



# The Sizewell C Project

## 4.1 Statement of Reasons

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## Statement Of Reasons Glossary

A full glossary for the Application is provided in **Appendix D** of the **Cover Letter** (Doc Ref. 1.1). However, for ease of reference, the following provides a few key terms that are used throughout this Statement of Reasons:

- The Act: Planning Act 2008.
- Application: the Application made by NNB Generation Company (SZC) Limited to the Secretary of State for Business, Energy and Industrial Strategy via the Planning Inspectorate (PINS) under the Act for development consent for the construction, operation and maintenance of a new nuclear power station, Sizewell C, and associated development.
- **Draft Development Consent Order (DCO)**: A DCO is the form in which the Secretary of State grants consent for development applied for under the Act. In this document “DCO” refers to the **Draft DCO** (Doc Ref. 3.1) that is included in the Application for development consent. **Part 5** of the **Draft DCO** (Doc Ref. 3.1) contains the powers of acquisition.
- Order Land: the land over which SZC Co. is applying for compulsory powers, which is described in the **Book of Reference** (Doc Ref. 4.3) and shown on the **Land Plans** (Doc Ref. 2.1).
- Order Limits: the land shown outlined in red on the **Land Plans** (Doc Ref. 2.1) within which the Sizewell C Project must be carried out and which may be subject to a right to override easements and other rights upon appropriation of the land for the purposes of the DCO, and the extinguishment of private rights of way.
- NPS EN-1: the Overarching National Policy Statement for Energy, Department of Energy and Climate Change, 2011 (Ref. 1.1).
- NPS EN-6: the National Policy Statement for Nuclear Power Generation, Department of Energy and Climate Change, 2011 (Ref. 1.2).
- Sizewell C Project: the construction, operation, and maintenance of a new nuclear power station, Sizewell C, and associated development.
- Statement: this **Statement of Reasons** (Doc Ref. 4.1).

## Executive Summary

This Statement of Reasons relates to the Application made by SZC Co.<sup>1</sup> to the Secretary of State for Business, Energy and Industrial Strategy via the PINS under the Act. The Application is for development consent for the construction, operation and maintenance of a new nuclear power station, Sizewell C, and associated development.

This Statement explains why, if a DCO is made by the Secretary of State in respect of the proposals, it will be necessary for that DCO to contain powers to enable SZC Co. to acquire compulsorily land and rights over land, and to take possession of land temporarily, to enable the construction and delivery, of the proposals. This Statement also explains why there is a compelling case in the public interest for SZC Co., as promoter of the Sizewell C Project, to be granted these powers of compulsory acquisition, and temporary possession in respect of the land.

Without the acquisition and temporary use of the land, the Sizewell C Project cannot be delivered. Whilst SZC Co. will acquire the land by agreement wherever reasonably possible, the need to ensure that the Sizewell C Project can be delivered requires the power to compulsorily acquire a number of interests. Powers of compulsory acquisition are also required as a means of overriding existing rights and interests in, or over, land, as well as creating new rights over land, and granting the right to take temporary possession of land.

SZC Co.'s Application for development consent is supported by **Land Plans** (Doc Ref. 2.1), **Crown Land Plans** (Doc Ref. 2.2) and **Work Plans** (Doc Ref. 2.3). The **Land Plans** (Doc Ref. 2.1) show the extent of the land required for the proposals. The **Work Plans** (Doc Ref. 2.3) show the works that would be carried out on the land. The **Crown Land Plans** (Doc Ref. 2.2) identify land owned by the Crown Estate, although SZC Co. is not seeking powers of acquisition in relation to this land. This Statement explains, in **Appendix A**, how the proposals (if authorised by the DCO) would affect each plot of land to be acquired, or temporarily used, and how and why each plot of land is needed for the proposals. **Appendix B** of this Statement shows the status of negotiations with landowners with regard to private agreements.

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<sup>1</sup> NNB Generation Company (SZC) Limited (CRN: 09284825), whose registered office is at 90 Whitfield Street, London W1T 4EZ (referred to in this document as 'SZC Co.').

## 1. Introduction

### 1.1 The application

1.1.1 This Statement of Reasons forms part of an application by SZC Co. to the Secretary of State for Business, Energy and Industrial Strategy under the Act for powers to construct, operate and maintain a nuclear power station in Sizewell, and the associated development in the vicinity necessary for the construction or operation of the power station or to help address its impacts. The elements of the scheme being applied for as part of the Application are summarised in **section 2** and set out in more detail in **section 4** of this Statement and are together referred to as the ‘Sizewell C Project’.

1.1.2 SZC Co. is seeking to assemble in its ownership the land and associated rights over land included in the **Draft DCO** (Doc Ref. 3.1). This land is required for the Sizewell C Project and is referred to in this Statement as the ‘Order Land’.

1.1.3 Section 122(2) of the Act provides that a DCO may include provisions authorising compulsory acquisition of land if the land:

- is required for the development to which the development consent relates (section 122(2)(a));
- is required to facilitate or is incidental to that development (section 122(2)(b)); or
- is replacement land which is to be given in exchange for the order land under Section 131 or Section 132 of the Act (open spaces, common land etc.) (section 122(2)(c)).

1.1.4 The Application includes a request for the Secretary of State to grant powers of compulsory acquisition pursuant to s122(2)(a) and s122(2)(b) of the Act.

### 1.2 The purpose of the Statement of Reasons

1.2.1 As part of the Application, SZC Co. is required to submit to the Secretary of State a Statement of Reasons prepared in accordance with the requirements of regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (‘APFP Regulations’) (Ref. 1.3).

1.2.2 This Statement of Reasons explains why the powers of compulsory acquisition sought in the **Draft DCO** (Doc Ref. 3.1) are necessary to enable the Sizewell C Project to proceed and why there is a compelling case in the public interest to grant those powers.

1.2.3 The former Department for Communities and Local Government guidance, Planning Act 2008: guidance related to procedures for compulsory acquisition (the ‘CA Guidance’) (Ref. 1.4), Planning Act 2008: associated development applications for major infrastructure projects (the ‘Associated Development Guidance’) (Ref. 1.5) and Planning Act 2008: Nationally significant infrastructure projects – Application form guidance (the ‘Application Form Guidance’) (Ref. 1.6) provide guidance on the Application and the content of the Statement of Reasons. This Statement of Reasons has been drafted to reflect that guidance.

### 1.3 The structure of the Statement of Reasons

1.3.1 **Section 2** describes the development proposals which form the Sizewell C Project, and for which SZC Co. is seeking compulsory acquisition and temporary possession powers.

1.3.2 **Section 3** outlines the need for Sizewell C by explaining the need for low carbon energy, specifically new nuclear, and the policy support for the proposals included in the Application.

1.3.3 **Section 4** describes the requirement for each site, the proposed development and use of each site, and the site itself, including its location. SZC Co. requires the use of the land and/or rights described in this section for the Sizewell C Project, and SZC Co. is seeking compulsory acquisition and/or temporary possession powers over this land. Special considerations of how SZC Co. is interacting with special category land, land owned by the Crown Estate and statutory undertakers are also described in this section.

1.3.4 **Section 5** outlines the authority for SZC Co. to apply for compulsory acquisition powers, and the scope of powers SZC Co. is seeking in the DCO to enable compulsory acquisition and/or temporary possession of the required land with reference to the relevant articles in the draft DCO.

1.3.5 **Section 6** explains the purpose for SZC Co. seeking compulsory acquisition and/or temporary possession powers.

1.3.6 **Section 7** sets out the justification for SZC Co. seeking powers of compulsory acquisition and/or temporary possession in accordance with Section 122 of the Act and CA Guidance. In particular, the requirement for the land and the compelling case in the public interest.

1.3.7 **Section 8** provides information about SZC Co.’s Acquisition Strategy.

- 1.3.8 **Section 9** outlines the communication and negotiations of SZC Co. with owners of affected land and statutory undertakers.
- 1.3.9 **Section 10** identifies other consents that SZC Co. needs to obtain in order to implement the proposals for the use and development of the Order Land, and the Sizewell C Project generally and the status of these consents.
- 1.3.10 **Appendix A** justifies the compulsory powers applied for by plot, with reference to the works proposed on that plot, and which powers are being applied for over that plot.
- 1.3.11 **Appendix B** shows the status of negotiations with landowners with regard to private agreements.
- 1.4 **Useful documents**
- 1.4.1 In preparing this Statement, SZC Co. has endeavoured to provide sufficient information in relation to each of the topics identified in the CA Guidance so that its reasons for seeking powers of compulsory acquisition can be properly understood, but at the same time it has endeavoured to avoid repeating at length information which is set out in other documents included in the Application.
- 1.4.2 Throughout this Statement, where further relevant information is to be found in other documents, it has been identified with cross-references provided. The documents that provide further information most relevant to this Statement and the land included within the DCO are:
- **Land Plans** (Doc Ref. 2.1): show the land over which various interests in, or rights over, land would be acquired and land to be possessed temporarily.
  - **Crown Land Plans** (Doc Ref. 2.2): identify land owned by the Crown Estate although SZC Co. is not seeking powers of acquisition in relation to this land.
  - **Work Plans** (Doc Ref. 2.3): show the authorised works that would be carried out on the Order Land if development consent is granted.
  - **Draft Development Consent Order** (Doc Ref. 3.1): includes the provisions granting SZC Co. compulsory powers and the controls on how those powers can be used.
  - **Book of Reference** (Doc Ref. 4.3): contains details of the existing interests or rights in land which may be acquired, and identifies the

names and addresses of people who own, occupy or otherwise have an interest in the land.

- **Funding Statement** (Doc Ref. 4.2): explains how the proposals contained in the DCO for compulsory acquisition will be funded.
- **Environmental Statement (ES)** (Doc Ref. Book 6): describes the development proposals in more detail and SZC Co.'s environmental assessments and proposed mitigation.
- **Main Development Site Design and Access Statement** (Doc Ref. 8.1) and **Associated Development Design Principles** (Doc Ref. 8.3): explain how buildings and landscaping of the main development site and associated development sites will be designed.
- **Planning Statement** (Doc Ref. 8.4): describes in detail the need for and policy context of the Sizewell C Project and includes an explanation of how each site was selected, and the main alternative sites considered for each element of the proposed development.

## 1.5 How to use this Statement of Reasons

- 1.5.1 Below is a step-by-step guide that can be used to understand how SZC Co.'s proposals affect different parcels of land and rights.
- 1.5.2 Step 1: find the area of land or interest on the **Land Plans** (Doc Ref. 2.1). Different areas of land are referred to as 'plots' and each plot has its own number assigned to it.
- 1.5.3 Step 2: check the colour of the particular plot. The colour of the plot indicates what type of power is proposed in respect of that plot, as shown in **Table 1.1**.

**Table 1.1: Plot colour on Land Plans**

Relevant Article in Draft DCO	Description of Rights	Shown on Land Plans
<i>Article 26</i>	Class 1: All freehold and leasehold interests to be compulsorily acquired (non-highway land).	Pink shading
<i>Article 30 and schedule 15</i>	Class 2: Acquisition of rights by the creation of new rights or the imposition of restrictive covenants. Relevant restrictions on the nature of the rights which may be acquired in relation to particular plots are specified in Schedule 15 of the Order.	Blue shading
<i>Article 37 and schedule 17</i>	Class 3: Land proposed to be temporarily possessed (non-highway land).	Yellow shading

Relevant Article in Draft DCO	Description of Rights	Shown on Land Plans
Article 28 and 31	Class 4: Statutory authority to override easements and other rights, and to extinguish private rights of way upon the appropriation of the land for the purposes of the Order.	Land within the Order Limits (shown outlined in red)
Article 37 and schedule 17	Class 5: Land proposed to be temporarily possessed (presumed highway land).	Green shading
Article 26	Class 6: All freehold and leasehold interests to be compulsorily acquired (presumed highway land).	Orange shading

1.5.4 Step 3: more information can be found by reference to the plot number in this Statement and other Application documents. For example:

- **Appendix A** of this Statement contains a table which:
  - explains why each plot is required, and how it is proposed to be used;
  - refers to the relevant works shown on the **Work Plans** (Doc Ref. 2.3) and work numbers described in **Schedule 1** of the **Draft DCO** (Doc Ref. 3.1); and
  - refers to the relevant articles and schedules in the **Draft DCO** (Doc Ref. 3.1) which would provide SZC Co. with the power to acquire and use the land and interests as described in the Application documents.
- The **Book of Reference** (Doc Ref. 4.3) lists each plot, and provides the details of people who own, occupy, or otherwise have an interest in it.
- The **Draft DCO** (Doc Ref. 3.1) contains the articles which would provide SZC Co. with powers of compulsory acquisition, and Schedules 15 and 17 of the DCO contain details of land in which rights may be acquired or temporary possession may be taken.

## 2. Description Of The Proposals

2.1.1 SZC Co. is proposing to build a new nuclear power station at Sizewell in East Suffolk, known as Sizewell C. Located to the north of the existing Sizewell B power station, the Sizewell C site is located on the Suffolk coast, approximately halfway between Felixstowe and Lowestoft; to the north-east of the town of Leiston.

**2.1.2** The proposed Sizewell C nuclear power station would comprise two United Kingdom (UK) European Pressurised Reactor (UK EPR™) units with an expected net electrical output of approximately 1,670 megawatts (MW) per unit, giving a total site capacity of approximately 3,340MW. The design of the UK EPR™ units is based on technology used successfully, and safely, around the world for many years, which has been enhanced by innovations to improve performance and safety. The UK EPR™ design has passed the Generic Design Assessment (GDA) process undertaken by UK regulators (Office for Nuclear Regulation and Environment Agency), and has been licenced and permitted at Hinkley Point C. Once operational, Sizewell C would be able to generate enough electricity to supply approximately six million homes in the UK.

**2.1.3** In addition to the key operational elements of the UK EPR™ units, the Sizewell C Project comprises other permanent and temporary development to support the construction, operation, and maintenance of Sizewell C. The key elements are the main development site, comprising the Sizewell C nuclear power station itself, offshore works, land used temporarily to support construction, including an accommodation campus, the enhancement of sports facilities in Leiston, fen meadow and marsh harrier habitat improvement area (Westleton) (if required), and a series of off-site associated development sites in the local area. These are:

- two temporary park and ride sites; one to the north-west of Sizewell C at Darsham (the 'northern park and ride'), and one to the south-west at Wickham Market (the 'southern park and ride');
- a permanent road around Stratford St Andrew and Farnham to bypass the A12, which currently runs through those villages (referred to as the 'two village bypass');
- a permanent road linking the A12 to the Sizewell C main development site (referred to as the 'Sizewell link road');
- permanent highway improvements at Yoxford and other road junctions;
- a temporary freight management facility (FMF) to the south-east of the A12/A14 junction; and
- a temporary extension of the existing Saxmundham to Leiston branch line into the main development site (the 'green rail route') and other permanent rail improvements on the Saxmundham to Leiston branch line.

