions (submitted at previous deadlines) [REP8-120](#)

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We are concerned the plan does not fully explain the approach to creation and management of bat habitat proposed by the Applicant⁸:

*The most important element of the mitigation approach to bats will be to ensure these new habitats are available to bats from the earliest opportunity. Some habitats of value have already been created. In addition, where practicable there will be some transplantation of existing trees where this is viable, the planting of new tree lines of fast growing native species and an acceptance that such mitigation is aimed at the short term with longer term mitigation such as planting of other species of tree as a second phase of mitigation. **This approach will be defined explained in the EWMP** (emphasis added) which is being developed which will further explain the habitats across the EDF Energy estate and explains how these will be managed. The EWMP will be submitted to examination.*

We request clarification.

We also note the plan does not include habitat creation or management for protected species other than reptiles or any other specific measures for biodiversity enhancement. In our view the EWMP should include specific measures for bats, other protected species and biodiversity enhancement.”

2.6.42 The role of the **EWMP** is to secure the long-term management of habitat areas that would otherwise not be secured in the DCO. As the RSPB/SWT is aware all areas of arable land within the wider Sizewell estate that are not required temporarily for construction have already been taken out of production and are being converted to sandings heath under conservation management. Specific measures for bats were defined briefly in the **EWMP** submitted at D10.

2.7 Woodbridge Town Council (WTC)

2.7.1 Woodbridge Town Council submitted two documents at Deadline 8:

- a summary of oral submissions made at ISH12 [[REP8-188](#)]; and
- a written representation on rail noise [[REP8-189](#)].

⁸ Applicant Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6 - Appendices Part 1 of 3 [REP7-060](#)

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- 2.7.2 In the summary of its oral submission [REP8-188], WTC summarises the points it made in relation to the recent British Medical Journal study linking incidence of dementia to transportation noise.
- 2.7.3 SZC Co. made its submissions orally at ISH12 on the points raised by WTC, and these are summarised in paragraphs 1.3.14 to 1.3.17 in its **Written Summaries of Oral Submissions made at Issue Specific Hearing 12: Community (15 September 2021)** [REP8-122, electronic page 15].
- 2.7.4 In the third paragraph on the first page of [REP8-189], WTC reiterates the same point they made in earlier submissions, for example in paragraphs 67 to 80 of [REP2-198, electronic page 18], stating that SZC Co. trains should be limited to a noise level of 44dB L_{night} , on the basis of guidance produced by the World Health Organisation⁹.
- 2.7.5 SZC Co. reiterates the point it made at paragraphs 14.3.45 to 14.3.49 in its **Comments on submissions from earlier deadlines (Deadlines 2-4)** [REP5-119] that the 44dB L_{night} value is a LOAEL, i.e. the point at which an effect begins to be observed. NPS EN-1¹⁰ requires noise above LOAEL to be mitigated and minimised, which SZC Co. is seeking to do through the draft **Rail Noise Mitigation Plan** [REP8-071] and where required, the **Noise Mitigation Scheme** (Annex W of the Deed of Obligation [REP8-087, electronic page 113]).
- 2.7.6 The planning policy tests in NPS EN-1 do not require noise above LOAEL to be avoided.
- 2.7.7 In the last paragraph on page 1 of [REP8-189] (continuing onto page 2), WTC query an oral response given at ISH8 in respect of the suspension of the nuclear flask wagons that used to run on the Saxmundham to Leiston branch line and East Suffolk line. In conclusion, WTC states:
- “Mr Thorney-Taylor, on behalf of the Applicant, stated that the marked ground borne vibrations induced by the nuclear flask trains, that previously traversed the East Suffolk line were caused by the lack of any suspension on the wagons and referred to the very high unsprung mass inducing such vibrations. Every photograph Councillor Sanders of WTC has seen shows that the nuclear flask train wagons did have a suspension and that is the recollection of Councillor Sanders of such trains passing along the line. WTC thus questions the accuracy of that response.”*

⁹ World Health Organisation Regional Office for Europe (2018) Environmental Noise Guidelines for the European Region

¹⁰ See paragraph 5.11.9 of Overarching National Policy Statement (NPS) for Energy (NPS EN-1)

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2.7.8 SZC Co. provided a comprehensive explanation of the effect of the suspension of the nuclear flask trains in its **Responses to the ExA's Third Written Questions (ExQ3)** at **NV.3.8** [[REP8-116](#), electronic page 117].

2.8 David and Belinda Grant

a) Criticism of Noise Data

2.8.1 Mr and Mrs Grant have raised concerns in relation to the noise data and assessment information submitted by SZC Co. SZC Co. has been working with Create Consulting Engineers, acoustic consultants engaged by Mr and Mrs Grant, to prepare a Statement of Common Ground (SoCG) for submission at Deadline 10. This is discussed in the next section of this document.

b) Delay in providing information on Landscape and Noise Mitigation plus the underpass since 2nd September

2.8.2 In their Deadline 8 submission David and Belinda Grant have raised concerns about the lack of information on landscape and noise mitigation and proposed underpass since the meeting held at Fordley Hall on 2 September 2021.

2.8.3 Following the meeting held on 2 September 2021 and feedback received from Mr and Mrs Grant and their agent, SZC Co. has been preparing proposals for the mitigation and accommodation works that were discussed at the meeting. In addition, SZC Co. has been in discussion with Mr and Mrs Grant's consultant Create Consulting. The process has involved integrating the various mitigation proposals so they operate effectively together and do not interfere with one another.

2.8.4 The landscape and noise mitigation proposals, together with a design for an underpass with increased height, were sent to Mr and Mrs Grant and his agent on 6 October 2021. A copy of the proposals and associated correspondence can be found at **Appendix D** of this document. **Appendix D** also includes landscaping proposals submitted by Create Consulting on 8 and 11 October 2021, and confirmation from SZC Co. on 12 October 2021 that the submission from Create Consulting would be considered as part of ongoing discussions. The proposals from Create Consulting on 11 October 2021 were in the form of an annotated drawing.

2.8.5 SZC Co. has proposed a follow up meeting to explain and discuss the various proposals for the week commencing 11 October 2021 when Mr and Mrs Grant's agent returns from annual leave.

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- 2.9 Create Consulting on behalf of David and Belinda Grant
- 2.9.1 Create Consulting Engineers has made the following submissions since Deadline 6 on behalf of Mr and Mrs Grant:
- Deadline 7 ‘Comments on any additional information/submissions received by D6’ [[REP7-179](#)]
 - Deadline 8 ‘Responses to any further information requested by the ExA for this deadline’ [[REP8-204](#)]
- 2.9.2 SZC Co. provided its response to Create Consulting’s earlier submissions in **section 3.14(d)** of its Deadline 7 submission **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [[REP7-061](#), electronic page 75].
- 2.9.3 Although that section related to Mr and Mrs Dowley, the Create Consulting Deadline 6 submissions on behalf of Mr and Mrs Grant were almost identical to those of Mr and Mrs Dowley, and therefore SZC Co.’s responses were applicable to both submissions, as was noted in **section 3.14(e)** of the Deadline 7 submission **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [[REP7-061](#), electronic page 80].
- 2.9.4 At **NV.3.11(iii)** in its **Responses to the Examining Authority’s Third Written Questions** [[REP8-116](#), electronic page 122], SZC Co. noted that an initial meeting had been held between SZC Co. and Create Consulting, acting on behalf of Mr and Mrs Grant, as well as Mr and Mrs Dowley, with a view to submitting a Statement of Common Ground at Deadline 10.
- 2.9.5 The Statement of Common Ground is now submitted (Doc Ref 9.10.37) and deals with noise and vibration matters where SZC Co. and Create Consulting have reached a point of either agreement or disagreement.
- 2.9.6 SZC Co. does not wish to add anything further to the Statement of Common Ground (Doc Ref 9.10.37) on the noise and vibration matters set out in that document and is content to rely on that document as a reflection of the totality of the position of the respective parties on those matters.
- 2.9.7 SZC Co. is content that its submitted assessments are reasonable and representative, and reach robust conclusions.
- 2.9.8 Fordley Hall is predicted to be subject to significant adverse effects, in an EIA context, as a result of the Sizewell link road in both 2028 and 2034.

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SOAEL is not, however, exceeded in any scenario, in compliance with national policy in NPS EN-1 paragraph 5.11.9.

2.9.9 SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the Sizewell link road as set out in the Landscape Design Principles for the two village bypass in the **Associated Development Design Principles** (Doc Ref 10.1), and the potential benefits of a quiet road surface, as set out in the General Design Principles for the two village bypass, also in the **Associated Development Design Principles** (Doc Ref 10.1).

2.9.10 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.

2.9.11 SZC Co. considers its approach to be both robust and appropriate as it continues to engage with Mr and Mrs Grant, and Create Consulting on their behalf, to seek to arrive at a set of landscaping proposals that meets their needs. Importantly, on all areas where Create Consulting and SZC Co. differ in their opinion, all matters relating to noise and vibration are agreed with East Suffolk Council and Suffolk County Council.

2.10 Justin and Emma Dowley

2.10.1 Mr and Mrs Dowley have raised concerns in relation to the noise data and assessment information submitted by SZC Co. SZC Co. has been working with Create Consulting Engineers, acoustic consultants engaged by Mr and Mrs Dowley, to prepare a Statement of Common Ground (SoCG) for submission at Deadline 10. This is discussed in the next section of this document.

2.10.2 Mr and Mrs Dowley raise concerns about the protection of the listed gate to Theberton House during construction of the proposed scheme.

2.10.3 The Applicant and its consultants are aware of the listed gate post and the road layout construction and mitigation packages have been designed to protect the listed feature.

2.10.4 Mr and Mrs Dowley suggest that previous statements by Dalcour Maclaren in relation to discussions on alternative proposals for the land required for the scheme are untrue.

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- 2.10.5 The Applicant and its agent Dalcour Maclaren have been in discussion with Mr and Mrs Dowley and their agents Savills since 2019. Details of the engagement are set out in the Status of Negotiations with the Statement of Reasons. Mr and Mrs Dowley were included within the Landowner Interest Group (LIG) and offered the same terms which were accepted and signed by the significant majority of the landowners affected by the proposed scheme on 30 April 2021.
- 2.10.6 Since 30 April the Applicant and its agent have continued to engage with Mr and Mrs Dowley's agent, Savills, looking at alternative proposals to reach a deal on the land required to construct the scheme and wider aspects of any future compensation claim. The matter was raised at the meeting held with Mr and Mrs Dowley on 3 September 2021 and it was agreed that Savills would review valuations of the estate undertaken previously with a view to agreement on a compensation package to include the land required for the scheme and wider 'heads'. The Applicant understands that a valuer from Savills has recently visited the property to refresh the valuations. The applicant is currently awaiting the detail of the valuations undertaken by Savills to progress negotiations. The Applicant will continue to engage with the Dowleys and their agents to try and reach agreement.
- 2.10.7 Mr and Mrs Dowley confirm that the Applicant is now engaging but they say this is late in the process. The Applicant and its agents and consultants have been engaging with Mr and Mrs Dowley since 2019 and a detailed schedule of engagement was provided at Deadline 7 [REP7-066, appendix C]. More recently SZC Co.'s agents and consultants met with Mr & Mrs Dowley and their agent at Theberton House on 3 September 2021.
- 2.10.8 Following feedback provided at that meeting SZC Co.'s landscaping consultants have designed mitigation proposals to alleviate visual impact from the scheme. This process has included engagement with Mr and Mrs Dowley's appointed consultants Create Consulting. These proposals have been sent to Mr and Mrs Dowley and their agent (contained in **Appendix E**) and SZC Co. has proposed a meeting to discuss and explain the proposals during the week commencing 11th October 2021 when Mr and Mrs Dowley's agent Mike Horton returns from leave.
- 2.10.9 SZC Co. has engaged a firm of farm business consultants supported by a shoot expert to undertake an Estate Impact Assessment on the property and estate businesses. SZC Co. is currently arranging a date for the site visit to meet with Mr Dowley and his farm contractor to assess the estate

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businesses and shoot. The cost of the Estate Impact Assessment will be covered by SZC Co.

2.11 Create Consulting on behalf of Justin and Emma Dowley

2.11.1 Create Consulting Engineers has made the following submission since Deadline 6 on behalf of Mr and Mrs Dowley:

- Deadline 7 'Comments on any additional information/submissions received by D6' [[REP7-177](#)]
- Deadline 8 'Responses to any further information requested by the ExA for this deadline' [[REP8-202](#)]

2.11.2 SZC Co. provided its response to Create Consulting's earlier submissions in **section 3.14(d)** of its Deadline 7 submission **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [[REP7-061](#), electronic page 75].

2.11.3 At **NV.3.11(iii)** in its **Responses to the Examining Authority's Third Written Questions** [[REP8-116](#), electronic page 122], SZC Co. noted that an initial meeting had been held between SZC Co. and Create Consulting, acting on behalf of Mr and Mrs Dowley, as well as Mr and Mrs Grant, with a view to submitting a Statement of Common Ground at Deadline 10.

2.11.4 The Statement of Common Ground is now submitted (Doc Ref 9.10.40) and deals with noise and vibration matters where SZC Co. and Create Consulting have reached a point of either agreement or disagreement.

2.11.5 SZC Co. does not wish to add anything further to the Statement of Common Ground (Doc Ref 9.10.40) on the noise and vibration matters set out in that document and is content to rely on that document as a reflection of the totality of the position of the respective parties on those matters.

2.11.6 Overall, SZC Co. is content that the submitted assessments are reasonable and representative, and reach robust conclusions. SZC Co. continues to engage with Mr and Mrs Dowley, and Create Consulting on their behalf, to seek to arrive at a set of landscaping proposals that meets their needs.

2.11.7 Theberton House is predicted to be subject moderate adverse impacts during the daytime and night-time periods in the typical and peak operating periods in 2028, which are considered to be significant adverse effects, in an EIA context. In 2034, negligible effects are predicted. In neither scenario

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is SOAEL exceeded, in compliance with national policy in NPS EN-1 paragraph 5.11.9.

- 2.11.8 Potter's Farm is predicted to be subject to no worse than minor adverse effects, which are not significant in an EIA context, during the construction and operation of the Sizewell C project.
- 2.11.9 Importantly, on all areas where Create Consulting and SZC Co. differ in their opinion, as recorded in the Statement of Common Ground (Doc Ref 9.10.40), all matters relating to noise and vibration are agreed with East Suffolk Council and Suffolk County Council.
- 2.11.10 For both Theberton House and Potter's Farm, the **Code of Construction Practice** (Doc Ref 10.2) and the relevant Noise Monitoring and Management Plans will provide an appropriate means of considering and specifying mitigation such that noise and vibration from construction activities are controlled to appropriate levels.
- 2.11.11 SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the Sizewell link road as set out in the Landscape Design Principles for the two village bypass in the **Associated Development Design Principles** (Doc Ref 10.1), and the potential benefits of a quiet road surface, as set out in the General Design Principles for the two village bypass, also in the **Associated Development Design Principles** (Doc Ref 10.1).
- 2.11.12 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.

2.12 Mollett's Farm

- 2.12.1 A number of submissions have been made on behalf of the owners of Mollett's Farm since Deadline 6, which can be found at:
- Deadline 7 'Comments on the Proposed Development, comments on the draft Development Consent Order submitted at Deadline 6 and response to the Examining Authority's Second Written Questions (ExQ2)' [[REP7-210](#)] plus supporting appendices [[REP7-211](#)] and [[REP7-212](#)].

