

7 March 2022

Report to the WPC for a Proposed Resolution on Deed of Covenant Related to Sizewell C Working Group

Background

The WPC has been participating actively in consultations and the inspection panel process to express our views on the proposed Sizewell C development. We have been unequivocal in our objection to the project on many grounds including the enormous negative impacts on the land and marine environment, on the destruction of unique AONB and SSSI habitat and the inappropriateness of building the world's largest nuclear reactors in an area of the country with woefully inadequate transport and road infrastructure and without a water source needed for construction or operation. Added to our objections are the huge transport, social and economic disruption that will befall the communities in coastal Suffolk for the duration of the project's 10-20 year construction horizon.

Despite these arguments made by thousands of individuals and organisations, it is possible that the Sizewell C project will be approved by Government and allowed to go forward. If that is the case, then we must change our focus to try to mitigate, to the admittedly limited extent possible, the negative impacts that the project will bring to Walberswick and all communities of coastal Suffolk.

One means at our disposal to have some voice in mitigation measures is through involvement in the B1125 Working Group.

Deed of Obligation and Deed of Covenant

Sizewell C Ltd has entered into a Deed of Obligation (DoO) with Suffolk County Council (SCC) and East Suffolk Council (ESC) which sets out the commitments among these organisations. One of the obligations included is to establish a fairly large number of working groups which will seek to agree proposals for mitigating already identified transport, economic and societal problems associated with the Sizewell C development. Included amongst these is a B1125 Working Group made up of a representative each from Sizewell C, SCC, ESC, Blythburgh, Walberswick and Westleton (see Attachment 1 for excerpt from DoO). In order to now legally join the Working Group, Blythburgh, Walberswick and Westleton have been asked to sign a Deed of Covenant (DoC) to commit to being part of the Group set out in the DoO. (See attachment 2 for the DoC.)

The B1125 Working Group will look at the specific issues that will be associated with use of the B1125 as a key route for reaching the Sizewell C construction site by workers, white vans and by non-Sizewell users of the A12 who may use the B1125 as a rat run to avoid the traffic and congestion that will mark the A12 in our area during the entirety of construction.

The problems identified so far are that of dangerous speeding especially through Blythburgh, past the B1387 out of Walberswick, through Westleton village and all the way down to B1122 which will be the main route to the Sizewell C site each day. We expect that there will likely be thousands of extra vehicles on the B1125 every day making it

extraordinarily dangerous for cyclists and for pedestrians in/around villages and for any kind of turning or crossing of the B1125 for vehicles. For Walberswick, we see particular danger spots and heavy congestion at the B1387/B1125 Water Tower junction and the potential for extraordinary back-ups and accidents at the B1387 junction with the A12 particularly when thousands of additional HGVs, lorries, vans and workers are travelling north and south to the Darsham Park and Ride 24/7 and going to the B1122 at Yoxford to reach the Sizewell site.

Unfortunately, the Parishes were not given an opportunity to comment on the DoO and therefore the B1125 Working Group governance arrangements are less than ideal. There are two particular short-comings. One is that EDF will always chair the Group rather than allowing the Group to select its own Chair which might have helped address the power imbalance amongst the Group's members. Secondly, it sets up governance arrangements by which a meeting is only quorate if EDF, SCC, ESC and Westleton Parish Council attend rather than simply 4 members. In a conversation with EDF's transport coordinator and legal council about why Westleton had been singled out, Cllr Bassinette was assured that the arrangement was a result of a drafting oversight and that the intention was not to suggest that any Parish Council was less central to the working group than others. Whilst this could be addressed in practice once the Group begins meeting (ie that the Group would consider itself to be quorate as long as at least one of the Parish Councils involved was present), the DoO was already signed and therefore this arrangement, on paper, could not be rectified. In terms of Chairmanship, EDF had made itself the Chair of every Working Group and this was agreed to by SCC and ESC.

It is expected that the Working Group will begin to operate as early as April, 2022 prior to any recommendation from Government on whether or not to support the building of Sizewell C. This is necessary to prepare mitigation to the extent possible when/if the project was to begin. Obviously, if the Sizewell C project does not go ahead, the Working group would be disbanded. Joining the Group does not indicate support for Sizewell C.