**2.1.4** **Section 4** of this Statement summarises the requirement for each element of development, explains the proposed development and use of each site, and describes the land and location where the development is proposed.

**2.1.5** Further information is provided on each element of the proposed development in other documents submitted with the Application. The location of further information is signposted where relevant throughout **Section 4** and included in **Table 2.1**.

**Table 2.1: Documents containing further information on the proposed development**

Proposed Development	Plans (Doc Ref. Book 2)	Environment Statement (Doc Ref. Book 6)	Planning Statement (Doc Ref. 8.4)
Main development site	Main Development Site Land Plan and Crown Land Plan	Volume 2	Chapter 5
Northern park and ride	Northern Park and Ride Land Plan	Volume 3	Chapter 9 and Appendix B
Southern park and ride	Southern Park and Ride Land Plan	Volume 4	Chapter 9 and Appendix C
Two village bypass	Two Village Bypass Land Plan	Volume 5	Chapter 9 and Appendix E
Sizewell link road	Sizewell Link Road Land Plan	Volume 6	Chapter 9 and Appendix F
Yoxford and other highway improvements	Yoxford and Other Highway Improvements Land Plan	Volume 7	Chapter 9 and Appendix G
Freight management facility	Freight Management Facility Land Plan	Volume 8	Chapter 9 and Appendix D
Rail	Rail Land Plan	Volume 9	Chapter 9 and Appendix H

## 3. The Need For Sizewell C

### 3.1 Introduction

**3.1.1** The UK Government recognises that new nuclear power stations are critical to the country's transition to a more resilient, affordable, and diverse low-carbon energy system. The need case for Sizewell C is established in policy and explained fully in **Chapter 3** of the **Planning Statement** (Doc Ref. 8.4).

## 3.2 National policy support for Sizewell C

3.2.1 NPS EN-1 and NPS EN-6 were considered by Parliament and formally designated in July 2011. Sizewell was one of the sites listed in NPS EN-6 as potentially suitable for the deployment of new nuclear power stations in England and Wales by the end of 2025. Whilst SZC Co. remains confident that Sizewell is suitable for the deployment of a new nuclear power station, it is no longer possible for deployment to take place by the end of 2025.

3.2.2 NPS EN-1 explains that there is an urgent need for new electricity nationally significant infrastructure projects (NSIPs) and Part 3 of EN-1 sets out the principal considerations which have informed this conclusion. The NPS should be read as a whole but the principles can be summarised briefly as follows:

- in the UK at least 22 gigawatts (GW) of existing electricity generating capacity will need to be replaced in the coming years, particularly by 2020. This amounts to about a quarter of the UK's current electricity generating capacity of 85 GW (paragraph 3.3.7);
- in addition, the overall demand for electricity is likely to increase as significant sectors of energy demand switch from being powered by fossil fuels to using electricity, so that total electricity consumption could double by 2050 (paragraph 3.3.14);
- forecasts suggest that a minimum need of 59 GW of new electricity capacity needs to be provided by 2025 to avoid the severe social and economic disruption that would be caused by insufficient electricity supply (paragraph 3.3.19 and 3.3.23); and
- stretching targets for renewable energy are set out in the NPS but, even if these are achieved, there is a balance of 18 GW to come forward from non-renewable capacity and it is Government policy that nuclear power should be free to contribute as much as possible towards meeting the need for around 18 GW of new non-renewable capacity by 2025 (paragraph 3.3.22).

3.2.3 Consequently, the NPS leaves no doubt about the need for new electricity capacity and, in particular, low carbon capacity.

3.2.4 The NPS provides specific conclusions in relation to nuclear energy generation, as follows:

- for the UK to meet its energy and climate change objectives, the Government believes there is an urgent need for new electricity

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generation plant, including new nuclear power. Nuclear power generation is a low carbon, proven technology, which is anticipated to play an increasingly important role as we move to diversify and decarbonise our sources of electricity (paragraph 3.5.1); and

- it is Government policy that new nuclear power should be able to contribute “as much as possible” to the UK’s need for new capacity (paragraph 3.5.2) (emphasis added).

**3.2.5** Consequently, the NPS confirms the urgency of the need for nuclear power in the following terms:

*“...3.5.9...it is important that new nuclear power stations are constructed and start generating as soon as possible and significantly earlier than 2025...The Government believes that it is realistic for new nuclear power stations to be operational in the UK from 2018, with deployment increasing as we move towards 2025”*

**3.2.6** Further confirmation of the urgency for new nuclear generation is set out in NPS EN-6 which provides specific national policy for nuclear power generation. The NPS explains that, in order to be considered potentially suitable and therefore listed in the NPS, sites had to be shown as being capable of deployment by the end of 2025:

*“2.2.2 However, given the urgent need to decarbonise our electricity supply and enhance the UK’s energy security and diversity of supply, the Government believes that new nuclear power stations need to be developed significantly earlier than the end of 2025.”*

**3.2.7** **Sections 3.4 and 3.5 of the Planning Statement** (Doc Ref. 8.4) provide the history and context of NPS EN-1 and NPS EN-6 and explain how these two policy statements establish an urgent need for the new nuclear power generation in the UK.

**3.2.8** The Ministerial Statement on Energy Infrastructure published on 7 December 2017 ('2017 Ministerial Statement') (Ref. 1.7) states that, for projects yet to apply for development consent and due to deploy beyond 2025, the Government continues to give its strong in principle support to proposals at those sites currently listed in EN-6. It goes on to state that:

*“Even if EN-6 is considered not to have effect under section 104 of the Act for such a project, section 105 of the Act would apply to the decision on whether or not to grant development consent for the project”.*

- 3.2.9 Section 105(2) of the Act provides that the Secretary of State must have regard to (a) any local impact report, (b) any matters prescribed in relation to development of the description to which the Application relates, and (c) other matters that the Secretary of State thinks are both important and relevant to the decision. **Section 3.3** of the **Planning Statement** (Doc Ref. 8.4) provides further information about the approach to decision making specifically to the Sizewell C Project.
- 3.2.10 The 2017 Ministerial Statement explains that the Government is confident that both EN-1 and EN-6 incorporate information, assessments and statements which will continue to be important and relevant for projects which will deploy after 2025, including statements concerning the need for nuclear power, as well as environmental and other assessments that continue to be relevant for those projects.
- 3.2.11 The 2017 Ministerial Statement confirms that, in deciding whether or not to grant development consent to such a project, the Secretary of State would be required, under section 105(2)(c) of the Act, to have regard to the content of EN-1 and EN-6, unless they have been suspended or revoked (which they had not been at the date of submitting the application).
- 3.2.12 The 2017 Ministerial Statement goes on to state that in respect of matters where there is no relevant change of circumstances it is likely that significant weight would be given to the policy in NPS EN-1 and NPS EN-6. For the reasons set out in **section 3.6** of the **Planning Statement** (Doc Ref. 8.4), there have been no relevant change of circumstances which would suggest that anything less than significant weight should be given to the policy in EN-1 and EN-6. Indeed, the need for new nuclear power is now even greater than when NPS EN-1 and NPS EN-6 were designated.
- 3.2.13 Paragraph 4.1.2 of NPS EN-1 states that the decision maker "should start with a presumption in favour of granting consent to Applications for energy NSIPs...unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused...and subject to the provisions of the Planning Act 2008". Paragraph 4.1.3 states that, in considering the proposed development, and in particular when weighing its adverse impacts against its benefits, the decision maker should take into account: (i) its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and (ii) its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 3.2.14 Whilst the policy presumption does not formally have effect where the decision falls to be made under section 105, it nevertheless constitutes an important and relevant consideration weighing in favour of granting

development consent because it reflects the Government's underlying assessments of need, impacts and alternatives, all of which remain directly relevant to the Application.

- 3.2.15 In the same way, the overall policy approach of the NPSs carries significant weight in its treatment of the balance to be struck in relation to residual impacts from the proposed development. In the light of the strength and urgency of the need, and the absence of alternatives, it is directly relevant to note that, in identifying the potential suitability of the Sizewell C location, the Government undertook considerable assessment to assure itself of potential suitability of sites and, in doing so, it was conscious that the consequence of the NPS was that there were likely to be some negative effects, for instance, on biodiversity, landscape/visual amenity and cultural heritage from the development of nuclear power stations (NPS EN-1 paragraph 1.7.2).
- 3.2.16 Whilst the Sizewell C Project would result in some adverse effects, as would be expected with any NSIP, these do not outweigh the significant benefits to the UK, including the provision of safe and secure low carbon electricity supplies for which there is a nationally recognised urgent need.
- 3.2.17 Between December 2017 and March 2018, the Government consulted on the siting criteria and process for a new NPS for nuclear power with single reactor capacity over 1 GW beyond 2025 (Ref. 1.8). SZC Co. nominated Sizewell as a site that is suitable for the deployment of a new nuclear power station by 2035.
- 3.2.18 In July 2018 the Government published its response to the consultation (Ref 1.13). In the response, the Government concluded that *“sites listed in EN-6 on which a new nuclear power station is anticipated to deploy after 2025 will continue to be considered appropriate sites and retain strong Government support during the designation of the new NPS”* (paragraph 3.10). This includes the Sizewell C site.
- 3.2.19 The Government confirmed that for those sites, decisions on whether to grant development consent will be made under section 105 of the Act and that both NPS EN-1 and NPS EN-6 *“incorporate information, assessments and statements which will continue to be important and relevant”* to such decisions (paragraph 3.11).
- 3.2.20 In addition, the Government stated that NPS *“EN-1 is based on a wide range of modelling outputs and is written with future economic and technological changes in mind”* (paragraph 3.8). It confirmed that it does not intend to review NPS EN -1 and *“continues to believe nuclear has an important role to play in the UK's energy future as we transition to the low-carbon economy”* (paragraph 3.9).

3.2.21 The Government stated that when designated the new NPS will have effect for the purposes of section 104 of the Act for listed sites capable of deploying between 2026-2035. The Government further stated that a published new NPS in draft form would be an important and relevant consideration under section 105(2)(c) of the Act in relation to any development consent decision taken before the new NPS is designated (paragraph 3.12).

3.2.22 In conclusion, there is strong policy support for the need for new nuclear energy. The Government has confirmed that the conclusions in NPS EN-1 and NPS EN-6 concerning the need for nuclear power continue to be important and relevant for projects (such as the Sizewell C Project) which will deploy after 2025, and that the Government believes that nuclear continues to have an important role to play. There have been no relevant change of circumstances which would suggest that anything less than significant weight should be given to the policy in NPS EN-1 and NPS EN-6 in determining the Application.

### 3.3 Local policy support for Sizewell C

3.3.1 As explained, NPS EN-1 and NPS EN-6 are important and relevant to the decision on the Application for the Sizewell C Project and should be afforded significant weight. Paragraph 4.1.5 of NPS EN-1 states that other matters which the decision maker may consider both “*important and relevant*” to its decision-making include development plan documents or other documents in the local development framework. Paragraph 4.1.5 of NPS EN-1 then explains that, in the event of a conflict between local policy and an NPS, the NPS prevails for the purposes of decision-making given the national significance of the infrastructure.

3.3.2 The Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) (the Local Plan) (Ref. 1.9) recognises that national policy has identified Sizewell as a potentially suitable site for the development of an additional nuclear power station (at paragraphs 1.14, 2.19 and 2.42). The Local Plan is clear that any decisions on such an application will be taken ‘at a national level’ and that the role of the local planning authority is as a statutory consultee (paragraphs 3.76, 3.130 and 3.132).

3.3.3 The Local Plan recognises that the need for a new nuclear power station has been established in national policy and that the role of the planning process is limited to considering the suitability of any specific proposal and the mitigation of local impacts.

3.3.4 Consistent with the NPSs, the Local Plan Policy SP13 recognises that there would be disbenefits arising from the development. However, it sees the

role of the council as seeking to maximise local benefits. An example of this is in securing local economic and training benefits from the scale of investment involved in the construction and operation of the new nuclear power station.

3.3.5 The emerging local plan for the former Suffolk Coastal area is the Suffolk Coastal Local Plan (Ref. 1.10). This was submitted to the Secretary of State for examination on 29 March 2019. An examination took place through the summer of 2019 and the plan is expected to be adopted in early 2020.

3.3.6 The emerging local plan takes a positive approach to the prospective development of Sizewell C, recognising its importance to the economic growth of the country (paragraph 3.2) and the significant opportunities that can arise from the scale of the investment proposed (paragraph 3.13). This includes, for instance, a recognition that the development of Sizewell C would support the strategic growth of Saxmundham (paragraph 3.31).

3.3.7 The emerging local plan contains a number of site specific policies, including area specific strategies for Darsham, Leiston, Saxmundham and Woodbridge, which have relevance to some of the Sizewell C Project's associated development sites. As a matter of principle, however, the emerging plan recognises that the development of major infrastructure projects such as at the Port of Felixstowe or Sizewell C will generate a requirement for supporting land and that the local plan should seek to provide land to meet the needs of such main economic activities (paragraph 3.15) and helpfully provides:

*“....the Local Plan will take a positive approach to land allocations which are required to meet the demands of these sectors over the plan period which are well related to the A12 and A14 corridors” (paragraph 3.15).*

3.3.8 There are no adopted or emerging local planning policies that relate to matters not covered by the NPSs that are relevant to the Application.

## 4. Location And Proposed Use Of The Order Land

### 4.1 Introduction

4.1.1 SZC Co. is seeking powers in the DCO to enable it to permanently acquire land and rights over, in and under the Order Land necessary for the construction, operation and maintenance of Sizewell C, as well as rights to temporarily possess and use specific parts of the Order Land to facilitate the construction, operation and maintenance of Sizewell C. Although the location of the permanent power station and construction area was included in NPS EN-6, SZC Co. has developed its understanding of the totality of

land required for the construction of Sizewell C. The locations of the Sizewell C proposals are shown on **Figure 1.1**.

4.1.2 Through the formal stages of consultation and development of design, SZC Co. has developed various strategies of how the power station should be constructed, in particular the transport and accommodation strategies. Each strategy would require different amounts of land and types of associated development to support the construction of Sizewell C. Taking account of feedback from the public through consultation and key stakeholders through formal and informal consultation, developments in design and further modelling and technical and environmental studies, SZC Co. has identified the strategies that are most suitable for the development. It is on the basis of these strategies that SZC Co. is making its application for development consent. The strategies are explained in **Chapter 6** of the **Planning Statement** (Doc Ref. 8.4).