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- Deadline 8 submission [[REP8-245](#)] plus an appendix relating to noise [[REP8-246](#)]
- Deadline 9 ‘Comments on the Proposed Development’ [[REP9-037](#)].

2.12.2 In **section 4.7** of its Deadline 8 submission **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [[REP8-120](#), electronic page 63], SZC Co. provided a point of clarification in response to the Mollett’s Farm Deadline 7 submission [[REP7-211](#)], but did not provide responses at that time. Further information and responses are provided here.

2.12.3 SZC Co. has continued to engage with Mollett’s Farm and their advisors, to seek to agree an appropriate form of mitigation or compensation for the impacts that result from the construction and use of the two village bypass.

2.12.4 Initial landscaping proposals were issued to Mollett’s Farm on 20 August 2021 and those proposals and associated correspondence are already before the Examining Authority, as they were contained in **Appendix J** of SZC Co.’s Deadline 7 submission **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [[REP7-063](#), electronic page 11].

2.12.5 As SZC Co. noted in response to NV.3.16 in their Response to the Examining Authority’s Third Written Questions [[REP8-116](#), electronic page 131], the owners of Mollett’s Farm asked SZC Co. to further improve the screening along the two village bypass and maximise the potential noise reductions.

2.12.6 Three further sets of landscaping proposals were sent to Mollett’s Farm on 17 September 2021, 22 September 2021 and 1 October 2021. The proposals of 17 September 2021 were accompanied by an explanatory letter and information on planting, and were followed by a letter on 21 September 2021 setting out the noise reductions that were expected to be obtained. A virtual meeting was also held on 22 September 2021 to discuss the 22 September 2021 proposals, which were a minor update of the 17 September 2021 proposals, including additional cross-sections.

2.12.7 SZC Co.’s noise advisor was not able to attend the 22 September 2021 virtual meeting, and a series of questions that arose on the topic of noise during the meeting were forwarded by email by Acoustical Control Consultants (ACC), acoustics consultants acting on behalf of Mollett’s Farm, on 23 September 2021.

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- 2.12.8 The landscaping proposals of 1 October 2021 were presented at a virtual meeting on the same day, and the expected noise benefits of the proposals were discussed during the meeting.
- 2.12.9 SZC Co.'s response to the questions sent by ACC on 23 September 2021 was sent on 4 October 2021. A request for further information was sent by ACC on 5 October 2021, with SZC Co.'s response being issued to Mollett's Farm on 7 October 2021.
- 2.12.10 Copies of the submitted landscaping proposals and accompanying correspondence, plus the correspondence relating to noise matters are all included in **Appendix F** of this document.
- 2.12.11 It is SZC Co.'s opinion that it has committed significant resources to provide Mollett's Farm with a package of measures that provides a comprehensive set of landscaping proposals that go as far as it is considered practical to go to reduce road traffic noise from the two village bypass. Further, SZC Co. has advanced negotiations on compensation that will be available to Mollett's Farm where impacts cannot be fully mitigated, providing certainty on the timing and quantum of compensation payable so that they are able to confidently develop plans for the future operation of the business.
- 2.12.12 At the time of writing, Mollett's Farm has not confirmed whether the most recent landscaping proposals (those of 1 October 2021) are acceptable to them.
- 2.12.13 Even if agreement has not been reached at this time on an exact form of landscaping that is acceptable to Mollett's Farm, SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the two village bypass. This is set out as Item no. 9 in the Landscape Design Principles in the **Associated Development Design Principles** (Doc Ref 10.1). The objective of the commitment is to maximise additional acoustic screening where it is practicable and feasible.
- 2.12.14 If consent is granted for the project, SZC Co. will continue to engage with Mollett's Farm to seek to arrive at a set of landscaping proposals that meets their needs.
- 2.12.15 As summarised in the letters of 4 October 2021 and 7 October 2021, SZC Co. considers its approach to the assessment of noise from the construction

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and use of the two village bypass to be robust, proportionate and in accordance with DMRB LA111¹¹.

- 2.12.16 SZC Co. responded to earlier criticisms raised by ACC on behalf of Mollett's Farm in detail at **SE.1.12** in its Deadline 5 submission **Applicant's response to ExA's first written questions** [[REP5-132](#), electronic page 39], and subsequently in the correspondence contained in **Appendix F** of this document.
- 2.12.17 The more recent submissions can be summarised as:
- ACC measured lower baseline noise levels than the baseline levels measured by SZC Co., and they suggested that those lower baseline noise levels mean that the impacts at Mollett's Farm have been underestimated by 5dB.
 - That Mollett's Farm should be regarded as a more sensitive receptor as result of its commercial interests in the form of their holiday accommodation business, and that DMRB LA111 requires the assessor to reach a more adverse conclusion than that reached by SZC Co.
 - That the prevailing wind direction and the location of the two village bypass upwind of the Mollett's Farm would result in outcomes that cannot be adequately represented by the approach taken by SZC Co.
- 2.12.18 SZC Co. does not accept that the criticisms raised by ACC, on behalf of Mollett's Farm, undermine the adequacy of the submitted assessments.
- 2.12.19 The baseline data gathered at Mollett's Farm did not need to be used as part of the assessment of road traffic, both because DMRB LA111 does not require that approach, and because the measurements were not sufficiently influenced by road traffic noise in the area that they could be used to validate road traffic noise calculations.
- 2.12.20 ACC's approach of substituting their measured noise levels in the place of the calculated baseline road traffic noise levels and claiming that the impact is therefore 5dB worse, is simplistic and not consistent with the approach required in DMRB LA111.
- 2.12.21 ACC suggests that paragraphs 3.50 and 3.60 of DMRB LA111 would inevitably result in a more significant outcome at Mollett's Farm, as the

¹¹ Design Manual for Roads and Bridges (DMRB) LA 111 Noise and vibration (May 2020)

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property has evolved to take advantage of its relationship with the surrounding land and roads. ACC states at the foot of page 1 of their Deadline 8 submission [[REP8-246](#), electronic page 1]:

“As with previous information supplied by EDF there is still no recognition of the importance of the context of the landscape and noise sensitivity of the Mollett’s Farm business in the determination of the significance of effects. The supplied information mentions the “EIA Context” but by this they just appear to mean according to the basic tables in DMRB. As we have explained several times the significance of effects at Mollett’s Farm is greatly influenced by:

- *The assessment is based on a comparison between incompatible wind conditions (from a less frequent condition to a more frequent condition), so the actual real change in noise levels at the house is greater than predicted.*
- *The orientation of the various buildings and outdoor elements of the business, which have evolved as a result of the existing road being to the north of the property. Relocation of the A12 road to the south of the property makes this orientation no longer effective in creating the tranquil location that is a USP of the business.*

These factors mean that the effect of a given calculated noise level resulting from a road to the south of the Mollett’s Farm will be greater than the same calculated noise level resulting from a road to the north. So even if the calculated noise level from the proposed route is lower than the calculated level from the existing route, it has the potential to have a more significant effect on the business. So the conclusions in the EIA that the changes would not be significant in an EIA context are not correct.”

2.12.22 This extract from their Deadline 8 submission is characteristic of why ACC’s description of SZC Co.’s position is incorrect, and why their own position is misleading.

2.12.23 Firstly, SZC Co.’s use of the term ‘*in an EIA context*’ does not mean ‘*according to the basic tables in DMRB*’. It is deliberate phrasing to distinguish between a significant effect under the EIA Regulations¹² and the policy test under NPS EN-1¹³ where significant observed adverse effects on health and quality of life must be avoided. This is termed SOAEL.

¹² The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017 No 572)

¹³ See paragraph 5.11.9 the Overarching National Policy Statement (NPS) for Energy (NPS EN-1) DECC (2011)

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2.12.24 SZC Co.'s position on the relationship between the policy test of SOAEL and a significant adverse effect in an EIA context was set out in its **Noise Assessment Methodology Paper**, which can be found in **Appendix E of Appendix 11A** to the **Statement of Common Ground between SZC Co., ESC and SCC** [[REP3-031](#), electronic page 86].

2.12.25 Paragraphs 3.2.2 to 3.2.3 [[REP3-031](#), electronic page 101] summarise the position:

“3.2.2 ...the SOAEL and EIA significance are not necessarily equivalent. In particular:

- Under the NPS, the policy is to avoid significant adverse impacts on health and quality of life; below the SOAEL, other adverse impacts on health and quality of life should be mitigated and minimised.*
- The EIA Regulations require a description of measures to ‘avoid’, ‘prevent’, ‘reduce’, or ‘offset’ significant adverse effects. Importantly, these references to ‘avoid’, ‘prevent’, ‘reduce’ and ‘offset’ are apt to include both policy responses under the NPS: i.e. avoidance of levels above the SOAEL, and mitigation and minimisation below the SOAEL.*

3.2.3 The concept of significance in EIA Regulations is therefore broader than the SOAEL. ‘Significant’ effects in EIA terms include effects above and below the SOAEL. An ES is required to detail response measures in respect of both.”

2.12.26 Of particular relevance in the context of a point in relation to road traffic noise and DMRB LA111, is that DMRB LA111 itself makes this distinction clear¹⁴.

2.12.27 At the end of the extract from ACC's Deadline 8 submission, it is stated:

“... it has the potential to have a more significant effect on the business. So the conclusions in the EIA that the changes would not be significant in an EIA context are not correct.”

2.12.28 There are two points to make about ACC's understanding of SZC Co.'s position. The first, and most critical point, is that it is not SZC Co.'s position that the changes in road traffic noise at Mollett's Farm are not significant, in

¹⁴ See paragraph 3.49.1 of DMRB LA111, which sets out values for SOAEL and paragraphs 3.57 and 3.58 of DMRB LA111, which require the significance of effect to be determined according to the change in noise level for Environmental Impact Assessments.

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an EIA context. This is shown in **Table A.3** in **Appendix A** of the **Third ES Addendum** [[REP6-017](#), electronic page 36]. A moderate adverse effect is predicted at Mollett's Farm under the '2028 busiest day' scenario.

- 2.12.29 While ACC may consider that significant adverse effects are likely in other scenarios, it is indisputably true that SZC Co. has predicted a significant adverse effect at Mollett's Farm, in an EIA context, and does not claim that the effects are not significant. Under the EIA Regulations an effect is either significant or it is not, and in the case of Mollett's Farm, a significant adverse effect is predicted.
- 2.12.30 Applying the requirements in paragraph 3.60 of DMRB LA111, and by inference the guidance in Table 3.60, to the assessment of road traffic noise, as ACC suggest should be the case¹⁵, does not fundamentally alter the assessment outcomes.
- 2.12.31 In summary, the relevant advice in Table 3.60 of DMRB LA111 is:
- "If the project results in obvious changes to the landscape or setting of a receptor, it is likely that noise level changes will be more acutely perceived by the noise sensitive receptors. In these cases it can be appropriate to conclude that a minor change in the short term and/or long term is a likely significant effect."*
- "If a project changes the acoustic character of an area, it can be appropriate to conclude a minor magnitude of change in the short term and/or long term is a likely significant effect."*
- 2.12.32 In both instances, the effect of the guidance would result in significant adverse effects in scenarios where the outcomes do not currently show significant adverse effects, but since Mollett's Farm is already expected to be subject to a significant adverse effect, the assessment outcome is not altered. A receptor does not have to be subject to significant adverse effects in multiple scenarios to be regarded as having that significant adverse effect, in an EIA context. A single significant adverse effect, in an EIA context, is sufficient.
- 2.12.33 The outcomes in the long-term, represented by the 2034 assessment scenario are not affected by this advice, since the predicted changes in noise level in 2034 are below the threshold for a minor adverse effect.

¹⁵ See question 1 from the meeting on 22 September 2021 on page 4 of their Deadline 8 submission [[REP8-246](#), electronic page 4]

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- 2.12.34 The final point that has been raised by ACC relates to SZC Co.'s alleged failure to adequately represent the likely outcomes on the basis that the assessment has not taken appropriate account of the prevailing wind direction and the location of a new road upwind of Mollett's Farm.
- 2.12.35 As SZC Co. stated at **SE.1.12** in its Deadline 5 submission **Applicant's response to ExA's first written questions** [[REP5-132](#), electronic page 39], the wind direction inherent in the calculations is moderately adverse, which is to say that the wind is assumed to blow from each source to every receptor. It is accepted that this cannot occur in practice, as it requires the wind to be blowing in several directions at once. However, that assumption is intrinsic to the CRTN¹⁶ calculation method, and that is the calculation method that is required by DMRB LA111; this is not the result of a decision made by SZC Co.
- 2.12.36 In summary, the effects identified at Mollett's Farm as a result of road traffic noise from the two village bypass are that there is likely to be a moderate adverse effect (which is therefore significant) during the daytime in the '2028 busiest' scenario and not significant, minor adverse effects at night for the '2028 busiest' scenario, and for both the daytime and night-time '2028 typical' scenarios. The effects in 2034 are found to be negligible and therefore not significant in an EIA context.
- 2.12.37 SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the two village bypass as set out in the Landscape Design Principles for the two village bypass in the **Associated Development Design Principles** (Doc Ref 10.1), and the potential benefits of a quiet road surface, as set out in the General Design Principles for the two village bypass, also in the **Associated Development Design Principles** (Doc Ref 10.1).
- 2.12.38 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.
- 2.12.39 SZC Co. considers its approach to be both robust and appropriate as it continues to engage with Mollett's Farm to seek to arrive at a set of landscaping proposals that meets their needs.

¹⁶ Calculation of Road Traffic Noise (CRTN), Department of Transport, Welsh Office (1988)

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2.13 Mr and Mrs Lacey

2.13.1 Mr and Mrs Lacey have made the following submissions since Deadline 6:

- Deadline 7 [[REP7-214](#)];
- Deadline 8 [[REP8-247](#)];
- Deadline 9 'Comments on the Proposed Development' [[REP9-038](#)];
- Deadline 9 'Comments on the Proposed Development' on behalf of Mrs Lacey [[REP9-039](#)];

2.13.2 SZC Co. has continued to engage with Mr and Mrs Lacey, to seek to agree an appropriate form of mitigation for the impacts that result from the construction and use of the Sizewell link road.

2.13.3 Initial landscaping proposals were issued to Mr and Mrs Lacey on 20 August 2021 and those proposals and associated correspondence are already before the Examining Authority, as they were contained in **Appendix J** of SZC Co.'s Deadline 7 submission **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [[REP7-063](#), electronic page 23].

2.13.4 From a noise perspective, the proposed alignment of the Fordley Road junction prevented a more substantial noise barrier being introduced. The initial landscaping proposals therefore did not significantly reduce noise levels. SZC Co. has therefore discussed the proposed junction with Suffolk County Council and it is considered feasible to move the junction around 30m to the east under the detailed design process, within the limits of deviation. This realignment will help to offer more effective landscaping from both a noise and visual impact perspective.

2.13.5 Further landscaping proposals have been produced and were sent to Mr and Mrs Lacey on 12 October 2021; the drawings and correspondence are included in **Appendix G**. The proposals show Fordley Road realigned to the east, which opened up the western side of the Fordley Road junction. This realignment allowed a more effective noise barrier to be included. This barrier, which is expected to take the form of a landscaped bund of up to 2m high potentially with an acoustic fence of up to 3m in height, is calculated to provide a reduction in noise from the Sizewell link road of around 2.5 to 3dB.

