

From: [REDACTED]
To: [SizewellC](#)
Cc: [REDACTED]
Subject: Sizewell C Property Price Support Scheme
Date: 12 October 2021 23:57:58
Attachments: [Heads of Terms Section 106 May 2020.pdf](#)
[Update Section 106 Nov 2020.pdf](#)
[image001.png](#)

Dear Sirs Further submission relating the above and ISH REP-279

We have sent this via your main email address as this is additional Information relating to a previous submission

We have received a less than satisfactory reply from East Suffolk Council (attached) to our representation regarding PPSS sent to yourselves and ESC and includes our subsequent reply (attached) for your consideration. Also attached is a Extract of Section 106 Heads of Terms May 2020 and Extract of update Nov 2020

Copies sent by Cllr Graham Bickers
For and on behalf of Theberton and Eastbridge Parish Council

On Fri, 8 Oct 2021 at 17:14, Lisa Chandler [REDACTED] > wrote:

Dear Sharon,

Thank you for your email.

The Property Price Support Scheme is an existing scheme operated by EDF Energy that is not direct mitigation for the Sizewell C proposal and that is why it has not been included in the Deed of Obligation.

However, following your previous email we did speak with EDF Energy, specifically SZC Co., and ask them to reconsider their position on the Scheme.

We are pleased that SZC Co. has agreed verbally to take another look at the scheme and the boundaries within which it operates with a view to extending it further.

The scheme will continue to operate independently of the Deed of Obligation.

Kind regards,

Lisa



Lisa Chandler | BSc (Hons) MA DMS MRTPI

Energy Projects Manager

East Suffolk Council

[REDACTED]

www.eastsuffolk.gov.uk

www.eastsuffolkmeansbusiness.co.uk

East Suffolk Council will continue to review and prioritise the delivery of its services during this unprecedented time.

The COVID-19 outbreak will severely impact what we are able to do, however we will continue to support and protect our communities, delivering the critical services you need.

Reply to above email

Dear Lisa

Thank you for your reply.

We accept that East Suffolk Council ('ESC') is very much pro Sizewell C and it fully supports EDF in its drive to obtain approval for its Development Consent Order ('DCO').

However, we are more than surprised and disappointed to note the lack of impartiality, given that only one Statutory Body has taken upon themselves to reply to this serious matter. It is clear there are other Statutory Bodies that should, and would wish to, be involved in making such a collective decision on matters that relate to the determination of the Deed of Obligation ('DoO').

We are pleased that we have ESC's support in regard to the principles of an improved Property Price Support Scheme ('PPSS'), but we are concerned that this less than acceptable scheme was never challenged by ESC on our behalf, given you as a Council are charged with the importance and role of community involvement. It took our intervention to trigger the matter. ESC were originally made aware of the PPSS in August 2020, alongside the Heads of Terms, in the DoO and prior to their removal in November 2020, however this document was never sent to us by EDF or others that are purported to be acting on our behalf.

So the goal posts continue to be moved with reasoning which is questionable. Firstly, we were told that "Property values are not a material consideration" when the PPSS should be about directly mitigating the overriding impacts it creates, but it was still removed from the "Heads of Terms" in November 2020. Secondly we are now told by ESC that it is not considered to be Direct Mitigation.

It is not acceptable for ESC to simply make the following statements in their email without providing further detail: *"The Property Price Support Scheme is an existing scheme operated by EDF Energy that is not direct mitigation for the Sizewell C proposal and that is why it has not been included in the Deed of Obligation"* and *"The scheme will continue to operate independently of the Deed of Obligation"* when there is a clear argument in planning terms that the PPSS does represent Direct Mitigation.

Given your initial conclusion *"That it is not Direct Mitigation"* our understanding of that in planning terms would mean that all residents living in close proximity to the main development site should, and would be deemed to have, control over all matters of environmental impacts including Dust, Noise & Light Pollution, the Natural Environment and Community Safety all whilst construction takes place over a period of 10-12 years. This is certainly not the case as our community's control is zero.

In our view, such consideration should clearly be measured against EDF's application for a DCO where the affected party (Theberton and Eastbridge) simply has no ability to control such adverse impacts on their community, nor the ability to have an effect on such impacts, which will be created by the development and therefore will have no subsequent control of the overall environment in which they live, nor control over the market conditions resulting from those impacts. *"That is "Direct Mitigation"*.

Stating that *"this existing scheme is operated by EDF"* does not mean it should be outside the DoO, even if EDF continues to deal directly with those within the PPSS. Our parish will be at the "Coal Face" of this development; any omission of such protection would make a total mockery of almost all other impact/mitigation items, which have been included as protection within the proposed DCO. Such action will only be construed as supporting the indefensible on behalf of EDF by others.