4.1.3 The requirement for each site is summarised in this section and described further in the **Planning Statement** (Doc Ref. 8.4), which explains how it contributes to the construction or operation of Sizewell C, or helps to address its impacts, and why it is required development. The proposed development and use of each site is necessary to fulfil that requirement. The location of each site has been subject to a site selection process and the sites proposed are the sites that SZC Co. considers most appropriate.

4.1.4 The **Planning Statement** (Doc Ref. 8.4) and the **Environmental Statement (ES)** include detailed descriptions of each site, the proposed development and the site selection process for that site. Details of where the specific locations are identified for each site in **Table 1.2**.

## 4.2 Main development site

### a) Requirement for the development

4.2.1 The main development site was identified in NPS EN-6 as one of the sites potentially suitable for the deployment of a new nuclear power station<sup>2</sup>. NPS EN-6 includes detail of the Strategic Siting Assessment that was carried out on this site prior to the inclusion in the NPS. The main development site includes the area where the permanent operational power station would be constructed. It is also where the majority of the construction works would be carried out. The main development site

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<sup>2</sup> Paragraph 2.3.3 NPS EN-6 recognises that the boundary of the nominated area may vary from the site boundary included in the Site Specific Assessment. This is explained in **section 3.8** of the **Planning Statement** (Doc. Ref. 8.4).

includes eight areas of development (five on-site and three off-site) which would support the construction activities of the permanent power station or help to minimise the impacts of development.

**4.2.2** **Section 3** of this Statement outlines the need for Sizewell C and the policy context for the main development site being located in Sizewell. **Chapter 4** of the **Planning Statement** (Doc Ref. 8.4) gives further information about the requirement for the main development site.

**4.2.3** The main development site would comprise the following five on-site components. Each component would be used for the following development:

- Main platform: the area that would become the power station itself.
- Sizewell B relocated facilities and National Grid land: the area that certain Sizewell B facilities would be moved to in order to release other land for the proposed development, and land required for the National Grid infrastructure.
- Offshore works area: the area where offshore cooling water infrastructure and other marine works would be located.
- Temporary construction area: the area located primarily to the north and west of the proposed site of special scientific interest (SSSI) crossing, which would be used to support construction activity on the main platform.
- Land to the East of Eastlands Industrial Estate (LEEIE): the area including Sizewell Halt and the land directly north of King George's Avenue, which would be used to support construction on the main platform and temporary construction area.

**4.2.4** The off-site areas of the main development site are as follows:

- Off-site sports facilities at Leiston, which would be used during the construction stage as a shared outdoor sports facility for Alde Valley Academy, the local community and construction workers.
- Fen meadow compensation sites to the south of Benhall and to the east of Halesworth.
- Marsh harrier habitat improvement area (Westleton).

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i. Permanent development

4.2.5 Permanent development at the main development site would comprise the following building, engineering, or other operations:

**Nuclear islands**

- Two nuclear islands, including two UK EPR™ reactor buildings and associated annexed buildings and structures containing the safety systems, fuel handling systems and access facilities, together with the adjacent emergency diesel generator buildings.

**Conventional islands**

- Two conventional islands, each including a turbine hall and associated electrical buildings for the export and distribution of electrical power.

**Operational building**

- An operational service centre (a multi-purpose building), which allows for access into the nuclear islands, including storage areas, workshops, store rooms, laboratories, data centre, offices and associated support and welfare facilities, including the staff restaurant.

**Cooling water pumphouses and associated buildings**

- Two cooling water pumphouses with related infrastructure (one for each UK EPR™ reactor).

**Ancillary buildings**

- Plant, office/access, storage and fuel and waste management.
- National Grid 400 kilovolt (kV) substation, alterations to the existing National Grid substation and associated diversion of overhead lines.
- Relocation of several Sizewell B ancillary buildings including the outage store, training centre; administrative buildings; visitor centre; and office, canteen and welfare facilities.
- Associated buildings, structures and plant outside of the power station perimeter.

### Marine works and associated infrastructure

- The cooling water system and combined drainage outfall in the North Sea, including associated dredging and tunnelling works.

### Other site structures, infrastructure and works, including highway works and earthworks.

- Overhead power lines and pylons connecting the conventional islands to the National Grid substation.
- Replacement of an existing National Grid pylon and power line south of Sizewell C.
- Installation of a cut-off wall and cut-off wall platform and associated deep excavations within the main platform.
- Vehicular and pedestrian crossing over the Sizewell Marshes SSSI south of Goose Hill in the form of a culverted embankment.
- A beach landing facility (BLF) proposed for freight and abnormal indivisible loads (AILs) arriving by sea, including associated dredging.
- Relocation of certain Sizewell B infrastructure, including: outage laydown area; up to 112 replacement car parking spaces; access roads; up to 576 outage car parking space; and, outage car park access roads.
- Diversion of rights of way including Bridleway 19.
- Power station access road, linking the SSSI crossing with a new roundabout onto Abbey Road (B1122).
- Up to 770 operational car parking spaces and up to 600 outage car parking spaces.
- Realignment of Lover's Lane and Eastbridge Road (part) and other highway works.
- Replacement vehicular access from Valley Road to adjoining farmland to the north.

- Realignment of the junction of the B1122 Abbey Road and Lover's Lane.
- Flood defences and coastal protection measures.
- Onshore components of the marine infrastructure.
- Water supply and drainage measures, including realignment of Sizewell drain.
- Landscape restoration works and planting.
- Fencing, lighting and other security provisions.
- Additional parking spaces at Kenton Hills car park.
- New sports facilities located on existing playing fields at Alde Valley school in Leiston.
- Fen meadow compensation areas located at Halesworth and Benhall.

ii. [Temporary development](#)

4.2.6 Temporary development across the main development site during construction, which would be removed at the end of the construction period, includes the following:

[All areas](#)

- Earthworks, excavation and site ground preparation works.
- Site hoardings (including perimeter enclosures and security fencing) and acoustic mitigation measures as required (including fencing or bunds).
- Formation of construction vehicle access routes, and provision of temporary gated site accesses and provision of construction and traffic signage and notices.
- Construction-related compounds, material management areas, buildings, structures, facilities, plant, equipment, cranes and machinery.

**NOT PROTECTIVELY MARKED**

- Construction services and utilities, including electricity, telecommunications, water and power supplies (including substations) and construction lighting.
- Temporary landscaping, hard-standing areas and drainage works, including water control measures and sewage treatment works.
- Temporary construction areas and compounds.
- provision of temporary haul and access roads, highway works and temporary diversions of public rights of way (PRoW);

**Main platform**

- Construction of a temporary crossing over Sizewell Marshes SSSI, prior to construction of a permanent crossing.
- Dewatering operations.

**Temporary construction area**

- Common user facilities, including: approximately six concrete batching plants; access and storage areas; logistical facilities, including waste handling areas; water treatment plants and water pumping stations; fabrication areas; and pre-cast concrete production areas.
- Railway infrastructure, including: railway tracks; a terminal facility for offloading goods; railway sidings; and a passing loop for locomotives and associated works.
- Material management areas, including borrow pits and stockpiles.
- Accommodation campus, including: 3-storey and 4-storey residential buildings providing up to 2,400 bed spaces; non-residential welfare, administration and amenity facilities; approximately 1,600 campus car parking spaces; approximately 60 disabled car parking spaces, 120 motorbike spaces, 120 pedal cycle spaces and a drop-off and pick-up area; and, associated plant and infrastructure.
- Approximately 1,000 parking spaces.

**NOT PROTECTIVELY MARKED**

- Railway infrastructure including railway tracks, a terminal facility for offloading goods, railway sidings, a passing loop for locomotives and associated works.
- Water resource storage area for the storage of non-potable water.

**Land East of Eastlands Industrial Estate**

- Construction of a temporary accommodation campus, comprising: 3-storey and 4-storey residential buildings providing up to 2,400 bed spaces; non-residential welfare, administration and amenity buildings; approximately 1,360 car parking spaces; 120 motorbike spaces, 120 pedal cycle spaces, plus a drop-off and pick-up area; and, associated plant and infrastructure.
- Vehicular accesses onto Lover's Lane, Valley Road and King George's Avenue.
- Material management areas, including stockpiles and a material transfer laydown area.
- Up to 400 caravan pitches providing up to 600 bed spaces (based on 1.5 people per caravan), including serviced plots and associated facilities for staff welfare and amenity.
- Freight management facility, including approximately 80 HGV parking spaces and associated infrastructure.
- Park and ride facility including up to 600 car parking spaces, up to 20 bus spaces and a terminal area.
- Railway infrastructure including railway tracks, a passing loop for locomotives and associated works.

**Offshore works area**

- Construction and tunnelling works related to marine infrastructure.
- Dredging works with associated disposal of material at sea.

### Other temporary development

- Marsh Harrier habitat improvement area (Westleton) (if required)<sup>3</sup>.

### b) Description of the sites required

**4.2.7** The Sizewell C site is located on the Suffolk Coast, approximately halfway between Felixstowe and Lowestoft, to the north-east of the town of Leiston. The main development site adjoins the existing nuclear power station complex at Sizewell on the Suffolk Coast within the areas of Suffolk County Council (SCC) and East Suffolk Council (ESC). The main development site lies within the immediate vicinity of the small rural village of Sizewell.

**4.2.8** The on-site areas of the main development site comprise five components. The location of each component is described below and shown on **Figure 1.1**:

- Power station platform (main platform): the main platform is bounded by the Sizewell B power station to the south, the Sizewell Marshes SSSI to the west and north and a gravel beach, with the North Sea beyond, to the east.
- Temporary construction area: this land would primarily be located to the north of the Sizewell Marshes SSSI between the B1122 and the coast, to the north-west of the power station platform.
- LEEIE: LEEIE is bounded to the north by Valley Road, to the east by Lover's Lane, to the south by Grimsey's Lane and to the west by the existing Saxmundham to Leiston branch line.
- Offshore works area: the offshore works area is to the east of the main platform extending into the North Sea.
- Sizewell B relocated facilities and National Grid land: this land is to the west and south of the existing Sizewell B power station.

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<sup>3</sup> The conclusion of the main DCO Shadow Habitats Regulation Assessment Report (Doc Ref. 5.10) and the DCO Shadow Habitats Regulation Assessment Volume 4 – Compensatory Measures Report (Doc Ref. 5.10) is that the permanent habitat improvement area of 47.8ha that has been established, but is being further improved, at the northern edge of the EDF Energy Estate (UK grid reference: TM 46318 65222) would provide sufficient foraging to be regarded as appropriate compensation for the predicted 'loss of foraging' over the Sizewell Marshes SSSI, arising as a result of a barrier effect created by the temporary construction area. This effect is assessed within Chapter 14 of Volume 2 of the ES and also in the DCO Shadow Habitats Regulation Assessment Report. However, if it is determined by the Secretary of State that additional marsh harrier habitats are required, then the marsh harrier habitat improvement area (Westleton) would be temporarily used to provide this.

#### 4.2.9 The main development site also comprises three off-site facilities:

- Leiston off-site sports facilities (off-site): the Leiston off-site sports facilities land is an area to the south of Alde Valley Academy and east of Leiston leisure centre.
- Fen meadow compensation lands (off-site): the fen meadow compensation lands are the areas to the south of Benhall and to the east of Halesworth.
- Marsh harrier habitat improvement area (Westleton): the habitat improvement area would be sited (if required) on land west of Westleton.

#### 4.2.10 The location of the main development site is identified on the **Main Development Site Plans** (Doc Ref. 2.5), **Land Plans** (Doc Ref. 2.1) and the **Crown Land Plans** (Doc Ref. 2.2). A detailed description of the site and proposed development is in **Volume 2** of the **ES** (Doc Ref. 6.3). Further detail on the need for this development is in **Chapter 4** of the **Planning Statement** (Doc Ref. 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

### 4.3 Park and rides

#### a) Requirement for the development

#### 4.3.1 The park and ride facilities would play an important role in reducing the amount of additional traffic generated by the construction workforce on local roads and through local villages. Two temporary off-site park and ride facilities are proposed, one at Darsham for construction workers approaching Sizewell C from the north on the A12 and the other at Wickham Market for those approaching from the south on the A12. Both park and ride facilities would also intercept traffic movements from locations west of the A12. Construction workers would then be transported to and from the Sizewell C main development site by bus.

#### b) Proposed development

#### 4.3.2 Each park and ride facility would comprise:

- car parking areas for up to 1,250 car parking spaces (of which up to 40 would be accessible spaces) and up to 12 pick up only spaces;
- up to ten spaces for minibuses/vans/buses;

- up to 80 motorcycle parking spaces;
- secure cycle parking for up to 20 bicycles;
- bus terminus area, including shelters;
- security fencing and lighting;
- an amenity and welfare building comprising toilets and staff room;
- a security building including an administration office;
- a security booth adjacent to an exit loop for errant vehicles;
- other ancillary development, including signage, road markings, CCTV and utilities; and
- external areas including roadways, footways, landscaping (including bunds), and drainage infrastructure.

4.3.3 In addition to the above described facilities, the southern park and ride would also contain a postal consolidation building and Traffic Incident Management Area (TIMA).

4.3.4 The postal consolidation building would handle and process postal deliveries for the Sizewell C main development site. On receipt at the facility, all mail and courier packages would be checked, sorted and consolidated. Outgoing mail would be collected from the main development site for postal or courier services.

4.3.5 If there is an incident within the Sizewell C main development site or external to the Sizewell C main development site on the local road network, which requires construction-related vehicles to be held or diverted, the TIMA at the southern park and ride could be utilised to manage vehicles, and remove them from the public road network while the incident is being resolved.

4.3.6 Once the need for the park and ride facilities has ceased, the facilities would be removed in accordance with the relevant removal and reinstatement scheme, which would consider the feasibility of re-using buildings, modules and materials. When the sites have been cleared, they would be returned to agricultural use.

## c) Description of site required

## i. Northern park and ride at Darsham

4.3.7 The northern park and ride at Darsham would be situated to the west of the A12, to the east of the East Suffolk line and to the north of Darsham railway station. Access to the site would be via a new three arm roundabout, with works to Willow Marsh Land and the temporary realignment of the A12 via the roundabout.

4.3.8 The northern park and ride **Land Plans** (Doc Ref. 2.1) and the **Northern Park and Ride Plans** (Doc Ref. 2.6) show the location of the northern park and ride at Darsham. Further detailed description of the northern park and ride is provided in **Volume 3** of the **ES** (Doc Ref. 6.4). Further detail on the need for this development is in **Appendix D** to the **Planning Statement** (Doc Ref. 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

## ii. Southern park and ride at Wickham Market

4.3.9 The southern park and ride would be located to the north-east of Wickham Market. Access to the site would be off the slip road from the B1078 which leads to the northbound A12.