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- 2.13.6 SZC Co. will engage further with Mr and Mrs Lacey to refine the proposals; SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the Sizewell link road as set out in the Landscape Design Principles for the Sizewell link road in the **Associated Development Design Principles** (Doc Ref 10.1), and the potential benefits of a quiet road surface, as set out in the General Design Principles for the Sizewell link road, also in the **Associated Development Design Principles** (Doc Ref 10.1).
- 2.13.7 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.
- 2.14 **Mr Mellen**
- 2.14.1 Mr Mellen has made the following submissions since Deadline 6:
- Deadline 7 'Post Hearing submissions including written submissions of oral case - Issue specific hearing 8; Noise Air Vibration' [[REP7-225](#)]; and
 - Deadline 8 'Comments on any additional information/submissions received by D7' [[REP8-262](#)].
- 2.14.2 As SZC Co. noted in section 4.8 of its Deadline 8 submission **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [[REP8-120](#), electronic page 64], a meeting was held at Mr Mellen's property on 14 September 2021 to discuss noise and landscaping matters, attended by Mr Mellen, Mr Johnston and SZC Co.
- 2.14.3 Following the meeting, and in consultation with ESC, SZC Co. has amended the **Rail Noise Mitigation Plan** (Doc Ref 10.9) to include at section 2.6 a commitment to deliver acoustic barriers along the rail infrastructure, including the green rail route, where such measures are agreed to be beneficial, practical and deliverable.
- 2.14.4 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.

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- 2.14.5 Initial proposals have been produced and were issued to Mr Mellen on 12th October 2021, showing a bund of increased height and potential acoustic fence. The proposals are expected to provide acoustic benefit to Mr Mellen and his neighbours. The final proposals will require approval by ESC as part of the general approval of the **Rail Noise Mitigation Plan** (Doc Ref 10.9) under Requirement 25 of the DCO. Copies of the landscaping proposals and accompanying correspondence are contained in **Appendix H** of this document.
- 2.14.6 At the meeting on 14 September 2021, Mr Mellen asked some specific questions relating to recalculation of the noise predictions using a Nordic calculation model (on which see below), and the control mechanisms that will be used to manage both the construction and use of the green rail route. SZC Co.'s response was sent to Mr Mellen on 5 October, and is included in **Appendix H** of this document.
- 2.14.7 SZC Co. has also reviewed Mr Mellen's Deadline 7 [[REP7-225](#)] and Deadline 8 [[REP8-262](#)] submissions, and provides here its responses to the points raised.
- 2.14.8 Mr Mellen makes consistent points across his two post Deadline 6 submissions, which SZC Co. summarises as:
- Alleged inappropriate and inaccurate noise predictions; and
 - Alleged inappropriate monitoring locations and consequently unrepresentative baseline data.
- 2.14.9 Mr Mellen suggests in both of his post-Deadline 6 submissions that the calculation method used by SZC Co. would not represent the specific conditions that exist in the area around the green rail route, primarily as a result of various weather phenomena and local topography.
- 2.14.10 Mr Mellen suggests an alternative method for the calculation of railway noise, NORD2000, which he claims would provide a more accurate set of predictions.
- 2.14.11 SZC Co. notes that whatever its merits, NORD2000 is generally only used for the calculation of railway noise in Scandinavia; its default meteorological settings are directly informed by the climactic conditions in that part of the world.

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2.14.12 The appropriate method to calculate railway noise in the UK is found in the Calculation of Railway Noise (CRN)¹⁷, which is the calculation method required by UK legislation such as the Noise Insulation Regulations¹⁸.

2.14.13 Since CRN does not calculate maximum noise levels, SZC Co. instead used ISO 9613, an acoustic calculation method that is both widely-used and reliable.

2.14.14 The meteorological conditions inherent in the two calculation methods used by SZC Co. are stated in each document, and both describe conditions that are favourable to sound propagation, so can be expected to lead to a robust reasonable, worst-case outcome. The described meteorological conditions are described as:

“The procedures assume typical railway (and other guided transport system) traffic and noise propagation conditions which are consistent with wind direction from source to reception point during the specified periods.” (paragraph 5, CRN)

“Downwind propagation conditions for the method specified in this part of ISO 9613 are as specified in 5.4.3.3 of ISO 1996-2: 1987, namely:

- *wind direction within an angle of $\pm 45^\circ$ of the direction connecting the centre of the dominant sound source and the centre of the specified receiver region, with the wind blowing from source to receiver, and*
- *wind speed between approximately 1m/s and 5m/s, measured at a height of 3m to 11m above the ground.” (Section 5, ISO9613-2)*

“These equations also hold, equivalently, for average propagation under a well-developed moderate ground-based temperature inversion, such as commonly occurs on clear, calm nights.” (Section 5, ISO9613-2)

2.14.15 SZC Co. is content that the methods used to calculate railway noise were robust, reliable and appropriate for the UK and the outcomes can be considered a reasonable worst-case portrayal of the likely noise levels.

2.14.16 In terms of Mr Mellen’s claim that measured baseline data was unrepresentative, SZC Co. wishes to restate how the baseline noise measurements are used in the assessment of both the construction and use of the green rail route.

¹⁷ Calculation of Railway Noise (CRN). Department of Transport 1995

¹⁸ The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 SI 1996 No 428

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- 2.14.17 For construction noise, the measured baseline noise levels are used to determine which set of assessment thresholds are appropriate, as set out in Annex E.3 of BS5228-1: 2009+A1: 2014¹⁹, known as the ‘ABC’ method. In essence, the measured sound level is rounded to the nearest 5dB, and compared with the values stated as Category for the appropriate period, i.e. daytime, evening or night-time. Where the rounded, measured sound levels are below the Category A values, then the Category A thresholds are to be used. Category A is the most stringent set of thresholds under the ‘ABC’ method.
- 2.14.18 Where the rounded, measured sound levels are equal to the Category A values, then the Category B thresholds are to be used; and where the rounded, measured sound levels are above the Category A values, then the Category C are to be used.
- 2.14.19 For the assessments of construction noise at Mr Johnston’s property, the measured baseline noise led to the use of the Category A, i.e. the most stringent criteria recommended by Annex E.3 of BS5228-1: 2009+A1: 2014.
- 2.14.20 The use of measured baseline noise data gathered at alternative, quieter locations as Mr Mellen suggests, would not alter this outcome.
- 2.14.21 For the assessment of the use of the green rail route, the adopted approach was to assess the railway noise levels against absolute thresholds based on evidence-based guidance on the effects of railway noise. This approach was adopted as there is no existing baseline of railway noise against which a change in noise can be assessed.
- 2.14.22 These assessments took account of both time-averaged L_{Aeq} noise levels over the daytime and night-time periods, and maximum L_{AFmax} noise levels, which are a measure of the highest noise levels over a given period of time.
- 2.14.23 The assessment thresholds were set out in **Table 4.7** in **Volume 9, Chapter 4** of the **ES** [APP-545, electronic page 16], and their derivation was set out in **paragraphs 5.66 to 5.101** in **Volume 1, Appendix 6G, Annex 6G.1** of the **ES** [APP-171, electronic page 216].
- 2.15 **Mr Johnston**
- 2.15.1 Mr Johnston has made the following submissions since Deadline 6:

¹⁹ British Standard BS5228-1 Noise: 2009+A1: 2014 – Code of Practice for noise and vibration control at open construction sites – Noise

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- Deadline 7 [[REP7-288](#)]
- Deadline 8 [[REP8-192](#)]

- 2.15.2 As SZC Co. noted in section 4.9 of its Deadline 8 submission **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [[REP8-120](#), electronic page 64], Mr Johnston attended a meeting with SZC Co. held at Mr Mellen's property on 14 September 2021 to discuss noise and landscaping matters.
- 2.15.3 SZC Co. and their agent, Dalcour Maclaren, subsequently visited Mr Johnston's property on 23 September 2021 to view his recording studio and understand the construction of the studio as well as its use.
- 2.15.4 Following the meeting, and in consultation with ESC, SZC Co. has amended the **Rail Noise Mitigation Plan** (Doc Ref 10.9) to include at section 2.6 a commitment to deliver acoustic barriers along the rail infrastructure, including the green rail route, where such measures are agreed to be beneficial, practical and deliverable.
- 2.15.5 Initial proposals have been produced and were issued to Mr Johnston on 12th October 2021, showing a bund of increased height and potential acoustic fence. While the proposals are expected to provide some acoustic benefit to Mr Johnston and his neighbours, the final proposals will require approval by ESC as part of the general approval of the **Rail Noise Mitigation Plan** (Doc Ref 10.9) under Requirement 25 of the DCO. Copies of the landscaping proposals and accompanying correspondence are contained in **Appendix I** of this document.
- 2.15.6 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.
- 2.15.7 SZC Co. is committed to continue to engage with Mr Johnston to seek to reach an agreed position on whether mitigation at his recording studio is appropriate and what form that might take.
- 2.15.8 The **Noise Mitigation Scheme** (Annex of the **Deed of Obligation** (Doc Ref 10.4)) contains a specific provision for the application of a flexible range of mitigation options where SZC Co. agrees that such flexibility is appropriate and required.

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- 2.15.9 SZC Co. has also reviewed Mr Johnston’s submissions, and sets out here responses to the technical points raised in his Deadline 7 [\[REP7-288\]](#) and Deadline 8 [\[REP8-192\]](#) submissions.
- 2.15.10 Mr Johnston attached a substantive part of Mr Mellen’s Deadline 7 submission to his own Deadline 7 submission; SZC Co. responds to Mr Mellen’s submission separately in this report.
- 2.15.11 The majority of the remainder of Mr Johnston’s Deadline 7 submission is not related to technical noise matters but relates to matters he wishes to highlight to the Examining Authority, and they do not require a response from SZC Co.
- 2.15.12 Where Mr Johnston’s Deadline 7 response does touch upon technical noise matters, such as in the third paragraph on the first page of [\[REP7-288\]](#) in relation to the use of L_{Aeq} as a means of assessing railway noise, SZC Co. has previously provided a response to him on 27 August 2021, with a summary of the response set out section 3.14(a) of SZC Co.’s Deadline 7 submission **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [\[REP7-061\]](#), electronic page 71].
- 2.15.13 At Deadline 8 in [\[REP8-192\]](#), Mr Johnston acknowledges that answers provided to him by SZC Co. at the meeting on 14 September 2021 provided him satisfactory answers to the majority of his questions. His submission goes on to highlight concerns regarding the representative nature of the baseline noise monitoring undertaken by SZC Co.
- 2.15.14 SZC Co. does not dispute Mr Johnston’s descriptions of the factual elements of the baseline monitoring in terms of the times, dates, locations and measured levels. However, Mr Johnston claims that the noise assessment is misleading as a result of the baseline noise levels being gathered in locations that he claims would yield higher baseline noise levels that would represent his property.
- 2.15.15 In response, SZC Co. wishes to restate how the baseline noise measurements are used in the assessment of both the construction and use of the green rail route. These comments are the same as those made in respect of Mr Mellen’s similar points, however, they are restated here in response to Mr Johnston.
- 2.15.16 For construction noise, the measured baseline noise levels are used to determine which set of assessment thresholds are appropriate, as set out

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in Annex E.3 of BS5228-1: 2009+A1: 2014²⁰, known as the ‘ABC’ method. In essence, the measured sound level is rounded to the nearest 5dB, and compared with the values stated as Category for the appropriate period, i.e. daytime, evening or night-time. Where the rounded, measured sound levels are below the Category A values, then the Category A thresholds are to be used. Category A is the most stringent set of thresholds under the ‘ABC’ method.

- 2.15.17 Where the rounded, measured sound levels are equal to the Category A values, then the Category B thresholds are to be used; and where the rounded, measured sound levels are above the Category A values, then the Category C are to be used.
- 2.15.18 For the assessments of construction noise at Mr Johnston’s property, the measured baseline noise led to the use of the Category A, i.e. the most stringent criteria recommended by Annex E.3 of BS5228-1: 2009+A1: 2014.
- 2.15.19 The use of measured baseline noise data gathered at a location that Mr Johnston suggests would be quieter would not alter this outcome.
- 2.15.20 For the assessment of the use of the green rail route, the adopted approach was to assess the railway noise levels against absolute thresholds based on evidence-based guidance on the effects of railway noise. This approach was adopted as there is no existing baseline of railway noise against which a change in noise can be assessed.
- 2.15.21 These assessments took account of both time-averaged L_{Aeq} noise levels over the daytime and night-time periods, and maximum L_{AFmax} noise levels, which are a measure of the highest noise levels over a given period of time.
- 2.15.22 The assessment thresholds were set out in **Table 4.7** in **Volume 9, Chapter 4** of the **ES [APP-545]**, electronic page 16], and their derivation was set out in **paragraphs 5.66 to 5.101** in **Volume 1, Appendix 6G, Annex 6G.1** of the **ES [APP-171]**, electronic page 216].
- 2.15.23 The assessment methods and criteria for both construction and operation of the green rail route, which have been agreed with ESC, do not rely on the baseline noise levels in the way suggested by Mr Johnson and therefore the points he raises regarding the validity of the baseline information do not affect the assessment outcomes.

²⁰ British Standard BS5228-1 Noise: 2009+A1: 2014 – Code of Practice for noise and vibration control at open construction sites – Noise

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2.16 Mr and Mrs Boden

2.16.1 SZC Co. has continued to engage with Mr and Mrs Boden, to seek to agree a form of landscaping for the Sizewell link road that will meet their requirements.

2.16.2 The most recent landscaping proposals were sent to Mr and Mrs Boden on 7 October 2021, and are contained in **Appendix J**.

2.16.3 SZC Co. will engage further with Mr and Mrs Boden to refine the proposals; SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the Sizewell link road as set out in the Landscape Design Principles for the Sizewell link road in the **Associated Development Design Principles** (Doc Ref 10.1), and the potential benefits of a quiet road surface, as set out in the General Design Principles for the Sizewell link road, also in the **Associated Development Design Principles** (Doc Ref 10.1).

2.16.4 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.

2.17 Farnham Environment Residents and Neighbours (FERN)

2.17.1 SZC Co. will engage further with FERN to refine the proposals; SZC Co. has committed to consider the potential acoustic benefits as part of the development of any hard landscaping proposals for the two village bypass as set out in the Landscape Design Principles for the two village bypass in the **Associated Development Design Principles** (Doc Ref 10.1), and the potential benefits of a quiet road surface, as set out in the General Design Principles for the Sizewell link road, also in the **Associated Development Design Principles** (Doc Ref 10.1).

2.17.2 SZC Co.'s agreement to incorporate such proposals will mitigate noise further, and further ensures that all reasonable steps have been taken to mitigate and minimise noise in accordance with national policy in NPS EN-1 paragraph 5.11.9 and Noise Policy Statement for England paragraph 2.24.

2.17.3 SZC Co. has also recently further developed the landscaping along the alignment of the Two Village bypass and will be meeting representatives of

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FERN later in October to update them on the latest proposals and process for ongoing engagement. The latest drawings, which are the same as those developed in consultation with Mollett’s Farm, are contained in Appendix K.