We will continue to seek professional advice, as we feel, in particular, unsupported by ESC's ability to protect

our community. We intend to robustly defend our position seeking the support of Professional Bodies, our MP, County Council, District Councillors and others.

In our view the PPSS is Direct Mitigation and therefore it should be embedded within the DoO. We would respectively ask for all Statutory Bodies responsible and involved in the process of producing and approving the DoO (not just ESC) to revisit it and collectively discuss the basis of the original decision, considering the impact such an omission would have on any agreement made to this community, should EDF or a third party purchaser, renege on their obligation.

We await a collective and detailed reply from all of those responsible for the determination of the DoO.

Kind regards

Sharon Smith
Clerk to Theberton and Eastbridge Parish Council



The Sizewell C Project

8.4 Planning Statement Appendix 8.4J Addendum Update on Section 106 Agreement

Revision: 1.0
Applicable Regulation: Regulation 5(2)(q)
PINS Reference Number: EN010012

November 2020

Planning Act 2008
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009



Topic	Obligations
	<ul style="list-style-type: none"> Section 6.10 of the Draft Section 106 Heads of Terms [APP-600]
Noise	<ul style="list-style-type: none"> Section 6.11 of the Draft Section 106 Heads of Terms [APP-600] Draft Noise Mitigation Scheme [APP-210] <p>Further modelling work is being undertaken by SZC Co., which will inform the details of the Noise Mitigation Scheme. Therefore, it is intended that discussions will be held between the parties on Noise Mitigation Scheme in early 2021.</p>
Property Price Support Scheme	<p>Following the submission of the Application, a review of the current Property Price Support Scheme was undertaken. This review considered whether the Property Price Support Scheme should form part of the development consent obligations secured through the Section 106 Agreement or should be a standalone document which does not form part of the secondary mitigation measures.</p> <p>As property values are not a material planning consideration and the Property Price Support Scheme, which was issued in November 2019 and went live on 8 July 2020, is a discretionary scheme, SZC Co.'s view is that no development consent obligations should be included in the Section 106 Agreement in respect of property price support.</p> <p>Under the scheme which has been launched, where an eligible property within the scheme boundary sells at a value which has been reduced as a consequence of Sizewell C, SZC Co. will offer the owner the difference in value, as determined by a surveyor.</p> <p>This supersedes the position as explained in Section 6.12 of the Draft Section 106 Heads of Terms [APP-600].</p>
Public Services	<ul style="list-style-type: none"> Community Safety Summary as provided in Appendix B Section 6.13 of the Draft Section 106 Heads of Terms [APP-600]



The Sizewell C Project

8.4 Planning Statement Appendix 8.4J Section 106 Heads of Terms

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Table 1.1: Summary of substantive obligations

6.11.2 The draft Noise Mitigation Scheme, provided as **Appendix 11H to Volume 2, Chapter 11** of the **Environmental Statement** (Doc Ref. 6.3), contains details of the principles which would apply to the Noise Mitigation Scheme, including the proposed eligibility criteria.

6.11.3 The Agreement will include the eligibility and qualification criteria which will apply to the Noise Mitigation Scheme.

6.12 Property Price Support Scheme

6.12.1 SZC Co. has launched a property price support scheme for certain residential properties immediately adjacent to the proposed development site. Where an eligible property within the scheme boundary sells at a value which has been reduced as a consequence of the construction of Sizewell C, SZC Co. will offer the owner the difference in value, as determined by a surveyor.¹

6.13 Public Services

6.13.1 SZC Co. will make available a public services contingency fund to SCC to mitigate any unexpected effects on statutory services, including school places and social care.

6.14 Resilience Funds

6.14.1 SZC Co. will provide a Pro Corda resilience fund to the Pro Corda Music School at Leiston Abbey. This resilience fund would be available to support the Pro Corda Music School in mitigating impacts and addressing risks of the Sizewell C Project, including noise impacts, such as through a bespoke noise assessment, and reducing the risk of perceived changes in visitor behaviour from materialising through, for example, provision of information and promotion of courses and events.

6.14.2 SZC Co. would provide a RSPB Minsmere resilience fund to mitigate significant impacts and address risks caused by the Sizewell C Project, for example such as increased use by workers or visitors and potential visitor displacement as a result of the Sizewell C Project.

6.14.3 SZC Co. would provide a National Trust Dunwich Heath and Coastguard Cottages resilience fund to mitigate for significant impacts and address risks