4.3.10 The southern park and ride **Land Plans** (Doc Ref. 2.1) and **Southern Park and Ride Plans** (Doc Ref. 2.7) show the location of the southern park and ride at Wickham Market. Further detailed description of the southern park and ride is provided in **Volume 4** of the **ES** (Doc Ref. 6.5). Further detail on the need for this development is in **Appendix E** to the **Planning Statement** (Doc Ref. 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

## 4.4 Two village bypass

## a) Requirement for the development

4.4.1 The A12 between Ipswich and Lowestoft would be the main route corridor for Sizewell C construction traffic on the highway network. Traffic modelling identified that whilst the majority of the A12 would not experience traffic concerns, consideration was given to specific areas along the A12 that are expected to experience a level of traffic impacts that would justify further mitigation, including where the road passes the villages of Farnham and Stratford St Andrews (discussed in this section), communities between the A12 and the entrance to the main development site such as Theberton,

discussed in **section 4.5**, and at specific junctions, discussed in **section 4.6** of this Statement.

4.4.2 There has been a long-standing concern from residents regarding the existing traffic levels through the villages of Farnham and Stratford St. Andrew. The road narrows and has a tight bend at Farnham, which reduces capacity and gives rise to concerns about safety, particularly when two large vehicles are passing at once. The proposed Sizewell C Project would increase construction traffic levels along this section of the A12, and there are also potential impacts on residential amenity within the village of Farnham due to the increase in traffic flows and the proximity of traffic to the frontage of properties.

4.4.3 The two village bypass has been proposed to avoid the adverse effects that would otherwise be associated with the addition of the construction traffic to the existing volume of traffic that would travel through Farnham and Stratford St Andrew.

4.4.4 The proposed alignment of the highway runs across land to the south of the existing A12. In a west to east direction, it would begin at the A12 to the west of Stratford St. Andrew via a new four-arm roundabout, east of Parkgate Farm and Stratford Plantation, and re-join the A12 also via a new four-arm roundabout to the east of Farnham at the A12 and A1094 Friday Street junction.

b) **Proposed development**

4.4.5 The two village bypass would be constructed in the early years and would form a new permanent section of the A12. The existing section of the A12 through the villages would be retained.

4.4.6 The two village bypass proposals include:

- a 2.4 kilometre (km) single carriageway road;
- provision of a four arm roundabout at the western end of the road, east of Parkgate Farm and Stratford Plantation to connect the road to the A12 and Tinker Brook;
- a single span overbridge for all traffic, 7.5 metres (m) in height above ground level to the road surface (+/- 1m) to allow a crossing over the River Alde;

- provision of flood compensation areas to the north side of the route of the proposed bypass on both sides of the River Alde, where required<sup>4</sup>;
- provision of a staggered junction between Nuttery Belt and Pond Wood to maintain access on both sides of the route of the proposed two village bypass;
- A non-motorised user overbridge would be provided across the route of the proposed two village bypass approximately 150m east of Farnham Hall and two public rights of way (PRoW) diverted to maintain connectivity across the route; and
- provision of a four-arm roundabout at the eastern end of the road, to replace the existing junction of the A12, with the A1094 (Friday Street).

c) **Description of the site required**

**4.4.7** The site comprises approximately 55 ha of agricultural land and highway land. It is located to the south and east of Farnham and Stratford St Andrew.

**4.4.8** The two village bypass **Land Plans** (Doc Ref. 2.1) and **Two Village Bypass Plans** (Doc Ref. 2.8) show the location of the two village bypass. Further detailed description of the two village bypass is provided in **Volume 5** of the **ES** (Doc Ref. 6.6). Further detail on the need for this development is in **Appendix G** to the **Planning Statement** (Doc Ref. 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

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<sup>4</sup> The conclusion of the two village bypass Flood Risk Assessment (Doc Ref. 5.5) is that the flood compensation areas are not necessary to mitigate the impacts of the proposed development. Flood risk is also assessed in Chapter 12 of Volume 5 (Doc Ref. 6.6). In response to consultation, the Environment Agency has stated that written consent from the landowner must be obtained for the increased flood depth, hazard and velocity that would be experienced in localised areas. SZC Co. will continue to engage with the landowner with the view to reaching such an agreement. However, as this agreement had not been obtained at the time of submission of the application, the proposed development includes areas within the site to the north of the proposed bridge that could provide flood compensation. It is not considered that this flood compensation land is required for the proposed development. It is nevertheless being put forward as part of the DCO application in case the Secretary of State disagrees with this position and takes the view that it is in fact required.

## 4.5 Sizewell Link Road

### a) Requirement for the development

4.5.1 As mentioned in **section 4.4** above, specific areas along the A12 are expected to experience a level of traffic impact that would justify further mitigation, including communities between the A12 and the entrance to the main development site such as Theberton.

4.5.2 The Sizewell link road has been proposed to avoid the adverse effects that would otherwise be associated with the addition of the construction traffic to the existing volume of traffic that would travel along the B1122 through Middleton Moor and Theberton.

4.5.3 The proposed route of the Sizewell link road runs across land to the south of the existing B1122. In a west to east direction, it includes the A12 to the south of Yoxford via a new three-arm roundabout, runs south of Middleton Moor, south-west of Theberton, and re-joins the B1122 to the south-east of Theberton. A road link is proposed from the proposed Sizewell link road joining the B1122 via a three-armed roundabout, west of Middleton Moor.

### b) Proposed development

4.5.4 The Sizewell link road would be constructed in the early years and be used for Sizewell C construction traffic travelling to the main development site. It would also be open to the public.

4.5.5 The Sizewell link road would include:

- a 6.8km single carriageway road;
- a new three arm roundabout on the A12, located approximately 180m north of The Red House Farm;
- a single span bridge, approximately 50m in length, to enable the proposed road to cross over the East Suffolk line;
- a ghost island junction and a new link road (referred to as the 'Middleton Moor link'), from the proposed route of the Sizewell link road;
- Fordley Road would be realigned on the south side of the proposed route of the Sizewell link road so northbound traffic could join the new road;

- provision of a staggered crossroads ghost island junction to give access to Trust Farm located to the south and to the existing B1122 to the north;
- provision of an access road from the south side of the route of the proposed Sizewell link road to Hawthorn Cottages, and realignment of Hawthorn Road for approximately 150m to meet the proposed route of the Sizewell link road. Hawthorn Road would be stopped up on the north side of the proposed route of the Sizewell link road;
- a new ghost island junction would be formed with an extension of the B1125 and reconfiguration of the existing B1122 (Leiston Road) to form new junctions. This includes a provision of a new link road between the route of the proposed Sizewell link road and Leiston Road (the 'B1125 link');
- a new priority junction on the west side of the Sizewell link road at Pretty Road;
- a new single span overbridge would carry non-motorised users only (pedestrians, cyclists, equestrians) over Pretty Road;
- a new junction to Moat Road would be provided to maintain access to the existing properties including Theberton Grange and Moat House;
- a new junction to provide access to Theberton to the north, where approximately 500m of the B1122 would be realigned, with the route of the Sizewell link road joining the southern section of the B1122; and
- portal culverts would be provided where the route of the proposed Sizewell link road crosses watercourses at five locations. Two flood relief culverts are also proposed.

c) Description of the site required

4.5.6 The site comprises approximately 101 ha of primarily agricultural land, as well as highway land. The route lies to the south of the existing B1122.

4.5.7 The Sizewell link road **Land Plans** (Doc Ref. 2.1) and **Sizewell Link Road Plans** (Doc Ref. 2.10) show the location of the proposed Sizewell link road. Further detailed description of the Sizewell link road is provided in **Volume 6** of the **ES** (Doc Ref. 6.7). Further detail on the need for this development is in **Appendix H** to the **Planning Statement** (Doc Ref. 8.4). Details of how

this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

#### 4.6 Yoxford and other highway improvements

##### a) Requirement for the development

4.6.1 As mentioned in **section 4.4** above, specific areas along the A12 are expected to experience a level of traffic impact that would justify further mitigation. These include where the temporary increase in journeys on the network is expected to lead to issues or constraints at specific junctions. Traffic modelling was used to identify locations on the highway network where improvements are required.

4.6.2 A number of permanent highway improvements are proposed at points on the highway network where they are considered necessary for highway safety and/or highway capacity reasons. These would be constructed in the early years and would support the construction of Sizewell C.

##### b) Proposed development

4.6.3 The works would comprise the following:

- A12 and B1122 east of Yoxford: Provision of a new roundabout at the junction.
- A1094/B1069 junction south of Knodishall: Improvements of visibility splays and provision of signage and road markings.
- A12/A144 junction south of Bramfield: Provision of central reservation island and waiting area.
- A12/B1119 junction at Saxmundham: Improvements of visibility splays, alteration of the B1119 at the junction with the A12, and provision of signage and road markings.

##### c) Description of the sites required

4.6.4 The land required for the proposed development at these sites is predominantly within the highway boundary. SZC Co. is applying for sufficient powers to be able to carry out the works and is working closely with SCC as the highway authority to ensure that the final designs of all works are suitable.

i. **A12/B1122 Yoxford Roundabout**

- 4.6.5 The site is approximately 2.9ha of agricultural land which lies approximately 90m to the north of the existing A12/B1122 junction and to the east of Yoxford. The A12 approach roads leading into the site would be 7.3m in width, with the B1122 approach road 6m wide. All three of the approaches would flare to create additional width at the proposed A12/B1122 Yoxford roundabout give way line.

ii. **A1094/B1069 South of Knodishall**

- 4.6.6 The site is approximately 1.5ha and lies within the existing boundaries of the A1094 and the B1069 in a predominantly rural area, approximately 2.6km to the south of Knodishall and 1.1km south-east of Friston. There is a woodland, residential property and agricultural land surrounding the site.

iii. **A12/A144 South of Bramfield**

- 4.6.7 The site is approximately 1.2ha and lies within the highway boundary. The site is located at the junction of the A12 and A144, approximately 2.7km south of Bramfield and 1km north of Darsham. The site is bounded by agricultural land, with a small number of residential properties directly north and south of the site.

iv. **A12/B1119 Saxmundham**

- 4.6.8 The site is approximately 0.9ha and lies within the existing highway boundary. The site is located at the junction of the A12 and B1119 and is 1.1 km west of Saxmundham. Along the west of the site is agricultural land and along the east of the site are hedgerows and green space, beyond which lie residential properties to the west of Saxmundham.
- 4.6.9 The Yoxford and other highway improvement **Land Plans** (Doc Ref. 2.1) and **Yoxford Roundabout and Other Highway Improvement Plans** (Doc Ref. 2.9) show the location of the proposed highway improvements. Further detailed descriptions of the highway improvements are provided in **Volume 7** of the **ES** (Doc Ref. 6.8). Further detail on the need for this development is in **Appendix I** to the **Planning Statement** (Doc Ref 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

4.7 **Freight management facility**

a) **Requirement for the development**

- 4.7.1 The proposed freight management facility would allow deliveries to the main development site to be checked and controlled, particularly during

peak or sensitive hours on the local road network. It would provide a holding facility for HGVs waiting to travel to the main development site or in the event of an accident on the local road network which prevented access to the main development site.

b) **Proposed development**

4.7.2 Once the need for the facility has ceased, the buildings and structures would be removed in accordance with a removal and reinstatement plan, which would consider the feasibility of the re-use of building, modules and materials off-site. When the site has been cleared, the area would be returned to agricultural use.

4.7.3 The freight management facility would include:

- parking for up to 154 HGVs including up to six covered HGV spaces for screen and search activities;
- up to 12 car parking spaces for staff and visitors including up to one accessible space;
- up to ten spaces for minibuses/vans;
- up to four motorcycle parking spaces;
- covered cycle parking for up to ten bicycles;
- security fencing and lighting;
- an amenity and welfare building comprising toilets and staff room;
- a security building including an administration office;
- a security booth adjacent to an exit loop for errant vehicles;
- a smoking shelter;
- site access, including a ghost island junction;
- other ancillary development, including signage, road markings, CCTV and utilities; and

- external areas including roadways, footways, landscaping (including bunds), and drainage infrastructure.

c) **Description of the site required**

4.7.4 The site area is approximately 11ha in total and comprises arable land and highway land at the boundary. The site is located to the south-east of the A12 and A14 junction south-east of Ipswich and bounded by the A14 to the north and Felixstowe Road to the south.

4.7.5 The freight management facility **Land Plans** (Doc Ref. 2.1) and **Freight Management Facility Plans** (Doc Ref. 2.11) show the location of the proposed freight management facility. Further detailed description of the freight management facility is provided in **Volume 8** of the **ES** (Doc Ref. 6.9). Further detail on the need for this development is in **Appendix F** to the **Planning Statement** (Doc Ref. 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

4.8 **Rail**

a) **Requirement for the development**

4.8.1 SZC Co. has developed a strategy to transport a significant proportion of the Sizewell C Project construction materials to the main development site via the rail network. The delivery of freight by rail would offer an alternative non-road option for the delivery of a variety of construction materials. This would offer flexibility for the freight strategy, and secure a freight mode that would be operational throughout the year with much less risk of weather disruption compared to other non-road options. Use of rail would substantially reduce the number of HGV movements on the local road network.

i. **Green rail route**

4.8.2 The proposed green rail route would allow freight deliveries by rail for up to three trains (six movements) per day to the main development site. The route would connect the existing Saxmundham to Leiston branch line via a new turnout east of the Saxmundham Road level crossing and south of Buckle's Wood.

ii. **Other rail improvements**

4.8.3 To accommodate the number and type of rail freight movements during the construction of Sizewell C, track upgrades to the Saxmundham to Leiston branch line are proposed, including upgrades to up to eight level crossings.

**b) Proposed development****i. Green rail route**

**4.8.4** The proposed green rail route in its entirety comprises a temporary rail extension of approximately 4.5 km running west to east from the existing Saxmundham to Leiston branch line to a terminal within the main development site. The part of the green rail route outside of the Sizewell C main development site would be 1.8 km in length from the existing Saxmundham to Leiston branch line to the proposed B1122 (Abbey Road) level crossing inclusive.

**4.8.5** The green rail route includes:

- new rail track and associated earth works, in a west to east direction, which includes the existing Saxmundham-Leiston branch line, a new section of track between the following:
  - Saxmundham Road to Buckleswood Road;
  - Buckleswood Road to B1122 (Abbey Road); and
  - B1122 (Abbey Road) to Sizewell C power station site; and
- associated works and development including:
  - temporary automated level crossings at Buckleswood Road and the junction with the B1122 (Abbey Road);
  - diversion of footpaths;
  - drainage, including swales and an infiltration pond; and
  - landscape works, including landscape bunds, security fencing and planting.