2.18 Natural England

2.18.1 The Applicant has prepared **Appendix M** to respond to comments provided by Natural England on the Deadline 6 **Fen Meadow Plan Draft 1** [[REP6-026](#)] within the updated SoCG submitted to examination at Deadline 8 [[REP8-094](#)].

2.18.2 In addition, the Applicant has prepared **Appendix N** to respond to comment provided by Natural England on the Deadline 6 **Fen Meadow Plan Draft 1** [[REP6-026](#)] submitted at Deadline 8 [[REP8-298d](#)].

Statement of Common Ground

2.18.3 The Applicant has prepared an updated streamlined SoCG for Deadline 10 [9.10.7(B)]. The detailed SoCG, submitted at Deadline 8 [[REP8-094](#)], has been appended to this streamlined version and has been updated to reflect the **Rule 17 Letter: Request for further information** published 1st October.

2.18.4 Whilst the SoCG has been updated SZC Co. has a number of concerns regarding the advice given and presented by Natural England within the SoCG.

2.18.5 With regard to landscape and visual matters, Natural England has stated that the focus of its high level observations and advice to the Examining Authority (ExA) is on AONB matters including the commentary it has provided in the SOCG and has deferred to SCC, ESC and Suffolk Coast and Heaths AONB Partnership on design and general LVIA matters.

2.18.6 SZC Co. understands that substantive matters regarding the methodology adopted and approach to the LVIA and assessment of effects on the AONB are agreed with Natural England and has been endeavouring to secure meaningful discussion on matters of difference throughout the examination process with a view to securing a SoCG.

2.18.7 Natural England has presented generally high level advice to the ExA in correspondence associated with the Examination and in statements recorded in the SoCG, noting that the effects of Sizewell C would be significant with implications for the whole of this part of the AONB and for the designated area as a whole. However, SZC Co. notes that detailed

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analysis or explanation of ‘this part’ and ‘for the designated area as a whole’, is not provided in support of this judgement and as such is presently without justification. In addition, SZC Co. note that Natural England has not responded or engaged to any significant degree since May 2021, to information or responses provided during the Issue Specific Hearings or information provided as part of Deadline submissions to allow certain aspects of the SoCG to be progressed to the extent that SZC Co. considered to be appropriate or proportionate.

- 2.18.8 Natural England noted in August 2021, that they had “*no further comment at this time. We are currently engaging with the Applicant on the issue of landscape and will update our position accordingly when presented with new information.*” SZC Co. notes that Natural England have not fully engaged with the applicant and have not sought to update their position when presented with further information, an example of which being the Deed of Obligation in relation to the Natural Environment Improvement Fund or provision of additional construction phase visualisations. SZC Co. has responded comprehensively to matters raised by Natural England in its Written Representations in its response [[REP3-042](#)]; and in its responses to three rounds of Examining Authority questions [[REP3-046](#), [REP7-050](#) and [REP8-116](#)], the Council’s Local Impact Report [[REP3-044](#)], requests for further information and matters raised and discussed at the relevant Issue Specific Hearing 5 [[REP5-110](#)] and Issue Specific Hearing 13 [[REP8-123](#)]. SZC Co is disappointed that Natural England has not referred to this and other material submitted in the SoCG or in presenting or refining its conclusions and advice.
- 2.18.9 SZC Co.’s assessment defines the extent of landscape and visual effects based on an agreed baseline understanding of the Suffolk Coast and Heaths AONB’s natural beauty and special qualities. The effects on the local extents of the designated area are identified in construction and operational phases and are considered significant in a defined area. The overall judgement of the effects on the AONB in terms of landscape matters as they relate to natural beauty and special qualities, are recorded in Volume 2, Chapter 13 of the ES [[APP-216](#)] and the effects are not considered to be significant for the AONB as a whole. These effects are generally considered correct by ESC and SCC and apart from wider impacts are also generally agreed by the Suffolk Coast & Heaths AONB Partnership.
- 2.18.10 SZC Co. recognises that, during the construction phase, the landscape and visual effects would impact a defined localised area within the 403 km² (now 441 km²) designated area. However, the effects would be short term

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and reduce in extent and scale in the operational phase. SZC Co does not consider that the AONB's statutory purposes will be substantially affected during the operational phase and that the mitigation proposed is reasonable and appropriate as explored during the examination and that measures outlined in the Deed of Obligation (Doc Ref 8.17(H)/10.4) on this matter are agreed by other relevant parties as appropriate to address residual impacts.

- 2.18.11 SZC Co. is confident that, whilst significant effects are identified, the AONB as a whole will continue to perform its statutory purpose. SZC Co. would also highlight that any consideration of this issue also needs to recognise the exceptional circumstances inherent in the national need for new low carbon energy and the comprehensive nature of the site selection exercise that lies behind the development of NPS EN-6 and its identification of Sizewell C as one of a very few locations potentially suitable for a new nuclear power station: matters that have been explored in the Examination process. In reaching that conclusion, the Government was fully aware of the designated status of the Suffolk Coast and Heaths AONB and the purpose of that designation. It was also aware that a new nuclear power station could not be developed in this location without the potential for some long lasting adverse effects on the AONB (NPS EN-6 C.8.73) and that the decision maker should not expect the visual impacts to be eliminated with mitigation (EN-6 3.10.8). These matters are addressed in the Planning Statement [Doc Ref 8.4Ad2] in Section 8.8.
- 2.18.12 SZC Co. welcomes Natural England's positive comments and agreement on matters relating to Design Principles, design outcomes including building design, legacy landscape 'net gain' and design of the accommodation campus. SZC Co. notes Natural England's agreement that the future management of the Estate and measures set out in the Deed of Obligation would have an important role in mitigating the proposed development and bring about lasting enhancements to the AONB and wider landscape. However, SZC Co. is disappointed that Natural England has not given greater weight to these measures and the positive landscape legacy that will be provided in its judgements regarding the impact of the proposed development as a whole, on the AONB.
- 2.18.13 SZC Co also notes that several matters in the SOCG are identified by Natural England as 'not agreed'/ coloured red but that, from exchanges that have occurred, SZC Co does not understand why a number of matters are not identified as 'agreed'. These matters are identified in the streamlined SoCG, submitted at Deadline 10 [REP8-094].

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2.18.14 SZC Co. has also undertaken substantial work regarding Protected Species which remains as uncommon ground within the SoCG. SZC Co. submitted all required draft protected species licences for all associated development sites to Natural England during the examination process. The table below records when each licence was submitted to Natural England.

Licence Title	Submission Date to Natural England	Submission Date to ExA	Days lapsed since submission to Natural England
Water Vole Method Statement: Main Development Site	9 th July 2021	Deadline 5	95
Natterjack Toad: Main Development Site	22 nd July 2021	Deadline 5	82
Badger: Main Development Site	16 th July 2021	Deadline 5	88
Deptford Pink: Main Development Site	9 th July 2021	Deadline 5	95
Otter: Main Development Site	21 st July 2021	Deadline 5	81
Water Vole: Two Village Bypass	16 th July 2021	Deadline 5	75
Great Crested Newt: Northern Park and Ride	2 nd September 2021	Deadline 7	40

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Great Crested Newt: Sizewell Link Road	Method statement sent on the 3 rd September 2021 Figures sent on the 6 th of September 2021.	Deadline 7	39 & 36
Great Crested Newt: Rail	2 nd September 2021	Deadline 7	40
Bats: Main Development Site and Associated Development Sites	9 th September 2021	Deadline 7	33

2.18.15 The drafts were submitted to Natural England on various dates between 95 days and 33 days prior to Deadline 10 and SZC Co. has not received feedback on any of these.

2.18.16 SZC Co has suggested to Natural England that they advise ExA, prior to examination close, whether there are any fundamental reasons why the relevant licences would not be granted, even if formal LoNI are not available in this period.

Fish Impingement and Entrainment Monitoring Plan

2.18.17 At Deadline 8, Natural England provided written feedback [[REP8-298e](#)] on the Fish Impingement and Entrainment Monitoring Plan (FIEMP). SZC Co has updated the FIEMP where appropriate for submission at Deadline 10 (Doc. Ref 10.7).

2.18.18 SZC Co. notes that Natural England refers to monitoring throughout the lifetime of Sizewell C. SZC Co feels it is important to clarify that the purpose of the FIEMP is to confirm the assessment of impacts provided in the ES [[APP-317](#)] and ES Addendum [[AS-238](#)]. That is, the plan is intended to

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confirm the impingement and entrainment *predications* presented in the ES [APP-317] and ES Addendum [AS-238] with real data collected from the operation Sizewell C, together with data collected at Sizewell B simultaneously for comparison.

- 2.18.19 SZC Co maintains the position that monitoring of fish entrapment throughout the entire lifetime of the power station is neither proportionate nor beneficial in confirming whether the ES and ES Addendum impingement and entrainment predictions are correct. The most effective way to make this comparison is via simultaneous monitoring at Sizewell B and Sizewell C to compare and contrast impingement and entrainment data. Only by including this comparison can it be determined whether differences in impingement predictions are related to Sizewell C design or flow rates or other variables such as interannual variation in fish numbers. Initially, a programme of simultaneous monitoring at Sizewell B and Sizewell C is planned – of at least 28 randomised samples visits per year – to assess the relationship between the SZC predictions and the SZC measured data (with SZB data providing a ‘control’). However, the plan does allow the possibility of longer term, less frequent or targeted monitoring at Sizewell C should it be deemed beneficial and appropriate.
- 2.18.20 The plan provides potential schemes to offset any potential impacts should the ES and ES Addendum have under-predicted impingement or entrainment – funding for such is secured in the Deed of Obligation (Doc. Ref. 8.17(H)) to be released for suitable schemes at the discretion of the Marine Technical Forum (MTF). SZC Co feels that the FIEMP suggests several suitable ‘types’ of schemes that would suitably mitigate any unidentified impacts from SZC on fish populations but notes that it is not possible to provide specific details at this time. Potential mitigation measures and Deed of Obligation commitments (Doc. Ref. 8.17(H)) have been agreed with the Environment Agency.
- 2.18.21 SZC Co notes the comment of Natural England that the Terms of Reference for the MTF should be stated in the FIEMP. However, Terms of Reference for the MTF are to be reviewed and agreed prior to works commencing. This is secured in the Deed of Obligation (Doc Ref. 8.17(H)). There is no reason to repeat them within the monitoring plan.
- 2.18.22 SZC Co also notes the comment of Natural England that the monitoring data should be made publicly available. This has not been in specifically written into the plan, but it may be possible to release the data publicly after agreement of entrapment estimates with the MTF, if appropriate.

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2.18.23 SZC Co notes that other Natural England comments on the FIEMP also mirror statements from the Environment Agency; a full response to the Environment Agency has been provided in Appendix A.

2.19 Suffolk Coast and Heaths AONB Partnership

2.19.1 As pointed out by the AONB Partnership in relation to the consultation draft version of NPS EN-5, the Secretary of State has decided that for any application accepted for Examination before designation of the amendments to the NPS, the original suite of NPSs should have effect. The consultation draft NPS therefore does not have effect in relation to this application.

2.19.2 Notwithstanding the above important point, the consultation draft NPS EN-5 states at Paragraph 2.11.13 that undergrounding of power lines will not be required where it is infeasible in engineering terms. As SZC Co. has demonstrated throughout the Examination and summarised above in response to Deadline 9 comments made by SCC, undergrounding is infeasible in engineering terms.

2.20 Suffolk Coast Destination Management Organisation

2.20.1 SZC Co. notes that at Deadline 8 the Suffolk Coast Destination Management Organisation (TSC) submitted a document entitled “*Evidence from The Suffolk Coast Ltd Destination Management Organisation on Business Survey Results for Deadline 8 submission*”. That document sets out the headlines from a survey undertaken by TSC, which was referred to by TSC at ISH12 and within subsequent submissions at Deadline 5 [REP5-280]. TSC set out that the new survey ‘repeated’ its previous survey which was submitted to the examination at [REP1-095] through this time considered the Sizewell C Project exclusively (rather than cumulatively with two Scottish Power Renewables wind farms).

2.20.2 The full survey report/methodological approach has not been submitted to the Examination. Therefore, SZC Co. cannot comment on the reliability of the results, and it is not clear how the Examining Authority or Secretary of State can give weight to those findings without evidence. SZC Co. notes that the NPS EN-1 24 states that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts and that “*the [Secretary of State] may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS)*” (paragraph 5.12.7).

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2.20.3 However, as TSC refers to this new survey as a ‘repeat’, SZC Co. assumes that the same methodology has been used to generate the survey with regard to stimulus. If this is the case, the survey would suffer from the same methodological deficiencies as have been set out in:

- **Responses to the ExA's First Written Questions (ExQ1), Volume 1 - SZC Co. Responses [REP2-100] and Appendix 23A (Response Paper – Tourism – Ex-ante Stated Preference Surveys) [REP2-112]; and**
- Paragraph 26.3.2 to 26.3.8 of SZC Co.'s **Comments on the Councils Joint Local Impact Report [REP3-044]**

2.20.4 TSC sets out that the survey had a 23% response rate (as a proportion of the 216 businesses that are members of TSC), of which 52% were operating a business within 10 miles from the proposed Sizewell C site. The inference is that the response rate for members of TSC within 10 miles of Sizewell C is just 12%. For context, the UK Business Counts dataset (ONS, 2021) identifies 950 businesses in tourism-related sectors in East Suffolk District. As such, any findings from this survey are unlikely to be representative of the wider tourism economy, are very unlikely to be statistically significant, representing only 5% of tourism-related businesses in East Suffolk.

2.20.5 All ex-ante perception surveys are subject to response bias. The very low response rate may be due to the ‘*end of an exhausting season*’ as TSC suggest [REP8-275] but may equally reflect the fact that businesses that are not concerned about the Sizewell C Project's effects (or consider them to be positive) are far less likely to respond at all.

2.20.6 Notwithstanding the points raised above, SZC Co. notes that the findings of the survey demonstrate (by corollary, given that the full results are not published) that more than 70% of businesses that responded to the survey do not think the project will have a negative impact on staffing levels within their business and are not concerned that they will lose staff due to the project during the construction period.

2.21 Suffolk Constabulary

2.21.1 At Deadline 7 [[REP7-155](#)], Suffolk Constabulary reiterated that its mitigation requirements extend beyond the agreement of adequate funding to cover four interlinked principles:

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- Mitigation must be compatible with the Constabulary’s operational model and appropriate to the context of the proposed scheme in Suffolk. This includes basing Local Policing resources in Leiston. Notwithstanding disagreements regarding modelling, the Constabulary has undertaken a detailed resource assessment using the predicted non-home-based (NHB) construction workforce to identify net additional policing demands.
- Additional resourcing is needed across Local Policing, Custody, Contact & Control Room (CCR) and Roads Policing (including ALL escorting) functions, including specialist officers with lead-in times for recruitment and training. The quantum and structure of resourcing must be adequate, effective and appropriate for the policing context of the proposed scheme in Suffolk.
- Robust monitoring of the construction workforce, community safety impacts and mitigation effectiveness needs to be secured and implemented to ensure the avoidance of residual significant adverse effects, including from potential workforce changes (size or composition).
- Adequate and effective governance and contingency funding arrangements are needed to address additional community safety risks not mitigated through upfront funding.