Recommendation

Despite our opposition to the Sizewell C project and the flaws in the Working Group governance structure, it is recommended that the WPC resolve to sign the Deed of Covenant so that Walberswick can have a voice in the B1125 Working Group. This is likely to be the best (and potentially only) forum by which we can directly raise issues associated with this part of the road network. It is further recommended that the Parish Council resolve to delegate an appropriate Councillor to attend the working group on behalf of the Parish Council and that this Councillor continue communicating with Sizewell C staff and the Suffolk Highways on issues of concern to Walberswick.

- (A) undertake the detailed design of the Marlesford and Little Glemham Scheme; and
- (B) implement the agreed Marlesford and Little Glemham Scheme in accordance with the Local Transport Programme approved by Suffolk County Council pursuant to paragraph 5.9 and any amendments agreed by the Transport Review Group pursuant to paragraph 4.4.2

PROVIDED THAT SZC Co shall not be required to implement the Marlesford and Little Glemham Scheme before Commencement.

- 5.4.5 In the event that any of the Quorate Members of the Marlesford and Little Glemham Working Group considers that a matter needs to be referred to the Transport Review Group for urgent resolution, it shall notify the members of the Transport Review Group accordingly to invoke the urgency process in paragraph 4.2.3.

5.5 **B1125 Working Group**

- 5.5.1 On or before Commencement, SZC Co shall procure that the Transport Co-ordinator will make arrangements for the B1125 Working Group to meet at such intervals as may be agreed between its members, until such time as a detailed design for the B1125 Scheme has been approved by Suffolk County Council (or such other time as agreed with Suffolk County Council), with such meetings to be:
- (A) virtual or in a convenient location in East Suffolk to be identified by SZC Co from time to time;
 - (B) chaired by SZC Co; and
 - (C) quorate if at least four members (at least one of which is a member representing Westleton Parish Council, one of which is a member representing East Suffolk Council, one of which is a member representing Suffolk County Council and one of which is a member representing SZC Co) are present.
- 5.5.2 The B1125 Scheme may include:
- (A) safer pedestrian crossing points on the B1125, including public rights of way;
 - (B) footway improvements on the B1125;
 - (C) traffic calming on the B1125, such as gateways, road signs or markings; and
 - (D) junction modifications on the B1125 to improve road safety.
- 5.5.3 SZC Co will provide updates to the Transport Review Group in relation to the progress of the design and implementation of the B1125 Working Group and submit the Marlesford and Little Glemham Scheme for Suffolk County Council's approval in accordance with the Local Transport Programme.
- 5.5.4 Following approval of the proposed B1125 Scheme by Suffolk County Council, SZC Co shall:
- (A) undertake the detailed design of the B1125 Scheme; and
 - (B) implement the agreed B1125 Scheme in accordance with the Local Transport Programme approved by Suffolk County Council pursuant to paragraph 5.9 and any amendments agreed by the Transport Review Group pursuant to paragraph 4.4.2,

Handwritten notes or a small diagram in the top left corner, possibly including a list or a simple sketch.

[20XX]

(1) EAST SUFFOLK COUNCIL AND SUFFOLK COUNTY COUNCIL

and

(2) NNB GENERATION COMPANY (SZC) LIMITED

and

(3) WALBERSWICK PARISH COUNCIL

DEED OF COVENANT

in relation to a deed of obligation entered into
pursuant to section 1 of the Localism Act 2011 and
section 111 of the Local Government Act 1972
relating to
Sizewell C, Suffolk

4.2 Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this Deed or its subject matter or formation (including non-contractual disputes or claims).

5. **COUNTERPARTS**

This Deed may be executed in any number of counterparts, each of which is an original and all of which may together evidence the same agreement.

6. **DATE OF DELIVERY**

This Deed is delivered on the date of this Deed.

IN WITNESS whereof the parties hereto have executed this Deed on the date and year first before written

The **COMMON SEAL** of **EAST SUFFOLK COUNCIL** was
hereunto affixed in the presence of:)
)
)

Authorised signatory

The **COMMON SEAL** of
SUFFOLK COUNTY COUNCIL was
hereunto affixed in the presence of:)
)
)

Authorised signatory

Executed as a Deed by
NNB GENERATION COMPANY (SZC) LIMITED acting by
[insert name of director]
in the presence of

.....
(Signature of director)

.....
(Name of witness)

.....

.....

.....
(Address of witness)

.....

(Signature of witness)

Executed as a Deed by
WALBERSWICK PARISH COUNCIL
acting by
[name]
in the presence of

.....
(Signature of authorised signatory)

.....
(Name of witness)

.....

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(Address of witness)

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