**4.8.6** Following the completion of the construction of the Sizewell C Project, the green rail route, including the track bed and level crossings, would be removed and the land reinstated to agricultural use, with the temporary level crossings reinstated to highway.

**ii. Other rail improvements**

**4.8.7** The proposed track replacement on the Saxmundham to Leiston branch line comprises new track, ballast and flat-bottom continuously welded rail on concrete sleepers. The proposed upgrades would ensure that the existing track would meet Network Rail standards for freight transport.

4.8.8 Upgrades would also be required on up to eight operational level crossings on the Saxmundham to Leiston branch line between the Saxmundham junction and the Sizewell level crossing. This is to enable safe use of the Saxmundham to Leiston branch line for freight deliveries as part of the construction of the Sizewell C main development site. These are located at:

- Bratts Black House;
- Knodishall;
- West House;
- Snowdens;
- Saxmundham Road;
- Buckles Wood;
- Summerhill; and
- Leiston.

c) Description of the sites required

i. Green rail route

4.8.9 The site comprises approximately 21.8 ha of primarily agricultural land and is located between Saxmundham and Leiston.

ii. Other rail improvements

4.8.10 The site for the Saxmundham to Leiston branch line upgrades is approximately 11.1ha and includes the full extent of the branch line and all relevant land required in order to undertake the works, including up to eight level crossing upgrades.

4.8.11 The majority of the land is within the existing rail or highway boundary. SZC Co. is in discussions with Network Rail about the most appropriate way for the works to be carried out but is applying for the required powers over all of the land necessary for the development.

4.8.12 The rail **Land Plans** (Doc Ref. 2.1) and the **Rail Plans** (Doc Ref. 2.12) show the location of the proposed green rail route and other rail improvements. Further detailed description of the green rail route and other rail improvements is provided in **Volume 9** (Rail) and **Volume 2** (Main

Development Site) of the **ES** (Doc Ref. 6.10 and 6.3). Further detail on the need for this development is in **Appendix J** to the **Planning Statement** (Doc Ref. 8.4). Details of how this site was selected are included in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4).

#### 4.9 Special considerations affecting the Order Land

##### a) Special category land

- 4.9.1 There is no open space, common land or fuel or field garden allotments included or affected by the Order Land.

##### b) Crown land

- 4.9.2 The majority of land owned by the Crown Estate within the Order Limits is land below the mean low water mark within the offshore works area of the main development site, however there are several other plots of land owned by the Crown Estate within the Order Limits. The extent and location of the affected land owned by the Crown Estate is identified in the **Book of Reference** (Doc Ref. 4.3) and associated **Crown Land Plans** (Doc Ref. 2.2).

- 4.9.3 Land owned by the Crown Estate may be acquired by compulsory acquisition but only with the Crown Estate's consent. For this reason, SZC Co. has elected not to include Crown Estate interests in the schedule of Order Land, although these interests are described and illustrated in the **Book of Reference** (Doc Ref. 4.3) as required by the Act.

- 4.9.4 SZC Co. is in negotiations to acquire the necessary interests directly with the Crown Estate Commissioners and does not perceive any obvious impediment to acquiring these interests.

##### c) Statutory undertakers

- 4.9.5 SZC Co. has identified statutory undertakers which have an interest in land required for the proposals or have, or may have, a right to keep equipment (in connection with their undertaking) on, in or over the land required for the proposals. SZC Co. has engaged with these statutory undertakers and had regard to any feedback received and the location of any assets or equipment in the development of designs and proposals. Section 127(2) of the Act states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that the Secretary of State is satisfied that:

- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

4.9.6 Section 127(5) of the Act states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land to the extent that the Secretary of State is satisfied that:

- the right can be purchased without serious detriment to the carrying on of the undertaking; or
- any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.

4.9.7 Adequate protection for the statutory undertakers will be included within protective provisions in the DCO. SZC Co. therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.

## 5. Source And Scope Of Powers Sought In The DCO

### 5.1 Enabling powers

5.1.1 Section 120(3) of the Act provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the Act lists the matters ancillary to the development. These include (amongst others):

- the acquisition of land, compulsorily or by agreement (paragraph 1);
- the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
- the abrogation or modification of agreements relating to land (paragraph 3); and
- the payment of compensation (paragraph 36).

5.1.2 Section 122 of the Act provides that a DCO may only include provision authorising the compulsory acquisition of land if the Secretary of State is satisfied that the land is:

- required for the development to which the DCO relates;
- required to facilitate or is incidental to that development; or
- replacement land for commons, open spaces, etc.

5.1.3 Further, it is also necessary for the Secretary of State to be satisfied, in relation to the DCO Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the Act.

## 5.2 Scope of powers sought

5.2.1 If a DCO is made by the Secretary of State in respect of the proposals, it will be necessary for that DCO to contain powers to enable SZC Co. to acquire compulsorily land and rights over land, and to take possession of land temporarily, to enable the construction and delivery of the proposals. Without the acquisition and temporary use of the land, the Sizewell C Project cannot be delivered. Whilst SZC Co. will acquire the land by agreement wherever reasonably possible, the need to ensure that the Sizewell C Project can be delivered requires the power to compulsorily acquire a number of interests. Powers of compulsory acquisition are also required as a means of overriding existing rights and interests in or over land, as well as creating new rights over land, and granting the right to take temporary possession of land.

5.2.2 If exercised, the rights and powers that SZC Co. is seeking may result in an interference with property rights and private interests in land. The DCO provides that where these powers are exercised, the owner of the affected land may be entitled to compensation under the Compensation Code (Ref. 1.11). Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.

5.2.3 The scope of the proposed powers is set out below, and all reference to an 'article' is a reference to an article of the DCO. All these articles in the DCO are considered important / essential to the delivery of the Sizewell C Project.

## 5.3 Powers to acquire land and rights compulsorily

5.3.1 The main powers authorising the acquisition of land, or of interests in and/or rights in, over or under land are contained in **Article 26** (compulsory

acquisition of land), **Article 28** (statutory authority to over-ride easements and other rights), **Article 30** (compulsory acquisition of rights) and **Article 31** (private rights of way) of the **Draft DCO** (Doc Ref. 3.1).

**5.3.2** The land permanently required by SZC Co. for the purposes of the Sizewell C Project comprises a combination of surface and subterranean land (together with surface rights and restrictive covenants) on which the Sizewell C Project will be constructed and operated. There are therefore other compulsory acquisition powers sought in the DCO which deal with acquisition in specific circumstances, such as where SZC Co. seeks to acquire interests in only part of the property or just an interest in the subsoil, or to impose a restrictive covenant.

**5.3.3** The **Land Plans** (Doc Ref. 2.1) show land and rights over which compulsory powers are sought and these are listed in the **Book of Reference** (Doc Ref. 4.3). On the **Land Plans** (Doc Ref. 2.1), all freehold and leasehold interests to be compulsorily acquired (non-highway land) are shown shaded in pink, the acquisition of rights by the creation of new rights or the imposition of restrictive covenants is shown shaded in blue and all freehold and leasehold interests to be compulsorily acquired (presumed highway land) are shown shaded in orange. Any land within the Order Limits as shown outlined in red on the **Land Plans** (Doc Ref. 2.1) will be subject to a statutory authority to override easements and other rights, and to extinguish private rights of way upon the appropriation of the land for the purposes of the DCO.

**a) Summary of relevant permanent powers**

**5.3.4** **Article 26** (compulsory acquisition of land): this article would allow SZC Co. to compulsorily acquire any land within the Order Limits where that land is required for the construction, operation and/or maintenance of Sizewell C, or is required to facilitate or is incidental to those activities and to use the acquired land for the purpose authorised in the **Draft DCO** (Doc Ref. 3.1) or any other connected purpose.

**5.3.5** This article is subject to **Article 29** (time limit for exercise of authority to acquire land compulsorily), **Article 30** (compulsory acquisition of rights), **Article 33** (acquisition of subsoil only), **Article 36** (rights under or over streets), **Article 37** (temporary use of land for carrying out authorised development), and **Article 85** (Crown rights).

**5.3.6** **Article 27** (compulsory acquisition of land – incorporation of the mineral code): this article would effectively exempt existing rights in minerals from the scope of compulsory acquisition and provides for a procedure for an owner wishing to work mines or minerals.

- 5.3.7 Article 28** (statutory authority to override easements and other rights): Rather than automatically extinguishing all third-party rights, SZC Co. may elect to interfere with rights or breach restrictive covenants in the course of carrying out or using the authorised development.
- 5.3.8 Article 29** (Time limit for exercise of authority to acquire land compulsorily): this article would provide that SZC Co. must exercise its power to acquire land or interests within five years of the Order being granted. This ensures that landowners within the Order Limit have certainty as to whether or not their land or rights over their land are to be acquired within a set period of time.
- 5.3.9 Article 30** (compulsory acquisition of rights): this article would allow SZC Co. to compulsorily acquire existing and new rights, as well as impose restrictive covenants over land, for example where flood mitigation works need to be retained. Where SZC Co. only needs to acquire rights over land, it is not required to acquire a greater interest in the land.
- 5.3.10 Article 31** (private rights of way): this article would provide for the extinguishment of private rights of way over land subject to compulsory acquisition from the date of acquisition of land or on the date of entry, whichever is earlier. Private rights of way over land subject to temporary possession would be suspended whilst SZC Co. is in possession of the land.
- 5.3.11 Article 32** (application of the 1981 Act): this article would provide for the application of the Compulsory Purchase (Vesting Declarations) Act 1981, containing the vesting procedures for land subject to compulsory acquisition. It would allow SZC Co. to choose between the notice to treat procedure or the general vesting declaration procedure set out in the Compulsory Purchase (Vesting Declarations) Act 1981. Vesting declarations allow title in land concerned to pass to the acquirer more quickly than using the notice to treat procedure. They also enable several parcels of land to be acquired at the same time, and therefore more efficiently, than under the notice to treat procedure. This article also clarifies that SZC Co. will be a body or person authorised to acquire land for the purposes of the vesting declaration procedure.
- 5.3.12 Article 33** (acquisition of subsoil and airspace only): this article would authorise SZC Co. to compulsorily acquire so much of, or such rights in, the subsoil of and airspace over any land acquired under **Article 26** (compulsory acquisition of land). It also confirms that in such circumstances SZC Co. would not be required to acquire an interest in any other part of the land. The purpose of **Article 33** is to minimise so far as is possible the extent of interests SZC Co. needs to acquire, resulting in less impact on landowners.

- 5.3.13 Article 34** (acquisition of part of certain properties): this article would apply where SZC Co. is seeking to acquire only a part, rather than all of, a property. It sets out a procedure where an owner may require SZC Co. to take the whole of the property if part cannot be taken without material detriment. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 5.3.14 Article 35** (modification of the 1965 Act): this article amends provisions of the Compulsory Purchase Act 1965 Act so they are consistent with the terms and timeframes under the DCO.
- 5.3.15 Article 36** (rights under or over streets): this article would enable SZC Co. to occupy the subsoil or airspace of any street within the Order Limits without having to acquire any part of, or right in, the street. This exemption does not apply in the case of an underground structure (such as a basement or cellar). Where a street is occupied, any person affected is entitled to compensation (or cost-sharing where another statutory undertaker is involved).
- 5.3.16 Article 45** (use of airspace within the Order Limits): this article would allow SZC Co. to enter into and use the airspace over any land within the Order Limits as is required for the construction, operation and maintenance of the authorised development or any other ancillary purpose, without acquiring a greater interest in the land. This right would avoid the need to obtain an airspace or over-sailing licence in the event that SZC Co. occupies airspace above Order Land that it does not own or have an interest in (for instance where the arm of a crane extends into the airspace of neighbouring land).
- 5.4 Powers to use and possess land temporarily**
- 5.4.1** There will be situations where it will not be necessary for SZC Co. to permanently acquire rights and interests, but instead be authorised to temporarily possess and use private roads and land.
- 5.4.2** In the **Land Plans** (Doc Ref. 2.1) and in the **Book of Reference** (Doc Ref. 4.3), land proposed to be temporarily possessed (non-highway land) is shown shaded in yellow and land proposed to be temporarily possessed (presumed highway land) is shown in green shading.
- a) Summary of relevant temporary powers**
- 5.4.3 Article 18** (use of private roads for construction): this article would allow SZC Co. to use temporarily any private road within the Order Limits for the passage of persons or vehicles for the purposes of, or in connection with, the construction of Sizewell C without the need to obtain an interest (i.e. right of way) over that land.

**5.4.4 Article 37 and Schedule 17** (temporary use of land for carrying out authorised development): this article would provide SZC Co. with the power to enter onto, and temporarily occupy, land for the purposes of carrying out various temporary or permanent works on that land (such as removal of buildings and vegetation), without having to acquire a permanent interest in the land.

**5.4.5** This article is subject to **Article 38** (time limit for exercise of authority to temporarily use land for carrying out the authorised development). Article 38 would provide that SZC Co. must exercise its power to temporarily use land or interests within five years of the Order being granted.

**5.4.6 Article 39** (temporary use of land for maintaining authorised development): this article would provide that SZC Co. may enter onto and temporarily occupy any land within the Order Limits that is reasonably required to maintain the authorised development during the operational period and to construct such temporary works and buildings on the land, without having to acquire a permanent interest. This article does not apply to any house, garden (belonging to a house) or any other occupied building.

**5.4.7** Under this article, SZC Co. is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. SZC Co. must give the landowner and any occupier not less than three months' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

## **5.5 Other rights and powers**

**5.5.1** The DCO provides SZC Co. with other rights and powers, the exercise of which may result in an interference with property rights and private interests in land. These additional powers are set out below.

### **a) Summary of relevant rights and powers**

**5.5.2 Article 14** (permanent stopping up of streets and extinguishment of private means of access): this article would provide SZC Co. with powers to stop up the streets (both roadways and footpaths), PRow and private means of access specified in **Schedule 10** to the extent specified in that schedule. The process for stopping up differs depending on whether or not a substitute street, PRow or private means of access will be provided. Where a street is stopped up, all rights of way will be extinguished and SZC Co. may use the site of the street (where bounded by its own land) for the purposes of the Sizewell C Project.

**5.5.3 Article 16** (benefit of private means of access or private rights of way created): this article would allow SZC Co. to provide private means of access or private rights of way to any land owners whose private means of

access or private right of way is permanently extinguished or compromised by the Sizewell C Project, without the need for SZC Co. to acquire the land over which the new right of way or access is to be created.