2.21.2 At Deadline 8 [\[REP8-175\]](#), in the context of statements made at ISH12 and ISH14, and subsequent engagement between SZC Co. and SCC, Suffolk Constabulary raised issues relating to funding (including reserve funding and related monitoring/release mechanisms including KPIs), governance (including roles, responsibilities, voting rights and terms of reference, and inception timetables for the Community Safety Working Group (CSWG), Social Review Group (SRG) and Transport Review Group (TRG)), liaison, on-site security and arrangements for the Construction Emergency Plan (Requirement 6 within the draft DCO).

2.21.3 SZC Co. and Suffolk Constabulary have since reached agreement on the terms of mitigation secured within the **Deed of Obligation** (Doc Ref. 10.4). This includes the scale and profile of funding for police resources through the Police Contribution, the approach to monitoring and release of a Police Reserve Fund (based on a set of agreed KPIs and methodology), the terms of reference and remit of the CSWG, the approach to securing and defining on-site security across sites within the Project and ‘emergency coordinator’ ‘transport coordinator’ and ‘community safety officer’ roles, the approach to

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funding and management of AILs and their governance through the TRG and Construction Transport Management Plan (CTMP).

2.21.4 Further details are set out within the Statement of Common Ground between SZC Co. and Suffolk Constabulary (Doc Ref. 9.10.17(B)).

2.22 Sylvia Ballard

2.22.1 At Deadline 9 [[REP9-043](#)] Sylvia Ballard raised concerns on the safety of users of Bridleway 19 (PRoW E-363/019/0) within the main development site during construction, on its existing route during early years of construction before the bridleway diversion to the west is constructed, and on the diversion route once it is in use.

2.22.2 SZC Co. provided a response on the safety of users of Bridleway 19 during construction at paragraph 1.9.3 of Written Submissions responding to actions arising from ISH12: Community [[REP8-126](#)] (pdf page 8) as follows:

“In response to a question on safety of users of Bridleway 19 during the Construction Phase on both the current route and the proposed diversion route, this will be subject to the usual Highways (including approval by Highway Authority) and CDM (2015) design and risk assessments.”

2.22.3 The safety of users of Bridleway 19 will be addressed through implementation of measures set out in the **Code of Construction Practice** submitted at Deadline 10 (Doc Ref. 10.2), and specifically those in Part B Table 7.1.

2.22.4 Whilst the existing route of Bridleway 19 (north of Lover’s Lane) is maintained during the initial phase of construction prior to the diversion being in place, the only impacts upon the bridleway itself would be the selective removal of vegetation from the adjacent areas that are required (refer to site clearance plans secured by Requirement 6 of the draft DCO), provision of construction access crossing points comprising of compacted fill material at level gradient with the bridleway, and provision of perimeter security fencing adjacent to the bridleway to ensure physical demarcation between construction zones and the public access routes. Management of these crossing points would allow construction vehicles to access across the bridleway in a controlled manner and under the supervision of qualified traffic marshals or similar personnel. No construction vehicles would be able to cross the bridleway at the same time as members of the public are traversing these crossing points.

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2.23 Together Against Sizewell C (TASC)

2.23.1 Together Against Sizewell C (TASC) has made several submissions during the examination, at Issue Specific Hearings (ISH) and in Written Submissions. **Appendix L** provides a response to the marine ecology comments received from TASC, including:

- **Deadline 2 Together Against Sizewell C (TASC) Written Representation (WR) - Ecological Impacts** [[REP2-481h](#)]; **Deadline 7 Post Hearing Submissions Including Written Submissions of Oral Case - Response to the Applicant's Follow-up Document to ISH7 re Marine Ecology**;
- **Deadline 8, TASC ISH10: Comments on Marine Ecology Documents Issued at Deadline 6** [[REP8-284](#)].

2.24 Mr Paul Collins and BioScan

2.24.1 Following a meeting with Mr Paul Collins and BioScan on 21 September 2021 on biodiversity net gain, SZC Co. has prepared **Appendix O** to respond to a number of the technical points raised.

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3 ADDITIONAL WRITTEN SUBMISSIONS ARISING FROM ISH11-14

3.1 Overview

3.1.1 This chapter provides further information or updates to SZC Co.'s **Written Submissions Responding to Actions Arising from ISH10-14** submitted at Deadline 8, where specified within the relevant document.

3.2 Issue Specific Hearing 10

a) Veteran trees

3.2.1 SZC Co. has identified all trees on the Ancient Tree Inventory that would be affected by the DCO proposals. SZC Co. has set this out at [REP7-073](#) (electronic pages 4 - 13).

3.2.2 SZC Co. explained during ISH10 that an Arboricultural Survey is being undertaken to identify whether there are trees that are not currently included on the Ancient Tree Inventory, but meet the criteria for ancient, veteran or notable trees, and to examine precise impact of the road schemes on these trees. The Arboricultural Survey is now complete and can be found at:

- **Appendix P** for the Sizewell Link Road Arboricultural Survey; and
- **Appendix Q** for the Two Village Bypass Arboricultural Survey.

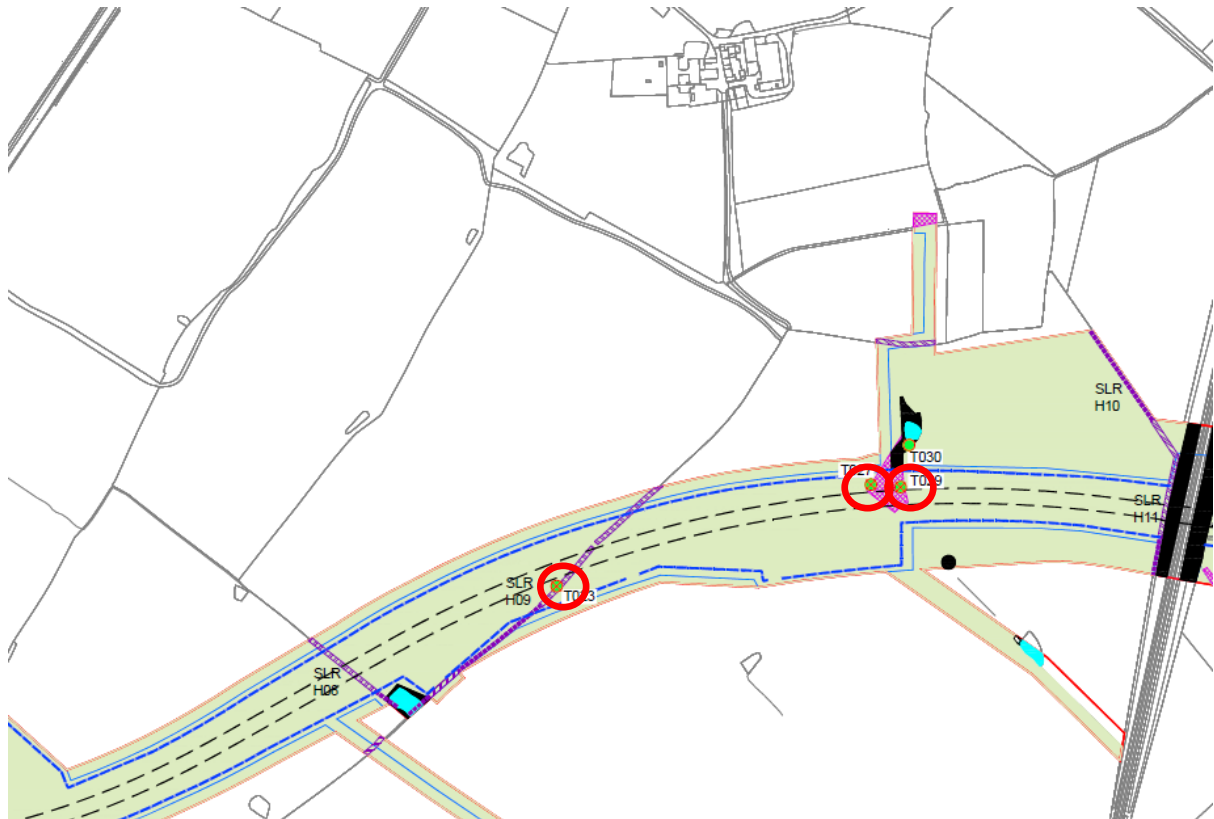
i. Veteran trees within the Sizewell link road site

3.2.3 SZC Co. explained at [REP7-073](#) (electronic page 9) that one veteran tree that is on the Ancient Tree Inventory would be felled within the Sizewell link road site. The Arboricultural Survey has identified that of the trees to be felled within the Sizewell link road site, there are three additional trees that are not currently included on the Ancient Tree Inventory but may meet the definition of veteran. Therefore, the total number of veteran trees to be felled on the Sizewell link road site is assessed to be four.

3.2.4 The loss of the one veteran tree on the Ancient Tree Inventory, and why its loss is unavoidable, has been explained at [REP7-073](#) (electronic page 11). The three additional trees that have been identified are located to the west of the railway line. SZC Co. has prepared updated figures to show the location of these three trees that are proposed to be felled. These figures can be found at **Appendix R**.

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3.2.5 If the Sizewell link road alignment was moved further south in this specific area, it would result in the need to also move the alignment further south east of the railway line. This would mean that the Sizewell link road would impact on the three veteran trees located to the east of the railway line (veteran trees ID: 48978, 48980 and 48807).

3.2.6 If the Sizewell link road alignment is moved further north to avoid these three veteran trees, then it would also require the alignment to shift further north on the eastern side of the railway. This alignment would require the removal of the additional woodland/plantation to the east of the railway line and there is also a risk that there would be a greater impact on properties along the B1122.

ii. Veteran trees within the two village bypass site

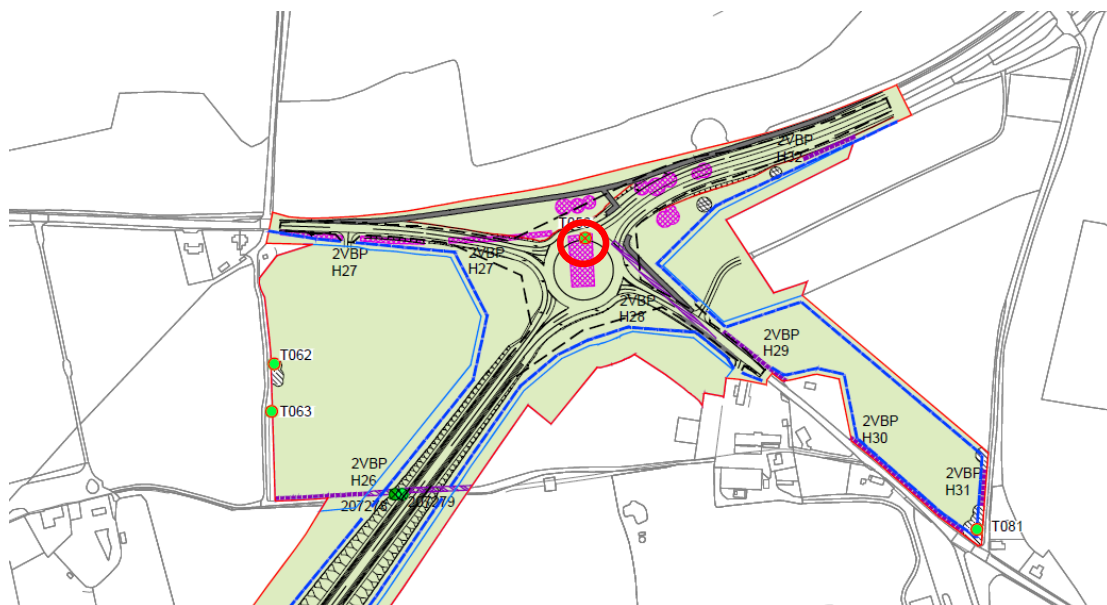
3.2.7 SZC Co. explained at [REP7-073](#) (electronic page 6) that there are three veteran trees that are on the Ancient Tree Inventory would be felled within the two village bypass site. The Arboricultural Survey has identified that of the trees to be felled within the two village bypass site, there is one

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additional tree that is not currently included on the Ancient Tree Inventory but which may meet the definition of veteran. Therefore, the total number of veteran trees to be felled on the two village bypass site is assessed to be four.

- 3.2.8 The loss of the three veteran trees on the Ancient Tree Inventory, and why their loss is unavoidable, has been explained at [REP7-073](#) (electronic page 6-7). The one additional veteran tree that has been identified is located at Friday Street Farm roundabout. SZC Co. has prepared updated Figures to show the location of the veteran trees that are proposed to be felled. These figures can be found at **Appendix R**.



- 3.2.9 In regard to the one additional veteran tree at Friday Street Farm roundabout, the two village bypass alignment in this location has been routed so that it minimises the impacts on Mollett's Farm (to the west of the alignment) and Friday Street Farm (to the east of the alignment).
- 3.2.10 If the roundabout was moved further west to avoid the tree, it would move the alignment of the two village bypass significantly closer to Mollett's Farm, which would worsen any potential impacts on Mollett's Farm and on the properties on the A12 near the west of the roundabout.

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- 3.2.11 If the roundabout was moved further east to avoid this veteran tree, it would be significantly closer to Friday Street Farm, and there is a risk that the bypass would sever a greater extent of the pick-your-own fields of Friday Street Farm. As set out in the Two village bypass Summary Paper, [REP2-108] electronic page 178, these fields are important to the farm's commerciality. A larger roundabout near Friday Street Farm would also be required due to the angle of the roundabout arms that would be required with a different alignment. This larger roundabout would further increase the amount of land take required from Friday Street Farm.
- 3.2.12 There is, therefore, no reasonable alternative alignment which could meet the requirements of the bypass and retain the veteran trees.
- 3.2.13 There is a notable tree near Farnham Hall which has so far been assumed and assessed to be lost. SZC Co. explained at ISH10 that the Arboricultural Survey will determine whether it is possible to save the tree. The survey has more accurately located the location of this notable tree and has identified that the tree still does need to be felled as much of its Root Protection Area sits where the ramp up to the overbridge of the two village bypass is located.
- 3.2.14 The mitigation for the loss of the veteran trees and the notable tree remains the same as SZC Co. has set out at REP7-073 (electronic page 11).

3.3 Issue Specific Hearing 11

- 3.3.1 Subsequent to ISH11, and following a meeting held between SZC Co. and the RSPB on 16 September 2021, SZC Co. provided further information on the residual flood risk within the RSPB's landholding at Minsmere. SZC Co. understands that RSPB's concerns in relation to this matter have been resolved although at the time of writing this is not confirmed. The final position of the parties will be set out in the SoCG submitted at Deadline 10.

a) Drainage Strategy - Action Plan

- 3.3.2 As set out in SZC Co.'s 9.104 **Written Submissions responding to actions arising from Issue Specific Hearing 11: Flooding, Water and Coastal Processes (14 September 2021)** [REP8-125] page 14], the wide-ranging nature of the issues raised by SCC and ESIDB at ISH11 on the **Drainage Strategy** [REP8-050] has prompted an **Action Plan** to enable agreement before the end of the Examination. This was discussed and agreed between SZC Co., ESC, SCC and ESIDB and included as Appendix B to REP8-125.

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- 3.3.3 The Action Plan drew together a series of activities and deliverables in relation to fourteen key aspects within the Drainage Strategy. Further items on Yoxford roundabout and the rail proposals were subsequently added through discussion with stakeholders. SZC Co. has supplied information to SCC and ESIDB over the intervening period through progress meetings and technical meetings and in the form of technical notes and correspondence.
- 3.3.4 SZC Co. has provided information that addresses key points of concerns over: the basis for calculation within source control analyses for MDS; the pollution treatment requirements and space availability within MDS; evaluation of space for swales on MDS; confirmation of treatment design criteria for MDS WMZ basins; evaluation of basin sizes and half drain times for MDS including a theoretical pump failure solution for the west basin in LEEIE; and outline information on drainage solutions for the Campus.
- 3.3.5 SZC Co. submits an updated **Drainage Strategy** (Doc. Ref. 6.3 2A(D)/10.14) at Deadline 10 which includes an explanatory technical note capturing the above information as Annex 2A.5. In addition, Annex 2A.2 provides a location plan of infiltration test results within each of the Water Management Zones (WMZ) on MDS. Furthermore, Annex 2A.13 provides a simple comparison between baseline hydrological catchments on MDS and the proposed WMZs.
- 3.3.6 Technical correspondence provided by SZC Co. has confirmed key details in respect of specific technical concerns for drainage solutions proposed for the AD sites. This work remains ongoing and it is proposed to close out areas of technical uncertainty in a short timeframe beyond the end of Examination, as agreed with SCC. To give effect to this, the terms of Requirement 5 have been amended at Deadline 10 to provide a process in which SCC approves the Drainage Strategy before detailed drainage designs are developed and submitted.
- 3.3.7 SCC has expressed residual concern over the choice of underground drainage attenuation infrastructure for Southern Park & Ride and Freight Management Facility. The view of SZC Co. is that, whilst the SuDS hierarchy is an important aspect in relation to the drainage strategies of these sites, drainage was one of a number of environmental considerations when selecting the sites for the associated developments.
- 3.3.8 The drainage solutions proposed are the best available for these sites, which will be temporary during the construction of Sizewell C, and will reduce the risk of flooding on site, including allowances for climate change, to acceptable levels. Therefore, it would be disproportionate to acquire

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more land through compulsory powers or to reduce the primary purpose of these sites for traffic management / logistics to ensure the preferred methods in the SuDS hierarchy can be used when an alternative drainage solution can be delivered within the proposed Order Limits.

3.3.9 A simplified summary of progress across all items of the Action Plan is presented in **Table 1** below.

Table 1 – Summary of progress against the Drainage Strategy Action Plan

No.	Item	Progress
1	Agreement on status of supporting technical notes to the Drainage Strategy	Complete
2a	Provision of infiltration values for (i) MDS, including justification of value selection for calculation.	Complete
2b	Provision of infiltration values for (ii) AD sites	Substantially complete
3a	Choice of treatment indices for pollution control for (i) MDS	Complete
3b	Choice of treatment indices for pollution control for (ii) AD sites	Partially complete
4	Perimeter swale space availability (MDS)	Complete
5	Confirmation of treatment in the MDS WMZ basins	Complete
6	Calculation of impermeable / permeable areas on MDS	Complete
7	Review of original hydrological catchments on MDS	Complete
8	Basin sizes; half drain times; West ACA basin sizing.	Complete
9	Further information for Campus, Sports Pitches, non-nuclear island operational drainage	Incomplete
10	Northern Park & Ride	Partially complete
11	Southern Park & Ride	Partially complete
12	Freight Management Facility	Partially complete
13	Swales in Sizewell link road	Partially complete
14	Two Village Bypass infiltration basin No.2 east of River Alde Embankment	Partially complete
15	Yoxford roundabout (new item)	Partially complete
16	Rail proposals	Partially complete

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3.3.10 Whilst good progress has been made in collaboration with ESC, SCC and ESIDB, there remains some areas of technical work that require to be finalised to enable a drainage strategy that is accepted by all parties. This would be subject to Requirement 5 which states that no part of the authorised development may be commenced until a final drainage strategy has, following consultation with the Lead Local Flood Authority, been submitted to and approved by East Suffolk Council. The final drainage strategy must be in general accordance with the Drainage Strategy.

3.4 Issue Specific Hearing 12

3.4.1 *Provide a note on the benefits of the Project that would be provided through the lifetime of the Project, to address the Project's response to amenity and the AONB*

3.4.2 During the ISH 12 Mr Kratt referred to the nature of the benefits of the project provided through the lifetime of the project, addressing the project's response to amenity and the AONB. These matters were structured under three headings and recorded in the notes from the hearing [REP8-122]. This note provides amplification of those matters comprising:

- (1) Embedded mitigation: within the design for the construction phase and operational phase;
- (2) Management: of effects arising during construction and over the operational life of the project; and
- (3) Legacy outcomes: including the longer-term management of the wider estate and the naturalisation of the landscape also referred to as the project Enhancements in Deadline 9 Appendix A of document SZC Co. Response to Request for Further Information at Deadline 9 REP9-021.

a) 1 - Embedded Mitigation

3.4.3 Embedded mitigation comprises deliberate construction or operational phase design proposals or commitments that seek to mitigate and control the effects on amenity and on the AONB arising from the project and that are included in the proposals and documentation.

3.4.4 Examples of embedded mitigation proposed during the construction phase include:

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- Construction parameters define the maximum heights of temporary buildings, structures, plant and earthworks across the main development site, which supports the control of effects on the amenity of the local community and environment. These parameters are provided in Main Development Site Construction Parameter Plans [REP7-269].
- The Construction Method Statement (Doc Ref. 10.3) defines the controls to be placed on the scope and sequence of the construction.

3.4.5 Examples of embedded mitigation secured for the operational phase include the Main Development Site Operational Parameter Plans [REP8-018]; design commitments expressed in the detailed design for the most significant building elements; Design Principles in the Main Development Site Design and Access Statement (Doc Ref 10.18); and Associated Development Design Principles (Doc. Ref 10.1).

b) 2- Management

3.4.6 Management measures are proposed to control the project design, project delivery and project management. These measures will operate during construction and operational phases. Examples of these management measures are identified below:

3.4.7 Construction Phase:

3.4.8 The following documents have been prepared and submitted for approval and are intended to control construction phase activity:

- Code of Construction Practice [REP8-082]
- Lighting Management Plan [REP8-052]

3.4.9 In addition, Informal Recreation and Green Space Proposals [REP8–135] have been developed to provide mitigation for possible recreation displacement and possible worker pressure that could be exerted on European Designated Sites. This strategy provides a series of connected spaces that offer different recreational needs.

c) Operational Phase:

3.4.10 The operational phase management measures comprise three parts:

- design management;

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- governance; and
- management documentation.

3.4.11 Design management: design management comprises two parts: the deployment of a design review panel to ensure the quality of project design meets the high standards appropriate to the AONB context, duty of regard and the amenity considerations; and the establishment of design governance within the applicant's project team securing design quality and continuity through the life of the project;

3.4.12 Governance is address through the establishment and formalising of a number of stakeholders and organisation to support the delivery of environmental control and management associated with the AONB, which is referred to in the Deed of Obligation including: Coastal Management Group : [Team to insert ref to correct name /title, role and SZC Co. support etc; and Governance: governance is address through the establishment and formalising of a number of stakeholders and organisations to support the delivery of environmental control and management associated with the AONB which is described and referred to in the Deed of Obligation (DoO) [Doc Ref. 8.17(H)/10.4]. The governance structure comprises: The Delivery Steering Group; Review Groups and Working Groups.

3.4.13 The Working Groups include, by example:

- the "Rights of Way Working Group"
- the "Marine Technical Forum"
- the "Natural Environment Awards Panel"
- the "Ecology Working Group"

3.4.14 Management documentation: There are a number of important management documents that support the delivery of environmental management associated with the AONB and the wider project area which include:

- Main Development Site – Outline Landscape and Ecology Management Plan (Doc. Ref. 10.22)
- Estate Wide Management Plan for the EDF Energy Estate (Doc. Ref. 10.15)

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- Two Village Bypass Outline Landscape and Ecology Management Plan (Doc. Ref. 10.29)
- Sizewell Link Road Outline Landscape and Ecology Management Plan (Doc. Ref. 10.27)
- Coastal Processes Monitoring and Mitigation Plan (Doc. Ref. 10.5)

d) 3 - Legacy Outcomes

3.4.15 In its response to the Examining Authority's request for further information at Deadline 9, SZC Co. presented details of the measures considered as enhancements (Appendix A in [REP9-021]). Specific positive legacy outcomes for the AONB that embrace positive amenity outcomes are presented in the tables provided under the topics 'Natural Environment' and 'Amenity and Recreation'. Particular legacy enhancements presented in that submission include:

- Establishing the estate wide vision as set out in Chapter 8 of the Design and Access Statement (DAS) (secured pursuant to Requirement 14) and implementing the Estate Wide Management Plan (EWMP) (Requirement 5C) which will together deliver a substantial and long term enhancement to local landscape character, biodiversity, amenity, and the natural beauty and special qualities of the Suffolk Coast and Heaths AONB establishing the estate wide vision as set out in Chapter 8 of the Design and Access Statement (DAS) (secured pursuant to Requirement 14) and implementing the Estate Wide Management Plan (EWMP) (Requirement 5C). These will together deliver a substantial and long term enhancement to local landscape character, biodiversity, amenity, and the natural beauty and special qualities of the Suffolk Coast and Heaths AONB.
- The oLEMP will deliver the estate vision through management and direct measures, the Suffolk Coast and Heaths AONB landscape in microcosm by creating a mosaic of some of its most valued habitats comprising locally characteristic Sandlings habitat, including approximately 121 hectares of dry Sandlings grassland and 51 hectares of mixed woodland. Once fully established, this habitat mosaic would have a higher biodiversity value than the existing habitats (a Biodiversity Net Gain of 18%), specifically as extensive arable areas and plantations would be replaced with locally characteristic semi natural habitats at scale;

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- SZC Co’s commitment to funding for Suffolk County Council to deliver a network of public rights of way improvement schemes in and around the main and associated development sites which will dove-tail with other improvements secured via Schedule 16 of the Draft DoO [REP8-088]; and
- creation and funding of a charity for the benefit of the natural environment and AONB in Suffolk/East Suffolk (Environment Trust).

3.5 Issue Specific Hearing 13

- a) Process of confirming the extent of land to be adopted as highway including agreeing extent of landscape/planting works within the highway boundary/adoption extents

3.5.1 The process for confirming the extent of land to be adopted as highway, including agreeing the extent of landscaping/planting works within the highway boundary/adoption extents is guided by SCC’s requirements as Highway Authority for making Improvements to the Highway under Section 38 and Section 278 of the Highways Act 1980. SCC’s Guidance includes for the Applicant to prepare sets of coloured drawings (i.e. adoption plans) which indicate the extent of the land to be adopted as highway and the extent of works to be undertaken within the highway respectively.

- SCC’s Guidance for making applications under Section 38 of the Highways Act 1980 states that verges and other grassed or planted areas are to be indicated by green shading, while
- SCC’s Guidance for making applications under Section 278 of the Highways Act 1980 also advises that should there be any trees affected by the work, then the Local Planning Authorities Arboricultural Officer would need to assess the impact of the proposed work on the tree and advise on any necessary permissions. In addition, any work to highway trees should be discussed with Suffolk Highways.

3.5.2 As the detailed design of the associated developments are progressed various permits and consents will also need to be agreed by the applicant with the various Statutory Consultees, such as from:

- SCC as Highway Authority;
- SCC as Lead Local Flood Authority;

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- East Suffolk District Council, for landscaping proposals;
- Environment Agency for main rivers;
- Statutory Undertakers, for affected services and utilities; and
- Adjacent landowners; including Network Rail, and for maintaining access by farmers and private property owners.

3.5.3 Where practicable, and to secure the Permits and Consents from the Statutory Consultees, the views and feedback from the above key stakeholders will be incorporated by the Applicant into the detailed designs and the adoption plans mentioned above.

3.5.4 Requirement 22A of the draft DCO confirms that ESC will remain lead authority in relation to landscaping requirements both within and outside the highway boundary, but that the Applicant will consult with SCC before submitting to ESC for approval. The terms of the requirement including settling the detailed approach to long term management.

3.5.5 Any necessary landscaping required for mitigation will be within the highway boundary and subject to agreement with ESC, as noted in the paragraph above, through Requirement 22 and 22A of the draft DCO. Additional landscaping may be considered over and above this on a case by case basis, in discussion and agreement with individual landowners.

b) [Marlesford Parish Council request for off road cycle route](#)

3.5.6 SZC Co. has responded to this request in SZC Co.'s written response at Deadline 8 to ExQ2 HW.2.1 [\[REP8-115\]](#) (electronic page 178) and in SZC Co.'s written submission arising from ISH 13 [\[REP8-127\]](#) (electronic page 14). In summary it is not considered possible to deliver an off road cycle route from Marlesford to Wickham Market within the extent of the public highway due to the existing width of the highway itself on the A12. The topography of the highway verge also limits the extent to which the verge could incorporate a cycle lane.

3.5.7 The **Fourth ES Addendum, Appendix 2.C** [\[REP7-032\]](#) does not identify a significant impact on fear and intimidation in Marlesford and so the proposed improvements, secured in the **Deed of Obligation** (Doc Ref. 10.4), as summarised in SZC Co.'s response at Deadline 7 to Cu.2.1 [\[REP7-056\]](#) (electronic page 195), is considered proportionate to mitigate the effects, and provide legacy benefits.

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c) Two village bypass LEMP

3.5.8 SZC Co. has identified three locations between the proposed roundabout at the southern end of the two village bypass and St Mary's Church in Farnham where additional hedgerow planting or enhancement, including planting of hedgerow trees, can be undertaken to address ESC's concerns relating to the visual impact of the proposed roundabout on the significance of the church. The additional planting proposals, which would create a wider hedgerow along the proposed highway boundary and strengthen existing hedgerows within the permanent land take, have been incorporated into the two village bypass Landscape and Ecological Management Plan (Doc Ref. 10.29), including reference to an objective to provide enhanced visual screening between St Mary's Church, Farnham and the western roundabout, in keeping with the local landscape character. This approach was agreed with ESC at a meeting on 8 October 2021.

d) Responses to 3rd party submissions post-hearing - terrestrial heritage

i. Heveningham Hall Estate

3.5.9 The Heveningham Hall Estate (HHE) submitted three documents pertaining to the historic environment at Deadline 8. These were the written submission of their case made orally [REP8-272], a copy of Historic England Guidance GPA3 [REP8-273] and a copy of the adopted Yoxford Conservation Area Appraisal [REP8-274].

3.5.10 The written submission of the oral case reiterates arguments that were made in the HHE Written Representation [REP2-287], concerning methodology and mitigation, to which SZC Co. has already responded in their Response to Written Representations [REP3-042] and oral case [REP8-123]; consequently it is not proposed to repeat this; in summary, HHE's case is predicated on harm occurring, which is a position that is not shared by SZC Co.

3.5.11 The Environmental Statement references both the Historic England guidance and the Conservation Area Appraisal that were submitted as appendices to HHE's written submission [REP8-273] and [REP8-274]. Due regard has been had to both documents as confirmed by ESC's and Historic England's agreement of the assessment methodology.