- 5.5.4 Article 17** (temporary stopping up of streets and private means of access): this article would allow SZC Co. to temporarily stop up, alter, or divert streets or PRoWs during, and for the purposes of, the Sizewell C Project. It also includes the right to divert any traffic and prevent all persons from passing along the street or PRoWs for any reasonable time. In the event that pedestrian access is prevented, SZC Co. must ensure that access is provided to any premises that abut the affected street or PRoWs where there would be no other way to access those premises.
- 5.5.5 Article 19** (access to works): this article would provide that SZC Co. may make accesses to the public highway within the Order Limits, provided the street authority has given its consent following consultation with the highway authority.
- 5.5.6 Article 23** (discharge of water): this article would enable SZC Co., with the owner's consent, to use and connect any existing watercourse, public sewer or drain within the Order Limits for the purposes of the Sizewell C Project.
- 5.5.7 Article 24** (protective work to buildings): this article would authorise SZC Co. to carry out protective works to any building within the Order Limits prior to, during or up to five years after its first opening for use, or the carrying out of any part of the Sizewell C Project in the vicinity of that building.
- 5.5.8 Article 25** (authority to survey and investigate the land): this article would authorise SZC Co. to enter onto any land within the Order Limits or which may be affected by the authorised development (whether or not that land is within the Order Limits) to undertake various survey and investigative works, including trial holes.
- 5.5.9 Article 40** (statutory undertakers): this article would allow SZC Co. to acquire land or rights in land owned by statutory undertakers (such as telecommunications and electricity suppliers) or to interfere with their apparatus by removing or repositioning the apparatus within the Order Limits. These powers would be subject to **Schedule 18** (protective provisions), which sets out controls and processes around the interference, removal, relocation, and/or alteration of a statutory undertaker's apparatus.
- 5.5.10 Article 79** (felling or lopping of trees and removal of hedgerows): this would enable SZC Co. to fell or lop trees, hedgerows (including important hedgerows listed in **Schedule 21**) and shrubs near any part of the Sizewell C Project for the purposes of preventing obstruction or interference with the

construction, operation or maintenance, or danger to users of the authorised development. Provision is included for the payment of compensation for any loss and damage caused and its determination in the event of a dispute.

## 6. Purpose For Which Compulsory Acquisition Powers Are Sought

6.1.1 The Order Land is required for the purpose of the Sizewell C Project, which comprises the construction, operation and maintenance of a new nuclear power station at Sizewell, and associated development required to facilitate its construction or operation, or to help mitigate its impacts.

6.1.2 To ensure that the Sizewell C Project can be built, operated and maintained, and so that the Government's policy in relation to the timely provision of new generating capacity is met within a reasonable timescale, SZC Co. requires the acquisition of a number of property interests in third-party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.

6.1.3 Pursuant to sections 14(1)(a) and 15(2) of the Act, an onshore generating station in England with a capacity of more than 50 MW constitutes a NSIP. The proposed generating station is therefore an NSIP within the definition of the Act. Its construction requires development consent, by virtue of section 31 of the Act.

6.1.4 In addition to developing the power station itself, SZC Co. is applying for consent for associated development. All of the associated development SZC Co. is proposing is considered necessary to support the construction or operation of the power station or to help to mitigate its impacts and is therefore associated development for the purposes of section 115 of the Act.

6.1.5 Proposed associated development is consistent with the principles set out in the associated development guidance produced for applications for development consent for major infrastructure projects:

- There is a direct relationship between each proposed associated development and Sizewell C. Each element of development supports the construction or operation of Sizewell C, or helps to address its impacts.
- None of the proposed associated development is an aim in itself and it is all subordinate to Sizewell C.

- None of the proposed associated development is only necessary as an additional source of revenue for SZC Co.
- The proposed associated development is proportionate to the nature and scale of Sizewell C.

6.1.6 The associated development and how it supports the construction or operation of Sizewell C or helps address its impacts is described in **section 4** of this Statement and **Chapter 9** of the **Planning Statement** (Doc Ref. 8.4).

6.1.7 SZC Co. is seeking to acquire the land necessary for the development by agreement. **Appendix B** of this Statement shows the status of negotiations with owners of principal parts of the Order Limits. However, SZC Co. is applying for powers of compulsory acquisition or temporary possession over the Order Land in order to ensure that land assembly and title to it can be secured with certainty. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be overridden, removed and/or extinguished in order to facilitate the construction, operation and maintenance of Sizewell C.

6.1.8 **Appendix A** of this Statement lists the land parcels and rights to be acquired (as shown on the **Land Plans** (Doc Ref. 2.1)), as well as the works which will take place in each parcel and the purpose for which the interests or rights are being acquired.

6.1.9 In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the Order Land, uncertainty will continue to prevail and SZC Co. considers that its objectives and those of Government policy would not be achieved.

## 7. Justification For The Use Of Compulsory Acquisition Powers

### 7.1 Introduction

7.1.1 As outlined in **section 5** of this Statement, SZC Co. is seeking a number of powers, including powers for SZC Co. to compulsorily acquire all land and rights in land that are necessary to enable it to construct, operate and maintain Sizewell C.

7.1.2 The Sizewell C Project, or any other scheme capable of meeting the urgent need identified by the Government by developing a new nuclear generating station at Sizewell, could not be achieved without the use of compulsory acquisition powers.

## 7.2 Conditions to be met

7.2.1 Under Section 122 of the Act, a DCO which includes compulsory acquisition powers may be granted only if the conditions in Sections 122(2) and 122(3) of the Act are met. The conditions to be met are:

- Section 122(2): that the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development, as seen in **section 7.3** of this Statement, or is replacement land which is to be given in exchange for the order land under section 131 or s132 of the Act (open spaces, common land etc.); and
- Section 122(3): there is a compelling case in the public interest for the land to be acquired compulsorily - see **section 7.4** of this Statement.

7.2.2 In respect of the Section 122(2) condition, the CA Guidance (at paragraph 11) states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land to be acquired is no more than is reasonably required for the purposes of the development.

7.2.3 In respect of the Section 122(3) condition, the CA Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that, in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.

7.2.4 As part of this exercise, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:

- that all reasonable alternatives to compulsory acquisition (including modifications to the Sizewell C Project) have been explored - see **section 7.5** of this Statement;
- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see **section 7.6** of this Statement;
- that SZC Co. has a clear idea of how it intends to use the land which it is proposed to acquire - see **section 7.7** of this Statement;

- that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see **section 7.8** of this Statement; and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see **section 7.9** of this Statement.

**7.2.5** This Statement sets out the factors that SZC Co. considers demonstrate that the conditions in Section 122 of the Act, having regard to the CA Guidance, are satisfied.

### **7.3 The land is required for the development of Sizewell C**

**7.3.1** The land over which SZC Co. is applying for compulsory acquisition powers is required for the development of Sizewell C or is required to facilitate or is incidental to it.

**7.3.2** **Section 4** of this Statement describes the sites required for the development of the Sizewell C Project and their locations with an explanation of why each site is required. The **Planning Statement** (Doc Ref 8.4) provides a full explanation and justification for each development.

**7.3.3** **Appendix A** of this Statement has been prepared to identify the particular requirement for each plot of land that is proposed to be compulsorily acquired or used temporarily.

**7.3.4** As is necessary and appropriate for any NSIP of the scale and nature of the Sizewell C Project, the Order Limits have been defined to allow sufficient flexibility to enable the final detailed design of the Sizewell C Project to be optimal. However, SZC Co. has included no more land within the Order Limits than is required for the Sizewell C Project and it is confident that the Sizewell C Project can be constructed, operated and maintained within the Order Limits.

**7.3.5** SZC Co.'s use of compulsory acquisition powers is intended to be proportionate. Where practicable, SZC Co. will exercise the lesser powers of temporary possession to construct the proposed development and then, once the development has been constructed, exercise the powers of compulsory acquisition to permanently acquire only the land on which the development has been sited.

**7.3.6** The limits within which the highway works may be constructed have been defined on the **Work Plans** (Doc Ref. 2.3) to incorporate sufficient land to allow for the final detailed design to be determined, but no more land than

necessary has been included within the Order Limits. This approach ensures that the detailed design of roads can meet the relevant design standards, including for surface water drainage. The land included in the Order Land includes the full extent of the area where works may be undertaken. However, in practice only the land needed for the highway works would be acquired.

**7.3.7** With regard to the marsh harrier improvement area (Westleton), SZC Co.'s position, as set out in the **Planning Statement** (Doc Ref. 8.4), is that the provision of habitat on this area of land is not required to mitigate or compensate for the effects of the Sizewell C Project on marsh harriers and that therefore such land is not required for the development of Sizewell C. It is nevertheless being put forward as part of the DCO Application in case the Secretary of State disagrees with this position and takes the view that it is in fact required.

**7.3.8** With regard to the flood compensation land associated with the two village bypass, SZC Co.'s position, as set out in the **Planning Statement** (Doc Ref. 8.4), is that the provision of flood compensation on this area of land is not required to mitigate or compensate for the effects of the Sizewell C Project as shown in the Two Village Bypass Flood Risk Assessment and that therefore such land is not required for the development of Sizewell C. It is nevertheless being put forward as part of the DCO Application in case the Secretary of State disagrees with this position and takes the view that it is in fact required.

**7.3.9** If the Secretary of State agrees with SZC Co. that such land is not required for marsh harrier habitat or flood compensation then we would expect the Secretary of State to grant the DCO in a form which does not authorise any powers over such land, including powers of compulsory purchase, respectively.

## **7.4** **Compelling case in the public interest**

**7.4.1** The Sizewell C Project would deliver substantial public interest benefits at the national level to meet the urgent need for energy generation. The scale of this national public benefit, in addition to the regional and local benefits that the Sizewell C Project would deliver, outweighs adverse impacts on the interests of those who would be affected by the proposed use of compulsory acquisition powers. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code.

**7.4.2** All reasonable alternatives to compulsory acquisition (including modifications to the Sizewell C Project) have been explored. The proposed interference with the rights of those with an interest in the land is for a

legitimate purpose and is necessary and proportionate. SZC Co. has a clear idea of how it intends to use the land which it is proposed to acquire. There is a reasonable prospect that the requisite funds for the acquisition will become available and the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. An explanation of each of these factors is provided through the rest of this section.

a) Expected public benefits of the Sizewell C Project

7.4.3

The benefits of the Sizewell C Project would be substantial. Although explained throughout the Application, **Chapter 7** of the **Planning Statement** (Doc Ref. 8.4) sets out how the Sizewell C Project would provide environmental, social and economic benefits at the local, regional and national level. The expected benefits of the Sizewell C Project include:

- The Sizewell C Project would meet an urgent need for new low carbon energy infrastructure: through NPS EN-1, NPS EN-6 and subsequent statements, the Government has made it clear that the development of new nuclear energy generation is necessary as part of the energy mix to reach the targets committed to in the Climate Change Act 2008. The urgency of delivering low carbon generating capacity is more pressing than when the NPSs were designated in view of the change made by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Ref. 1.27) to revise the Government's greenhouse gas emissions target to at least 100% lower emissions by 2050 from 1990 baseline levels. **Section 3** of this Statement and **Chapter 3** of the **Planning Statement** (Doc Ref. 8.4) describe the urgent need for new nuclear and the national policy support for development of a new nuclear power station at Sizewell. The proposed nuclear power station, Sizewell C, would have two nuclear reactors and be capable of generating a total of up to 3,340MW of electricity. On completion, the two proposed reactors could provide approximately 6% of the UK's electricity, thereby making a major contribution to meeting the urgent need identified by the Government.
- The Sizewell C Project would provide significant economic benefits to the local area and nationwide: as set out within the **Economic Statement** (Doc Ref. 8.9), a significant level of economic benefit could be expected as a result of such a large infrastructure project, during both the construction and operational phases. The construction phase could support over 40,000 person-years of construction employment, which would help to transform the economy and the employment prospects of local residents. The operational phase would provide a

major, long-term boost to the economy. The operational phase is expected to support 700 employees directly employed by SZC Co. and a further 200 as contractors plus an additional workforce of around 1,000 during outages. The 900 jobs at Sizewell C equate to just under 1% of all the jobs in East Suffolk District and 0.3% of the jobs in Suffolk. The development of Sizewell C would also create extensive supply chain opportunities, building on the model set by the first in a planned fleet of new nuclear power stations in the UK – Hinkley Point C.

- The Sizewell C Project would provide long term, sustainable infrastructure for the benefit of the UK as a whole as well as local and regional and infrastructure benefits through improvements to the local rail and road network: the delivery of a new nuclear power station would have significant infrastructure benefits for the UK. In addition, the Sizewell link road, two village bypass and highway improvements would be retained permanently and have the potential to create significant positive legacy for both Suffolk and the UK.
- The Sizewell C Project would provide substantial beneficial economic effects on skills, employment and the labour market and the supply chain: benefits would be seen in terms of the creation of new jobs, effects on unemployment and economic inactivity, generation of business activity in the supply chain, and indirect and induced benefits of earnings and spending of workers.
- The Sizewell C Project would have positive direct and indirect effects on health and wellbeing: a stable power supply helps health and social care services to operate, jobs and economic activity to continue, and technology to function. Low-carbon energy generation can also help to reduce climate change and its many adverse effects on physical and mental health and well-being.

**7.4.4** These substantial benefits of the Sizewell C Project can only be realised if the land required for the Sizewell C Project can be guaranteed in a timely manner, through the use of compulsory acquisition powers.

### b) Expected impacts of the Sizewell C Project

**7.4.5** The nature of the Sizewell C Project requires land in specific locations to be used in construction or operation of Sizewell C or to mitigate its impacts. SZC Co. has sought to acquire the required land privately where reasonably possible and negotiations are ongoing. **Appendix B** of this Statement shows the status of these negotiations.

- 7.4.6 However, in order to deliver the benefits of the Sizewell C Project, SZC Co. requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code.
- 7.4.7 SZC Co. has taken pro-active steps to engage with these persons through formal consultation and informal engagement to understand the direct and indirect impacts on them. This has helped to shape the proposals and, where possible enabled SZC Co. to make changes to designs to minimise the private loss. This engagement is described further in **section 9** of this Statement.
- 7.4.8 The majority of informal landowner engagement took place via meetings and telephone conversations, with site visits being undertaken where relevant. SZC Co and their transport specialists offered to meet with landowners in the first half of 2019 to further understand the impact of the proposals on their holding to further inform the designs. SZC Co. met with the majority of landowners and, where appropriate, has been able to incorporate changes into the designs as a result.
- 7.4.9 In a number of instances, SZC Co. has responded to issues raised by landowners throughout formal and informal feedback by amending the proposals to include, additional accommodation works, access tracks, field entrances, road crossings and changes to strategy for road closures.
- 7.4.10 **Appendix A** of this Statement states the requirement for each plot by the Sizewell C Project, what SZC Co. intends to use it for and the powers that SZC Co. is seeking over it, demonstrating that private loss is necessary.
- 7.4.11 All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the **ES** (Doc Ref. Book 6). This private loss, however is reduced as landowners will be compensated for the loss at the market value in line with the compensation code. SZC Co. has already sought to engage with those individuals who will suffer a private loss. **Appendix B** of this Statement shows the status of these negotiations. The **ES** (Doc Ref. Book 6) presents the assessment of likely environmental effects that may occur as a result of the proposed Sizewell C Project, including the construction and operational phases of the Sizewell C nuclear power station and the associated developments, including the removal and reinstatement phase of the associated development, where appropriate. The assessment of operations for Sizewell C also includes the assessment of commissioning as well as re-fuelling and maintenance outages. A qualitative assessment of the decommissioning of the Sizewell C nuclear

power station is also provided within the **ES** (Doc Ref. Book 6), although a separate application for decommissioning would need to be submitted at the end of generation and a new ES prepared under the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (Ref. 1.12).