3.5.12 SZC Co. notes HHE's acceptance of the form and value of the primary landscape mitigation to the Yoxford roundabout in respect of effects on the Yoxford Conservation Area. Here, SZC Co. notes that the monitoring

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regime has been agreed as sufficient by ESC to ensure the effectiveness and conformance to the agreed design principles of this mitigation.

3.5.13 The heritage fund proposed by HHE would offer support only for unspecified measures in respect of unspecified effects on structures which have never been specifically identified by HHE. Consequently, it is not possible to identify any mitigation that might accrue from bids into this fund, nor is it an appropriate use of the Sizewell C Community Fund, as previously noted in the Response to Written Representations [[REP3-042](#)].

ii. [Historic England \[REP8-162\]](#)

3.5.14 SZC Co. notes Historic England's confirmation to the Examining Authority that their position with regard to the Heveningham Hall Estate remains as documented in the Written Representation [[REP2-138](#)] which SZC Co. responded to in the Response to Written Representations [[REP3-042](#)].

iii. [Justin and Emma Dowley \[REP8-228\]](#)

3.5.15 SZC Co. confirms that the listed gatepiers and wall at the junction of Onners Lane have specifically been excluded from the proposed development and would be retained. This is explicitly set out in the **Associated Development Design Principles** (Doc Ref. 10.1).

iv. [Theberton and Eastbridge Parish Council \[REP8-278\]](#)

3.5.16 In relation to heritage matters raised, SZC Co. refers to the Statement of Common Ground with National Trust [[REP8-134](#)] and the response to Heveningham Hall Estate set out in this document.

v. [Yoxford Parish Council \[REP8-297\]](#)

3.5.17 SZC Co. notes that the assessment of effects on the Yoxford Conservation Area and listed buildings within Yoxford is a matter of common ground with the ESC Conservation Officer, as set out in the Statement of Common Ground (Doc Ref. 9.10.12(B)).

vi. [TASC \[REP8-286a\]](#)

3.5.18 SZC Co. notes that mitigation for Coastguard Cottages is a matter of common ground with the National Trust and ESC and is secured in the **Deed of Obligation**, Schedule 13 (Doc Ref. 10.4). This comprises a contribution towards the enhanced interpretation of the setting of the National Trust Dunwich Heath and Coastguard Cottages with a focus on

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consideration of the asset in its wider context as one of a chain of coastguard lookouts along the Suffolk Coast.

3.6 Issue Specific Hearing 14

3.6.1 As part of Deadline 10, SZC Co. has submitted:

- The final draft of the **Development Consent Order (DCO)** (Doc Ref. 3.1(J)), incorporating updates to provide conventional numbering;
- Completed **Deed of Obligation** (Doc Ref. 10.4);
- Completed **Deed of Obligation Confirmation and Compliance Document** (Doc Ref. 8.22).

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4 COMMENTS ON RESPONSES TO CHANGE REQUEST 19

4.1 Overview

4.1.1 This section of the report addresses responses to the Change Request 19 submitted by Deadlines 8 and 9 by Interested Parties.

4.2 East Suffolk Council [[REP8-140](#)]

4.2.1 SZC Co. has amended the **Construction Method Statement** at Deadline 10 to require that ESC is notified by the Applicant when the temporary desalination plant is moved from the main platform to the Temporary Construction Area.

4.3 Suffolk County Council [[REP8-179](#)]

4.3.1 It is neither necessary nor appropriate for the Applicant to provide certainty as to where the water for the tankered supply would be sourced during the early ‘pre-desalination’ period. The Applicant has provided written material on the currently anticipated sources of water in its **Written Submissions Responding to Actions Arising from ISH11** [[REP8-125](#)] section 1.2. It is clear from that material that there is sufficient certainty that there will be a source.

4.3.2 Water tanker deliveries will be within the early years Heavy Duty Vehicle (HDV) limits secured in the **Construction Traffic Management Plan** (CTMP) (Annex K of the Deed of Obligation (Doc Reg 8.17(H)).

4.3.3 A cumulative effects assessment of the Sizewell transfer main was undertaken as part of Section 10.4 of **Environmental Statement Addendum, Chapter 10 Project Wide, Cumulative and Transboundary Effects** [[AS-189](#)] (electronic page 50), including transport matters.

4.4 Environment Agency [[REP8-158](#)]

4.4.1 The Environment Agency’s submission states:

“Currently, there is uncertainty as to when the desalination plant would be decommissioned and removed from site. Much of the environmental assessment submitted considers the potential impacts up to the end of the construction phase of development, however there are statements that indicate that operation may extend into commissioning and up to

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operational phases of development. We consider clarity should be provided and, if necessary, further environmental assessment undertaken”.

- 4.4.2 SZC Co. confirms that the temporary desalination plant will cease operating prior to the start of the ‘cold flush testing’ stage of commissioning in approximately 2032. This will avoid any potential in-combination effects between the brine discharge and the discharge from the Combined Drainage Outfall.
- 4.5 **Marine Management Organisation [REP8-164] and [REP9-030]**
- 4.5.1 In response to the MMO’s comment 2.2 in [REP9-030], SZC Co. agrees with the MMO, that if this statement is taken out of context that would be the implied meaning. However, the statement is made only with respect to the effectiveness of the pebbles/cobbles ability to reduce wave run up and improve SCDF resilience. In the updated Revision 03 of TR545 [REP9-020], that discussion point is then immediately proceeded with the statement committing to the use of the natural grain size as a default, which avoids the concerns for potential impacts to neighbouring shores.
- 4.5.2 MMO comment 2.3 ([REP9-030]) cites the statement made in BEEMS Technical Report TR545 Revision 02 [REP3-048] ‘Therefore, it is recommended that particles > 2 mm are used for the SCDF construction, as both erosion and runup could be significantly reduced compared to using sand’. This comment has been removed from Revision 03 of TR545 [REP9-020] and is replaced with text that explains the default position that the native grain sizes will be used. Revision 02 was submitted prior to the meeting with the MMO on 16 September, whereas Revision 03 was submitted after the meeting. There is therefore no contradiction to the agreed position discussed on the 16 September.
- 4.5.3 MMO comment 2.4 ([REP9-030]) - as per the above response to comments on BEEMS Technical Report TR545, the meeting referred to (September 16th) took place after submission of the Version 03. The subsequent Version 04 of TR544 [Doc. Ref. 9.12(c)] no longer recommends coarsening the SCDF relative to the native distribution, as agreed in the meeting on the 16 of September.
- 4.6 **Natural England [EV-222]**
- 4.6.1 SZC Co’s response to matters raised by Natural England are contained in its response to Question 18 of the Rule 17 request dated 06 October 2021

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at **SZC Co. Response to Request for Further Information at Deadline 10 (dated 6 October 2021)** (Doc Ref. 9.126).

4.7 Suffolk Coast and Heaths AONB Partnership [[REP8-267](#)]

1. Time period of consultation

4.7.1 SZC Co's reasoning for the timing of the proposed temporary desalination plant during the examination process is set out in Section 2.2 of the **Change Report** [[REP7-285](#)].

a) Impact on defined qualities of the AONB and impact on the statutory purpose of the AONB

4.7.2 SZC Co. notes the position of the AONB Partnership and considers that the effects of the proposed temporary desalination plant have been appropriately assessed.

4.7.3 SZC Co. acknowledges that the introduction of the temporary desalination plant would introduce additional structures and infrastructure to that originally included and assessed in **ES Volume 2 Chapter 13 Landscape and Visual** [[APP-216](#)], as updated by subsequent **ES Addenda** [[AS-181](#), [REP5-064](#)].

4.7.4 However, as recorded in the **Fourth ES Addendum** [[REP7-030](#)], the temporary desalination plant sit significantly below and within the construction phase parameters assessed in the LVIA. As such they would not introduce new landscape or visual receptors to those assessed, or alter the judgements regarding significance of the effects on landscape and visual receptors and the natural beauty and special qualities of the Suffolk Coast and Heaths AONB.

2. Consideration of the AONB

4.7.5 Given that the scale of the effects for the Project are significantly larger than those caused by the desalination plant, SZC Co. considers that there will be no additional effects on the AONB.

3. Other AONB issues

4.7.6 An updated air quality assessment is submitted at Deadline 10, which demonstrates that any significant adverse effects from the diesel generators can readily be avoided through the use of control measures.

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- 4.7.7 Tanker deliveries will be delivered within the early years Heavy Duty Vehicle (HDV) limits secured in the **Construction Traffic Management Plan (CTMP)** (Annex K of the **Deed of Obligation** (Doc Reg 8.17(H)). There will be no additional HGV movements to those already assessed.
- 4.7.8 SZC Co. is not applying to supply water by sea and therefore no assessment of such a scenario is necessary.
- 4.7.9 In response to the AONB Partnership's comments on noise, SZC Co. submitted further details at Deadline 9 in **Response by SZC Co. to RSPB's Comments at Deadline 8 [REP9-024]**. This confirms that the maximum noise levels from the desalination plant are predicted to be much lower than the previously assessed maximum noise levels, so there is no prospect of those previously assessed scenarios altering. There is therefore no prospect of additional impacts on tranquillity to that which has already been assessed.
- 4.8 **Together Against Sizewell C [REP8-282]**
- 4.8.1 SZC Co.'s responses to matters raised by Together Against Sizewell C are contained at **Appendix S**.
- 4.9 **Suffolk Coastal Friends of the Earth [REP8-269]**
- 4.9.1 Suffolk Coastal Friends of the Earth raise several matters that have previously been addressed. The table below sets out where material submitted to the Examination addresses the points raised by Suffolk Coastal Friends of the Earth.

No.	Suffolk Coastal Friends of the Earth comment	SZC Co.'s Response
1	Piezometric Levels vs. Water Table Elevation.	As stated in Section 1.2 of Appendix 4A to SZC Co.'s responses to the ExA's Second Written Questions [epage 445 of REP-7-057] each groundwater monitoring point in the Sizewell Marshes SSSI has a response zone that allows the water table to be measured. SZC Co. reiterated the fact that the water table is being directly measured at ISH11.
2	Micro-Topography	As set out in Section 3 of the Draft Water Monitoring and Management Plan [epage

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No.	Suffolk Coastal Friends of the Earth comment	SZC Co.'s Response
		<p>11 of REP8-107] future monitoring will reflect existing baseline monitoring in terms of frequency, locations and data collection. The microtopographical variation is therefore accounted for in the baseline data against which future levels will be assessed. Microtopographic variability has been accounted for when setting trigger levels, as set out in Section 4.2 of the Draft Water Monitoring and Management Plan [epage 17 of REP8-107].</p> <p>As stated in response to FR2.11 in SZC Co.'s responses to the ExA's Second Written Questions [epage 14 of REP7-053] the water level monitoring in the Sizewell Marshes SSSI commenced in 2011 when it was agreed with stakeholders including the Environment Agency, Natural England, East Suffolk Council, East Suffolk IBD, RSPB, and Suffolk Wildlife Trust. The monitoring programme has been actively managed since inception to ensure the data collected is representative and provides a robust basis for conceptualisation of the groundwater and surface water environment.</p>
3	Current vs. Guideline Water Table Regime	<p>The decision to use site specific data rather than generic target water levels has been addressed at ISH7 and ISH11, as well as in Section 1.3 of Appendix 4A to SZC Co.'s responses to the ExA's Second Written Questions [epage 447 of REP7-057], Section 1.3 of the Water Monitoring and Response Strategy [epage 6 of REP8-066], and Section 3.2 of the Draft Water Monitoring and Management Plan [epage 12 of REP8-107].</p>
4	Trigger Levels	<p>The trigger levels proposed in the Draft Water Monitoring and Management Plan</p>

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No.	Suffolk Coastal Friends of the Earth comment	SZC Co.'s Response
		<p>need to be formally adopted. As stated in Section 1 of the Draft Water Monitoring and Management Plan [epage 4 of REP8-107] Requirement 7 of the draft DCO requires a water monitoring plan to be agreed with East Suffolk Council, following consultation with the Environment Agency, Royal Society for the Protection of Birds (RSPB), the relevant Statutory Nature Conservation Body, the East Suffolk Internal Drainage Board and the Local Lead Flood Authority. The Draft Water Monitoring and Management Plan [REP8-107] will form the basis for consultation, including the agreement of trigger levels.</p> <p>As set out in Section 4.4 of the Draft Water Monitoring and Management Plan [epage 20 of REP8-107] the process is to be subject to continued oversight by East Suffolk Council and relevant stakeholders through monitoring and reporting to the Water Management Working Group (as established by Schedule 11 of the DoO). This will include appropriate technical specialists, in conjunction with key stakeholders.</p>
5	Water Quality	<p>The rationale for the frequency of water quality monitoring is set out in Section 3.2 of the Draft Water Monitoring and Management Plan [epage 12 of REP8-107]. The misconception about changing the sources of water entering the Sizewell Marshes SSSI has been addressed in detail in Appendix B of REP3-043. It was also addressed during ISH7 and ISH11, where it was explained that there is no plan to change the mechanism of water supply to the site, but rather to fine tune the regime in order to maintain it. Current</p>

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No.	Suffolk Coastal Friends of the Earth comment	SZC Co.'s Response
		interactions of groundwater and surface water will remain as per the existing regime and no change in water quality is anticipated.

4.10 **Bill Parker** [[REP8-197](#)]

4.10.1 SZC Co's responses to matters raised by Together Against Sizewell C are contained at **Appendix T**.

No.	Bill Parker question	SZC Co.'s Response
1	<p>Why is the proposal for a new pipeline not in the DCO process? It would not be required except for the needs of the Sizewell C development, therefore with no Sizewell C there is no need for this pipeline. Therefore, it and all the relevant environmental assessments should be included in the DCO process.</p> <p>The comments made by EDF representatives at the ISH11 that it will benefit the local community is post option rationalisation, there is a) no proven need for improved supply, b) if there was a need then no options assessment has been undertaken to see if this is the best option c) the extraction of upto 4m litres / day from the Waveney valley will compromise future water supply to the Lowestoft area. This appears to be poorly thought through.</p>	<p>A cumulative assessment of the Sizewell transfer main forms part of the Environmental Statement and is provided at [AS-189].</p> <p>It has always been the Applicant's position that should any transfer main be feasible, it should be designed in a manner to deliver a legacy benefit to the existing communities in the local Blyth Area. This could be achieved through connection to Saxmunden water tower and local connections to places such as Leiston, Westleton and so on, to improve capacity and resilience of supply, Should the transfer main be built, SZC Co. will continue to work with NWL, to maximise the legacy benefit it will deliver.</p> <p>The design and routing of any transfer main is a matter for Northumbrian Water Limited.</p>

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No.	Bill Parker question	SZC Co.'s Response
	It appears that this is little more than a paper exercise without both the pipeline design and engagement with the relevant land owners who would be impacted, therefore there is low confidence that this is deliverable.	
2	<p>The lack of information on the route of the pipeline makes it not possible to consider the impact that this pipeline would have on fragile habitats, people's homes and businesses. The statement that the pipeline length is 28km is not verifiable, this appears to be the direct distance between the potential water source and the Sizewell C site and therefore the actual length is potentially significantly more after taking into account the practical implementation considerations but this is unverifiable with the information provided.</p> <p>There are no environmental impact assessments or mitigation plan to provide confidence that this has been fully thought through.</p> <p>There is no mention of the cost of this pipeline and who pays for it. It would be unacceptable for local water users to pay for this in their water bills. It must be included as part of the overall cost of Sizewell</p>	<p>Details regarding the route and design of transfer main is a matter for Northumbrian Water Limited.</p> <p>A cumulative assessment of the Sizewell transfer main forms part of the Environmental Statement and is provided at [AS-189].</p> <p>The pipeline would be funded by the Applicant.</p>

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No.	Bill Parker question	SZC Co.'s Response
	<p>C and wholly funded by the Sizewell C financing programme.</p> <p>There is no risk assessment included if this pipeline is delayed or abandoned for any reason. If this was to happen then is the desalination plant the only alternative? The plans as outlined to-date indicate that there is no room on site for a permanent desalination plant therefore approach must be considered high risk and not appropriate for this development. In addition recent comments indicate that even more of the AONB is at threat of industrialisation by the potential re siting of the desalination plant.</p> <p>The environmental cost (including carbon emissions) must be included in the overall Sizewell C project and fully accounted for and mitigated in the overall Sizewell C proposal to PINS.</p> <p>I note that previously EDF have dismissed the idea of a desalination plant. I refer to document AS-202 Water Supply Strategy Update. EDF clearly state; "This option has been discounted in favour of alternative options, due to concerns with power consumption, sustainability, cost, and wastewater discharge. The desalination process is typically energy intensive, and the</p>	<p>The Applicant's Water Supply Strategy is to have a pipeline for the operational demand. At the time of writing, the WINEP study is delayed and this verification is not available.</p> <p>See response above to comments made by Suffolk Coast and Heaths AONB Partnership in relation to the AONB.</p> <p>A further life cycle carbon assessment is submitted at Deadline 10 to include the desalination plant.</p> <p>A desalination plant was discounted in favour of a preferred alternative, in the form of the proposed transfer main from NWL Northern Water Resource Zone. It is clear from discussions with NWL that this option is no longer available to meet the project's construction demand and there is no resource available within the local Blyth Water Resource Zone. Therefore temporary desalination is now proposed to meet the full construction demand. The</p>

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No.	Bill Parker question	SZC Co.'s Response
	<p>discharge of brine water as a result of desalination may not be suitable for discharge through the combined drainage outfall (CDO)'</p> <p>Whilst EDF have now indicated that it will not be included in the CDO the discharge will however still be into the sea and will have a similar impact as highlighted in EDF's own documentation. No explanation has been offered for the change in approach.</p> <p>There is no environmental impact assessment for the proposed desalination plant in particular with concerns about the increased pollution. The plant proposals appear to operate 24/7 using diesel generators. This will contribute to significant CO₂, Nitrogen Oxides, and PM 10s and 2.5s emissions. Atmospheric Ozone will also increase as a result of the combination of NO_x and volatile organics which have health impacts. Recent tightening of WHO airborne pollutant limits have not been taken into account in any of the analysis.</p>	<p>change application and its accompanying assessments demonstrate that the proposal is acceptable.</p> <p>The proposed desalination plant will predominantly be operated using the electricity supply to the site following an initial period of operation using diesel generators. That initial period will last for up to two years. An assessment of the air impacts associated with the use of diesel generators has been undertaken and submitted at Deadline 9 and an updated version is submitted at Deadline 10. This has demonstrated that the environmental effects on the nearby habitat sites are not significant. Human health effects are considered to be negligible as the generators are relatively small in output and with small stacks (around 4 metres in height) so that any emissions will be dispersed to background levels within 600m of the generators; the nearest residential receptors are more than 1km from this location.</p>

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No.	Bill Parker question	SZC Co.'s Response
3	<p>The water discharged (according to the EDF documentation) will be 1.6 times more concentrated than natural seawater and may exceed screening thresholds for zinc and chromium. Impacts on marine life from this and the water intakes are unclear, however there is clear scientific evidence that this concentration of brine will create conditions that will be likely to generate algal blooms impacting on beach and sea users, marine wildlife and others affected by these pollutants. This must be aggregated with all the other pollutants proposed to being discharged into the sea in the EIA and HRA.</p> <p>In EDF's documentation it states blandly 'The addition of the desalination plant will not alter baseline conditions'. The baseline assessment has considered the potential presence of contamination in the two areas proposed to be used as a desalination plant with reference to existing desk study and ground investigation reports; this has identified no unacceptable contamination.' EDF admit there will be contamination but do not detail what are the contaminants and the quantities over what period of time. EDF assurances are not credible and the data is not transparent. This is unacceptable. I note in ISH11 Mr John Rhodes for the Applicant arrogantly stated</p>	<p>See Appendix S, Response to Together Against Sizewell C on Change Request 19 for responses on this topic.</p>

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No.	Bill Parker question	SZC Co.'s Response
	<p>that any pollutants would be within permitted limits – any form of pollutant discharge must be challenged as the North Sea is not a ‘dustbin’ that pollutants can be dumped in without long term consequences. The objective must be no pollution not adding to it.</p> <p>According to EDF documentation the desalination plant will apparently take 6 months to build and therefore potable water will need to be brought in by road, I note that EDF state that drinkable water will need to be brought in by tanker for the first 9 -12 months of construction, up to 40 tankers /day (is this 80 truck movements / day?). EDF does not clarify how this will contribute to the cap of HGV movements. What mechanisms will there be to count the number of HGV movements and what sanctions there will be if EDF exceed set limits. There is little robust substance in EDF claims of no increase in HGV movements.</p> <p>Whilst the consultation documentation barely mentions non-potable water. In AS 202 EDF suggested potential sources that are largely a wish list but have little in the way of robust plans. In view of the possible impacts on ground water levels when will there be clarity for review and an opportunity to comment on EDF</p>	<p>Due to the additional HGVs associated with the desalination plant, items not on the critical programme path have had to be moved. The overall construction programme and the Heavy Duty Vehicle (HDV) limits secured in the Construction Traffic Management Plan (CTMP) (Annex K of the Deed of Obligation (Doc Reg 8.17(H)) remain unchanged.</p> <p>The non-potable water strategy and supply is described in the Water Supply Strategy [REP7-036] and further described in the Written Submissions responding to actions arising from Issue Specific Hearing 11 [REP8-125] section 1.4 on e-page 8 to 10. The Construction Method Statement submitted at Deadline 10 makes commitments regarding the non-potable water supply.</p>

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No.	Bill Parker question	SZC Co.'s Response
	proposals for non-potable water supply.	

4.11 Chris Wilson [[REP8-200](#)]

4.11.1 The proposed desalination plant is temporary and suitable controls are imposed via the DCO to ensure that is the case. Further details are set out in Section 1.5 of **Written Summaries of SZC Co's Submissions at Issue Specific Hearing 15**.

4.12 Josie Bassinette for Walberswick Parish Council [[REP8-225](#)]

4.12.1 An updated Greenhouse Gas Emissions Assessment for the temporary desalination plant has been provided at Deadline 10 (Doc Ref. 9.116(A)). This concludes that the total lifetime greenhouse gas emissions from the Sizewell C Project would increase by less than 1% following the introduction of the temporary desalination plant.

4.13 Office for Nuclear Regulation [[REP8-168](#)]

4.13.1 SZC Co. confirms that the temporary desalination plant will cease operations prior to nuclear safety related activities taking place on the site.

4.14 RSPB [[REP8-171](#)]

4.14.1 At paragraphs 1.1 and 3.1 in their Deadline 8 submission (see [[REP171](#), electronic page 2] and [[REP8-171](#), electronic page 3], RSPB requested further information on the potential noise levels from the desalination plant.

4.14.2 SZC Co.'s response to the points raised by the RSPB was submitted at Deadline 9 in its **Response by SZC Co. to RSPB's Comments at Deadline 8** [[REP9-024](#)].

4.14.3 SZC Co.'s deadline 9 submission concludes:

*“On the basis of noise levels likely to be generated by the desalination plant in its two proposed positions, with its two proposed sources of power, it is concluded that the noise levels that have been previously-assessed will not materially alter. The findings of the previous assessments will therefore remain unaltered. In particular, as stated in the **Shadow HRA Third Addendum** [[REP7-279](#), electronic page 37, paragraph 8.2.2] effects remain within the scale of effects previously assessed in the **Shadow HRA***

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Report [APP-145] and the first Shadow HRA Addendum [AS-173] and the conclusion of no adverse effect on integrity is unchanged.”

- 4.14.4 At ISH 15 SZC Co. confirmed that the desalination plant would cease operating prior to the commencement of Cold Flush commissioning. The hypersaline discharge from the desalination would not affect fish being discharged from the FRR during the operation phase.
- 4.14.5 SZC Co. confirms that pulse dosing of chlorine into the system will be downpipe and not enter the marine environment.
- 4.14.6 Assessments have considered the implications of temperature and nutrients as well as salinity on dissolved oxygen concentrations in the plume. Dissolved oxygen levels would remain above the Water Framework Directive ‘High’ status classification of 5.7 milligrams per litre (the lowest recorded levels observed through monitoring at Sizewell is 7.0 milligrams per litre).
- 4.15 **Westleton Parish Council [REP8-291]**

No.	Westleton Parish Council question	SZC Co.’s Response
1	<p>2.3.4 The desalination plant will be required before the Sizewell transfer main is fully available. This is potentially for approximately the first four years of construction, i.e. to 2026 as set out in Paragraph 2.2.4 above. However, it should be assumed for the purposes of consultation that the desalination plant may need to be retained for longer – potentially throughout the majority of the construction period – in the unlikely event of a delay to delivery of the transfer main by Essex and Suffolk Water that is beyond their control. The desalination plant would be decommissioned once the transfer main is fully available.</p> <p>WPC comment: the impacts of the proposed change to the application are presumably not accurate given that as stated in this paragraph, the plant may</p>	

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No.	Westleton Parish Council question	SZC Co.'s Response
	<p>well have to be used for much longer – even for the majority of the construction period – than is foreseen and presented in this consultation by EDF.</p> <p>2.3.5 Construction of the desalination plant would take approximately 4-6 months and can only commence once the Main Platform is suitably prepared. It is assumed that for the first 9-12 months of construction, potable water will need to be imported by road via water tanker truck. The number of tanker deliveries is likely to rise gradually during this period to approximately 40 deliveries per day. The capped HGV limits already established for the Project would remain unchanged.</p> <p>WPC comment: if the capped HGV limits remain unchanged, what happens to the 40 trucks per day which they will be replace? Can we assume that their replacement by trucks transporting water to the site means that other work will be further delayed due to the slower delivery of materials?</p>	<p>The Environmental Assessment has been completed up to 2032, which is when commissioning and restoration begins. NWL originally stated a pipeline at their median assessment could be in place by 2026, therefore the 6 year difference accounts for the potential delay in the availability of a permanent supply.</p> <p>Due to the additional HGVs associated with the desalination plant, items not on the critical programme path have had to be moved. The overall construction programme remains unchanged.</p>
2	<p>2.3.6 The modular desalination plant would initially be capable of producing up to approximately 2,500m³ of potable water per day. In the event that the water transfer main is not complete by the 4th year of construction, an additional module would be added to the plant to create the ability to produce up to approximately 4,000m³ of potable water per day.</p>	<p>This is not the case, up to 9 desalination modules would form part of the plant from the first phase.</p>

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No.	Westleton Parish Council question	SZC Co.'s Response
	<p>WPC comment: i.e. the plant will have to be enlarged – the construction would presumably require more HGV movements and also further delay the construction of the site.</p> <p>2.3.9 Plant would be delivered by road and is unlikely to comprise any Abnormal Indivisible Loads (AIL). The additional HGV movements would be within the already proposed HGV daily limit established for the Project during the early years.</p> <p>WPC comment: as above, this suggests that trucks for the construction will be replaced by trucks for the construction of the desalination plant – with the possibility that some traffic will be AIL. This would aggravate congestion and also cause further delays to the construction of the power station itself.</p> <p>2.3.22 The intake screen and pipework will be maintained by periodic cleaning using a compressed air cleaning system. Periodic shock chlorination within the headworks would be applied to prevent biofouling. Chlorine dosing would be flow controlled and angled inwards to minimise chlorine emissions to the environment. Abstracted water would be dechlorinated prior to the Sea Water Reverse Osmosis membranes.</p> <p>WPC comment: we note this says that chlorine emissions will be “minimised rather than “prevented”. Why?</p>	<p>No AILs will be required for the construction of the desalination plant. The overall construction programme remains unchanged.</p> <p>It is very unlikely, but not impossible, that there may be rare minor chlorine emissions to</p>

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No.	Westleton Parish Council question	SZC Co.'s Response
	<p>2.4.13 ...Potential impacts associated with the physical presence of the infrastructure and associated scour protections include loss or change in habitat type and the potential for the spread of non-indigenous invasive species. Each of these potential impacts will be fully assessed.</p> <p>WPC comment: surely “potential impacts” should have been “fully assessed” for the purpose of this amendment to the application?</p> <p>2.4.16 Approximately 60% of the abstracted seawater would be discharged back into the sea. The discharge would consist of concentrated saline water, increased concentrations of naturally occurring metals as well as added phosphorus and a preliminary H1 screening assessment of the proposed discharges indicates that the small volume discharge may exceed screening thresholds for zinc and chromium as noted above. A full assessment will consider the magnitude of saline, trace metal and nutrient discharges in relation to the sensitivity of marine ecology receptors... 2.4.16 Approximately 60% of the abstracted seawater would be discharged back into the sea. The discharge would consist of concentrated saline water, increased concentrations of naturally occurring metals as well as added phosphorus and a preliminary H1 screening assessment of the proposed</p>	<p>the environment as result of equipment malfunction, pump transient surge events, equipment damage, abnormal tidal/storm conditions etc. The final design will assess the scale and frequency of these events to identify the required mitigation measures in order to minimise the residual risk to the environment</p> <p>The potential impacts to coastal geomorphology have been fully assessed and provided in Section 3.7 of the Fourth ES Addendum [REP7-030].</p> <p>See Appendix 3.A of the Fourth ES Addendum [REP7-033] for the Sizewell C Desalination Plant Construction Discharge H1 type Assessment.</p>

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No.	Westleton Parish Council question	SZC Co.'s Response
	<p>discharges indicates that the small volume discharge may exceed screening thresholds for zinc and chromium as noted above. A full assessment will consider the magnitude of saline, trace metal and nutrient discharges in relation to the sensitivity of marine ecology receptors... WPC comment: as above, surely a “full assessment” should have been completed for the purpose of this amendment to the application?</p> <p>WPC comment: as above, surely a “full assessment” should have been completed for the purpose of this amendment to the application?</p> <p>2.4.20 Further assessment will be undertaken to confirm the impacts and any further mitigation which may be required to minimise the risk to marine users.</p> <p>WPC comment: as above, surely the “assessment” should have been completed for the purpose of this amendment to the application?</p>	<p>See Section 3.11 of the Fourth ES Addendum [REP7-030] for the full Marine Navigation assessment.</p>
3	<p>2.4.24 Further assessment may be required following a review of any updated or additional coastal and geomorphology assessment.</p> <p>WPC comment: as above, surely the “assessment and review” should have been completed for the purpose of this amendment to the application?</p>	<p>See Section 3.10 of the Fourth ES Addendum [REP7-030] for the full Marine Historic Environment assessment.</p>

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