7.4.12 Primary, secondary and/or tertiary mitigation has been identified where required and is presented comprehensively in the **Mitigation Route Map** (Doc Ref. 8.12), along with the relevant securing mechanism.

7.4.13 Whilst the Sizewell C Project as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of the provision of new safe and secure, low-carbon energy infrastructure alongside local benefits such as job creation, investment in the local economy and the provision of skills for the local workforce.

c) **The balance of the public benefit and the private loss that would be suffered**

7.4.14 The Sizewell C Project would bring a substantial benefit to the UK through the delivery of a reliable low-carbon energy generating station. This is necessary to allow the UK to meet its energy generation and greenhouse gas reduction targets and to deliver sustainable energy infrastructure and the associated health and well-being benefits. In addition, the Sizewell C Project would provide significant economic benefits regionally and nationally as well as having a positive effect on skills, education, the labour market and the supply chain. In delivering the Sizewell C Project, long term and sustainable infrastructure would have legacy benefits in the local area.

7.4.15 However, compulsory acquisition powers are required for the Sizewell C Project and for the benefits described to be realised. This would result in a private loss being suffered by persons whose land or interests in land is to be acquired. SZC Co. has ensured that it has only included land to the extent that it is necessary. Through formal and informal consultation with those affected, the proposals and designs have evolved to minimise the direct and indirect effect on these persons where possible. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code.

7.4.16 Accordingly, the substantial national and local public benefits that would arise from the Sizewell C Project demonstrably and overwhelmingly outweigh the private loss that would be suffered by those whose land or

interests in land is to be acquired to enable that to occur. A full conclusion on the compelling case is in **section 11** of this Statement.

## 7.5 Alternatives

7.5.1 The acquisition of land and interests in land is required to construct, operate and maintain the Sizewell C Project. Accordingly, there is no alternative but to seek powers of compulsory acquisition in the DCO.

7.5.2 The following provides a summary of the main alternatives that have been considered for the Sizewell C Project, but a full description is set out in the Site Selection Report provided in **Appendix K** of the **Planning Statement** (Doc Ref. 8.4), and the Alternatives chapters of the **ES**, which are **Chapter 6** of **Volume 2** and **Chapter 3** of **Volumes 2 to 9**. Together these describe SZC Co.'s approach to site selection and consideration of alternatives for the proposals - from initial conception, through the various consultation stages, to the final submitted proposals.

### a) Alternative location or design of Sizewell C

7.5.3 The need for a new power station at Sizewell C is firmly established within the Government's policy on national significant energy infrastructure.

7.5.4 NPS EN-6 identifies eight sites, including Sizewell C, as potentially suitable locations for the deployment of new nuclear power stations in England and Wales by 2025. Whilst SZC Co. remains confident that Sizewell is suitable for the deployment of a new nuclear power station, it is no longer possible for deployment to take place by the end of 2025.

7.5.5 As explained in **section 3** above, the 2017 Ministerial Statement (Ref. 1.7) and the Government's July 2018 response to its consultation on the new NPS (Ref 1.13) confirm that the sites listed in EN-6 on which a new nuclear power station is anticipated to deploy after 2025 (which includes Sizewell) will continue to be considered appropriate sites and retain strong Government support. The Government has further confirmed that NPS EN-1 and NPS EN-6 incorporate information, assessments and statements - including statements concerning the need for nuclear power - which will continue to be important and relevant to development consent decisions for proposals at these sites.

7.5.6 With regard to the new NPS, the Government's response to its consultation (Ref. 1.13) confirmed that the Government would focus on those sites which could potentially deploy the soonest, and that it would carry the list of potentially suitable sites from EN-6 through to the new NPS (subject to them meeting the updated siting criteria and updates of their environmental assessments), excluding Hinkley Point which has already received development consent.

7.5.7 Paragraph 4.4.1 of NPS EN-1 explains that there is no general requirement arising from the NPS to consider alternatives to the proposed development or to establish whether the proposed project represents the best option. However, paragraph 4.4.2 of NPS EN-1 notes that applicants must explain in the ES the main alternatives that they have considered.

7.5.8 Paragraph 4.4.3 of NPS EN-1 states that, given the level and urgency of need for new energy infrastructure, the decision maker should (subject to any relevant legal requirements which indicate otherwise) be guided by the following principles when deciding what weight should be given to alternatives:

- the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner;
- the decision maker should be guided by whether there is a realistic prospect of an alternative delivering the same infrastructure capacity in the same timescale as the proposed development;
- where (as in the case of nuclear) there is reason to suppose that the number of sites suitable for deployment of a technology on the scale and within the period of time envisaged by the relevant NPSs is constrained, the decision maker should not reject an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals;
- alternatives not among the main alternatives studied by the applicant should only be considered to the extent the decision maker thinks they are both important and relevant to the decision;
- if the decision maker concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the decision;
- alternative proposals that would mean the necessary development could not proceed, for example because they are not commercially viable or physically suitable, are not important and relevant to decision making;

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- alternative proposals that are vague or inchoate are not important and relevant to decision making; and
- potential alternatives to a proposed development should, wherever possible, be identified before an application is submitted so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant.

7.5.9 NPS EN-6 explains how alternatives should be considered in the context of applications for nuclear power stations. Section 2.5 reiterates the Government's view that there is an urgent need for new nuclear power stations and advises that the decision maker *"should be guided by whether there is a realistic prospect of the proposed alternative being able to generate a comparable amount of low carbon electricity on a comparable timescale"* (paragraph 2.5.2). It also states that *"subject to any contrary legal requirements, the [decision maker] should judge an application on a listed site on its own merits and a comparison with any other listed site is unlikely to be important to its decision"* (paragraph 2.5.5).

7.5.10 Section 2.4 of NPS EN-6 outlines how alternatives were considered through the nomination process that led to the confirmation in NPS EN-6 of the eight sites for new nuclear power stations. Paragraph 2.4.3 states that as a result of the Strategic Siting Assessment and the Alternative Sites Study carried out for NPS EN-6, the Government does not believe that there are any alternatives to the listed sites that are potentially suitable for the deployment of new nuclear power stations in England and Wales before the end of 2025. Paragraph 2.4.4 goes on to state that given the very limited number of sites identified as potentially suitable for the deployment of new nuclear power stations before the end of 2025, the Government considers that all eight are required to be listed in NPS EN-6. There is nothing in the consultation on the new NPS or the Government's response to it which suggests that the Government's position on this has changed.

7.5.11 Elements of the Sizewell C Project have been determined through other processes, policy or legislation and, therefore, SZC Co. has not considered any alternatives in this regard. In particular, the proposed siting of Sizewell C is set out in NPS EN-6 and decisions relating to the reactor design were completed through the UK Generic Design Assessment (GDA) process. Having regard to the policy referred to above, SZC Co. has not therefore considered strategic alternative technologies or alternative locations for a nuclear power station as part of the assessment of alternatives and site selection at the application stage.

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b) Alternatives to the location or design of the associated development

- 7.5.12 The land and rights needed for the associated development which is required to construct or operate Sizewell C, or to help mitigate its impacts, were identified through detailed technical and design assessments, land referencing, extensive consultation and site selection processes.
- 7.5.13 As mentioned in **section 7.5a** above, there is no general requirement arising from NPS EN-1 to consider alternatives to the proposed development, though paragraph 4.4.3 of that NPS sets out a number of guiding principles for the decision maker when deciding what weight should be given to alternatives that have been considered.
- 7.5.14 Given the urgency of the need for new nuclear power, one of the overarching principles for alternative strategies and site selection is the delivery of new nuclear power generation as soon as possible, within the obligation to minimise impacts on the environment and local communities.
- 7.5.15 SZC Co. has adopted a two-stage approach to the consideration of alternatives and site selection for the associated development.

i. Strategic alternatives

- 7.5.16 The first stage involves the consideration of alternative strategies, and the consequent need for associated development, in relation to:
- the movement of people;
  - the movement of freight; and
  - the accommodation of the construction workforce.
- 7.5.17 These key strategic decisions are addressed at Chapter 2 of the Site Selection Report, provided in **Appendix K** of the **Planning Statement** (Doc Ref. 8.4), with the full detail of the transport and accommodation strategies contained within **Chapter 5** of the **Transport Assessment** (Doc Ref. 8.5) and the **Accommodation Strategy** (Doc Ref. 8.10).

ii. Site specific alternatives

- 7.5.18 The second stage relates to site-specific alternatives for each element of the proposals. This includes a consideration of alternative design solutions for the different components of the associated development on the main development site, and the location and design of each of the required off-site associated developments.

- 7.5.19 The alternatives considered in relation to the main development site (including, for example the size and boundaries of the temporary construction area, the design of the SSSI crossing, location of the borrow pits etc) are addressed at Chapter 4 of the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4). The alternatives considered in relation to the off-site associated development sites are also addressed in this report.
- 7.5.20 Engagement on a new power station in Sizewell has been ongoing since 2008. There were four stages of statutory pre-application consultation, between 2012 and 2019. Targeted statutory consultation, informal consultation and engagement has also taken place outside of these consultation stages. As the proposed siting of Sizewell C is set out in NPS EN-6 and decisions relating to the reactor design were completed through the UK GDA process, the consultation material was clear that these elements of the Sizewell C Project were fixed, however views were welcomed on the location and design of the other elements of the proposed development.
- 7.5.21 As well as through responding to feedback through the consultation process, the design of the proposed development components has also evolved through an understanding of operational requirements, the planning policy context, consideration of the site constraints and development constraints and the outcomes of the environmental assessment process to avoid likely significant environmental effects where possible and, where this is not possible, to mitigate and manage any remaining effects. SZC Co.'s experience at Hinkley Point C has also been an important consideration.

#### Accommodation infrastructure

- 7.5.22 In response to the requirement for a non-home-based (NHB) workforce, SZC Co. has developed a balanced strategy which makes use of existing local accommodation where possible, in addition to a single accommodation campus on the main development site and a caravan site on LEEIE in Leiston. The proposals are explained in the **Accommodation Strategy** (Doc Ref. 8.10).
- 7.5.23 From an early stage of consultation, SZC Co. has been clear that a single accommodation campus near to the main development site, as well as the provision of nearby caravan accommodation, is considered to be the optimum accommodation strategy. Whilst SZC Co. considered alternative strategies for the dispersal of the workforce (including more than one campus) these were discounted.

- 7.5.24 Further details on the site-specific alternatives considered for the accommodation campus, and the rationale for the siting of the campus at land to the east of Eastbridge Road, are provided at Chapter 3 of the Site Selection Report provided in **Appendix K** of the **Planning Statement** (Doc Ref 8.4).

#### Movement of people

- 7.5.25 Estimates of where the home based (HB) and NHB workforce (living away from the accommodation campus or LEEIE caravans) may be drawn from has been informed by a Gravity Model which uses transport, socio economic, and accommodation information, and data to predict the spatial distribution of the workforce.
- 7.5.26 The proposed strategy for the movement of construction workers was introduced at Stage 1 consultation and has remained largely unchanged through to the DCO Application submission. The strategy identified the need for two park and ride facilities, one to the north, and one to the south, in order to reduce the amount of traffic generated by the construction workforce on local roads, and through local villages. Whilst alternative options for the location of these park and ride facilities have been considered in detail through consultation, the need for these two facilities as part of the strategy for the movement of people has been identified consistently throughout the consultation process.
- 7.5.27 The strategy for the transport of the construction workforce is set out in more detail at **Chapter 4** of the **Transport Assessment** (Doc Ref. 8.5).

#### Movement of freight

- 7.5.28 Construction of Sizewell C would require large volumes of freight to be transported to the main development site. The principles informing SZC Co.'s overall strategy for managing materials and freight movements are as follows:
- Firstly, wherever practical and cost effective, to seek to reduce the volume of materials that requires movement off-site, either through the re-use of excavated material as fill, landscaping or via the deployment of borrow pits to both source material on-site and deposit other material.
  - Secondly, where materials must be imported to or exported from the site, to seek to move bulk materials and containerised goods by sea or by rail where this is practical and cost effective.

- Thirdly, where movement of materials by road remains necessary, to manage this in a way which reduces local impacts via the use of defined routes for HGVs and systems which can monitor, manage and control the number and timing of HGV movements to the site.

7.5.29 In line with this strategy and NPS EN-6, SZC Co. has evaluated the possibility of moving bulk materials and containerised goods by sea or by rail. This has included:

- evaluating the capability of the options for sea and rail deliveries, including assessment of potential constraints on delivery (e.g. weather and navigational constraints in respect of sea delivery and rail pathing/infrastructure constraints in respect of rail deliveries);
- assessing the key material requirements that would arise over time during the construction phase, for each key area of the project build, and from this identifying the periods during which demand for materials is greatest;
- considering the scope to move each major category of materials by sea and rail, taking account of the nature of the materials and possible supply sources; and
- consideration of the environmental impact of each of the main strategies.

7.5.30 NPS EN-1 (paragraph 5.13.10) states that water borne and rail transport is preferred over road transport at all stages of the project, where cost-effective. Paragraph 5.13.11 goes on to note that requirements to the DCO may be attached where there is likely to be substantial HGV traffic. NPS EN-1 does therefore not seek to preclude or prevent road borne options during the construction phase. This is recognised in C.8.123 of Volume II of NPS EN-6, which states:

*“Development at the Sizewell site is assessed by the Appraisal of Sustainability as having the potential for some adverse impacts locally from additional traffic generated during construction and wider negative effects on regional road infrastructure.”*

a) Movement by sea

7.5.31 As part of Stage 1 consultation a jetty (known as a Marine Off-loading Facility) was proposed, which would have enabled the delivery of bulk materials, containerised goods and AILs by sea during the construction

phase. At Stage 2 consultation, three options were proposed: a wide jetty, a narrow jetty or a beach landing facility.

**7.5.32** Preliminary environmental assessment of the three sea transport options was undertaken by SZC Co. between Stages 2 and 3, which identified several significant environmental impacts associated with a jetty. These included:

- Both jetty options would have resulted in severe underwater noise during construction as a result of the nature of the construction works, and a significant amount of time would have been required to construct the jetty. This noise would have been likely to extend to a radius of several kilometres. This would have caused significant adverse effects on marine ecology and fisheries, which could only be limited, but not removed, by extensive seasonal controls on construction activity, which would have greatly extended the construction programme and the commencement of operation of the power station.
- The jetty options would have resulted in greater habitat loss associated with the footprint of the piles.

**7.5.33** The beach landing facility also requires piling, but to a greatly reduced extent, and only in shallow waters which greatly attenuates the radius of underwater noise. The beach landing facility is therefore predicted to have a more limited impact on the environment, shipping and navigation activities compared with either of the jetty options and would not require removal after the construction period ends, as it would be retained for use during the operation of the power station.

**7.5.34** A beach landing facility is now the only marine based facility promoted. It would allow for the delivery of AILs throughout the construction phase and during the operational phase, to remove heavy and oversized loads from the road network.

**b) Movement by rail or road**

**7.5.35** Funding the construction of nuclear power stations poses unique challenges due to the high cost of construction and the long construction period. It is necessary for SZC Co. to take into account the potential cost implications of the respective transport options, along with any potential risks of delay to delivery in connection with each option.

**7.5.36** In order for these issues to be taken into account in the proposed freight management strategy, the deliverability of the road and rail-led strategies

was considered in detail by SZC Co., in consultation with Network Rail, between Stage 3 consultation and the submission of the DCO Application.

- 7.5.37** Rail reduces the number of HGVs on the road, and/or mitigates road traffic capacity issues. Bypass(es) would also provide amenity (noise/emissions) mitigation. However, as Network Rail identified, the rail-led strategy included a number of risks that could impact on the deliverability of the Sizewell C Project within the required programme.
- 7.5.38** The same impacts were not identified for the road-led scheme, but such a strategy would lead to greater levels of impacts associated with HGV movements, leading to significant noise and air quality impacts.
- 7.5.39** SZC Co. and Network Rail undertook feasibility work in relation to the rail works necessary for the road and rail led strategies, including indicative scheme designs and programme. This work identified that the rail-led strategy required significant improvement works to the East Suffolk Line. Due to the complexity of these works Network Rail was unable to give SZC Co. the necessary level of assurance regarding the programme for the East Suffolk line.
- 7.5.40** The feasibility work indicated a series of critical, major and significant risks that could further delay the programme or unknown cost increases. SZC Co. has considered the potential for the works to the East Suffolk line to be included as part of the DCO, but the risks identified in the feasibility work are not unique to Network Rail delivering those works and would apply equally to a scenario where SZC Co. elected to deliver those works. This is principally because the risks arise from undertaking complex rail works to an operational passenger line.
- 7.5.41** SZC Co. and Network Rail agree that the extent of rail works needed for the rail led strategy could not be guaranteed to be delivered within the required timescales. This position was confirmed in Network Rail's Stage 4 consultation response which noted:
- “As previously noted, Network Rail has identified a number of risks to the viability of a rail-led solution that could potentially impact the programme in terms of the submission date for the DCO. Therefore, EDF and Network Rail recognise that this could affect their decision as to which strategy to pursue.”*
- 7.5.42** SZC Co. considers that the uncertainty that would be caused as a result of the deliverability risks of the rail-led strategy would have affected SZC Co.'s ability to secure the necessary funding for the Sizewell C Project, and its ability to demonstrate to the Government that the Sizewell C Project could be deployed by 2035, and meet the urgent need for new nuclear power generation. SZC Co. therefore concluded that the rail-led strategy would

not be deliverable. Instead, an integrated strategy (see below) was developed to seek to secure the best deliverable rail outcome, whilst addressing the concerns expressed by consultees in relation to the road-led strategy.

7.5.43 SZC Co. and Network Rail have continued discussions and it is understood that Network Rail supports an integrated strategy.

c) **Integrated Strategy**

7.5.44 The integrated strategy includes the following components:

- the green rail route;
- refurbishment of the Saxmundham to Leiston branch line;
- freight management facility;
- Sizewell link road;
- the two village bypass;
- upgrades to eight level crossings; and
- beach landing facility.

7.5.45 The integrated strategy seeks to overcome the deliverability issues associated with the rail-led strategy by requiring only those rail improvements which could be carried out by SZC Co., or where there is sufficient programme certainty. The integrated strategy would allow for up to three trains per day (five overnight movements and 1 daytime movement), meaning that the delivery of construction materials by rail would play an important and meaningful role in the construction of the Sizewell C Project. The integrated strategy would include the green rail route and the works needed to upgrade the Saxmundham to Leiston branch line.

7.5.46 To increase SZC Co.'s confidence in delivering these works, it is proposed to include all the necessary powers to undertake the works within the DCO.

7.5.47 The key benefits of the integrated strategy are as follows:

- Increased proportion of material transported by rail: the integrated strategy allows for 38% of construction materials (by weight) to be transported to the main development site by rail, or 39% by rail and

sea. This is 9% more than that possible under the road led option and provides a significant advantage in terms of overall sustainability.

- Reduction in HGV movements: the integrated strategy would reduce the busiest day HGV limits by a third, from 750 to 500. The average would also be reduced from 375 to 325 HGVs. This reduction in HGVs would substantially reduce noise and air quality impacts to the receptors along the HGV routes, along with reducing the amount of traffic on the roads themselves.

**7.5.48** SZC Co. has concluded that the integrated strategy provides the most appropriate strategy to move materials for the construction of the Sizewell C Project.

**7.5.49** The process of optioneering, which considered alternative strategies including marine led, rail led and road led strategies, is set out in detail in the **Site Selection Report (Appendix A of the Planning Statement)**. Also see **Table 7.1** and **7.2** below.

**Table 7.1: Comparison of rail and HGV movements under the alternative freight management strategies.**

Rail-led	Integrated	Road-led
<b>Proposed rail movements</b>		
Early years: 2 movements to and 2 movements from LEEIE per 24-hour period (i.e. 4 total movements).  Overnight movements along the East Suffolk line to and from the hold points on the Saxmundham to Leiston branch line, and during the day movements along the Saxmundham to Leiston branch line from the hold points to and from the LEEIE.	Early years: 2 movements to and 2 movements from LEEIE per 24-hour period (i.e. 4 total movements).  Overnight movements along the East Suffolk line to and from the hold points on the Saxmundham to Leiston branch line, and during the day movements along the Saxmundham to Leiston branch line from the hold points to and from the LEEIE.	Early years: 2 movements to and 2 movements from LEEIE per 24-hour period (i.e. 4 total movements).  Overnight movements along the East Suffolk line to and from the hold points on the Saxmundham to Leiston branch line, and during the day movements along the Saxmundham to Leiston branch line from the hold points to and from the LEEIE.
When the green rail route, passing loop, crossover and East Suffolk line upgrades delivered: 10 daytime movements directly to and from the main construction area.	When the green rail route is operational: 5 overnight movements and 1 daytime movement directly to and from the main construction area.	The early years movements continue throughout the construction period: 2 movements to and 2 movements from LEEIE per 24-hour period (i.e. 4 total movements).  Overnight movements along the East Suffolk line to and from the hold points on the Saxmundham to Leiston branch line, and during the day movements along the

Rail-led	Integrated	Road-led
		Saxmundham to Leiston branch line from the hold points to and from the LEEIE.
<b>Proposed HGV management</b>		
Delivery Management System	Freight management facility on the A14 and DMS.	Freight management facility on the A14 and DMS.
HGV operation 07:00 – 23:00	HGV operation 07:00 – 23:00	HGV operation potentially over extended hours.
Typical day at peak: 225 HGVs (450 movements) Busiest day: 350 HGVs (700 movements)	Typical day at peak: 325 HGVs (650 movements) Busiest day: 500 HGVs (1000 movements)	Typical day at peak: 375 HGVs (750 movements) Busiest day: 575 HGVs (1150 movements)

**Table 7.2: Comparison of the infrastructure and works required under the alternative freight management strategies**

Rail-led	Integrated	Road-led
<b>Rail works proposed</b>		
Green rail route	Green rail route	-
East Suffolk line improvements including a new passing loop between Melton and Campsea Ashe	-	-
East Suffolk line level crossing works: 12 closures, 33 upgrades	-	-
Saxmundham to Leiston branch line track upgrade	Saxmundham to Leiston branch line track upgrade	Saxmundham to Leiston branch line track upgrade
Saxmundham to Leiston branch level crossing works: 9 upgrades	Saxmundham to Leiston branch level crossing works: 8 upgrades	Saxmundham to Leiston branch level crossing works: 9 upgrades
<b>Highway works proposed</b>		
Theberton bypass	Sizewell link road	Sizewell link road
Two village bypass	Two village bypass	Two village bypass
Other highway improvements (including Yoxford roundabout and Mill Street)	Other highway improvements (including Yoxford roundabout)	Other highway improvements (including Yoxford roundabout)
-	Freight management facility along the A14	Freight management facility along the A14
<b>Marine works proposed</b>		
BLF	BLF	BLF

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ii. Alternatives to the associated development sites

- 7.5.50 The adopted accommodation and transport strategies require certain infrastructure and have different operational requirements which directed the requirements for each site. The location of each associated development was determined by a site selection process. There is no formally prescribed process or methodology for undertaking a site selection process, as the process needs to suit the requirements of different projects.
- 7.5.51 The **Consultation Report** (Doc Ref. 5.1) explains how the local community, statutory consultees and general public have influenced the selection of the final proposals having reviewed alternatives presented at various stages of consultation. The detail of how individual sites were selected can be found in the Site Selection Report provided in **Appendix K** to the **Planning Statement** (Doc Ref. 8.4) and **Volume 1, Chapter 5** of the **ES**. SZC Co. has also had continuing engagement on the Sizewell C Project proposals with ESC and SCC and technical consultees such as the Environment Agency, Natural England and Office for Nuclear Regulation (among others).

iii. Conclusion

- 7.5.52 All reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, the anticipated market regime, and the minimisation of environmental and visual impacts and land take.
- 7.6 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose, necessary and proportionate

a) Legitimate purpose

- 7.6.1 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because SZC Co. requires the land for the development of Sizewell C and can satisfy the conditions set out in section 122(2) of the Act. As **section 7.3** explains, the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.

b) Necessity

- 7.6.2 All the land included within the Order Limits is needed to achieve the identified purpose of delivering the Sizewell C Project. **Appendix A** of this Statement shows why each plot is necessary for the construction, operation or maintenance of Sizewell C. With regard to the marsh harrier

improvement area (Westleton) and the flood compensation area of the two village bypass, compulsory acquisition powers would only be exercised over the land if the Secretary of State determines that this additional marsh harrier habitat or flood compensation land is required.

**7.6.3** The scope of the powers of compulsory acquisition proposed in respect of the land within the Order Limits goes no further than is needed. **Appendix A** of this Statement shows the powers being applied for over each plot of land demonstrating the assessment that has been carried out on each plot. Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary. SZC Co. has undertaken:

- an assessment of alternative strategies to deliver the Sizewell C Project;
- landowner and statutory consultation;
- a site selection process; and
- multiple modifications to the design and site layouts.

**7.6.4** SZC Co. has and continues to make reasonable attempts to acquire necessary land and rights by agreement, however it is not likely that this will be achieved without the use of compulsory acquisition powers. **Appendix B** of this Statement shows the current status of negotiations.

#### c) Proportionality

**7.6.5** As explained in **section 7.3** of this Statement, SZC Co.'s use of compulsory acquisition powers is intended to be proportionate. Where practicable, SZC Co. will exercise the lesser powers of temporary possession to construct the proposed development and then, once the development has been constructed, exercise the powers of compulsory acquisition to permanently acquire only the land on which the development has been sited.

**7.6.6** Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

#### d) Conclusion

**7.6.7** The nature of the Sizewell C Project and the steps that SZC Co. has taken in the development of its proposals, application for compulsory acquisition powers and engagement with those affected show that the proposed

interference with the rights of those with an interest in the land is for a legitimate purpose, necessary and proportionate.

## 7.7 SZC Co. has a clear idea how it intends to use the Order Land

7.7.1 SZC Co. has a clear idea of how the land is intended to be used. **Section 4** of this Statement identifies the proposed development and use of the Order Land by reference to the development sites. **Appendix A** of this Statement has been prepared to identify the particular use for each plot of land that is proposed to be compulsorily acquired or used temporarily.

## 7.8 Availability of funds for compensation

7.8.1 The **Funding Statement** (Doc Ref. 4.2) confirms that if the Secretary of State were to grant SZC Co.'s compulsory acquisition request, the Sizewell C Project is likely to be undertaken and not be prevented due to difficulties in sourcing and securing the necessary funding, including the cost of acquiring any land and rights and the payment of compensation.

7.8.2 SZC Co. therefore considers that the Secretary of State can be satisfied that there is a reasonable prospect of the requisite funds for the acquisition becoming available, in accordance with the CA Guidance.

## 7.9 Human rights

7.9.1 The CA Guidance states that the Secretary of State must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected (paragraph 10).

7.9.2 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

7.9.3 The Articles of particular relevance to the determination as to whether the DCO should be made so as to include powers of compulsory acquisition as sought in the Application are as follows:

- Article 1 of the First Protocol: this protects the right of everyone to a peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles or to secure the payment of taxes or other contributions or penalties.

**NOT PROTECTIVELY MARKED**

- Article 6: this entitles those affected by powers sought for the project to a fair and public hearing of any relevant objection they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the consultation process.
- Article 8: this protects private and family life, home and correspondence. No public authority can interfere with these rights except such as in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.

7.9.4 In pursuing the DCO, SZC Co. has carefully considered the balance to be struck between individual rights and the wider public interest. To the extent that the DCO would affect individuals' rights, for the reasons summarised in this section, the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest.

7.9.5 The DCO would affect the Article 1 rights of those whose property is to be compulsorily acquired or temporarily possessed, and whose peaceful enjoyment of their property is proposed to be interfered with. However, there will be no violation of those rights where it has been demonstrated that the proposed interference is 'in the public interest' and lawful.

7.9.6 Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the national Compensation Code. All of those whose Convention rights would be affected by the DCO will have an opportunity to object to the grant of compulsory acquisition powers in the DCO, and to have their objection considered at a fair and public hearing.

7.9.7 There was opportunity to make representations regarding the proposed Application for the DCO prior to its submission. In accordance with Part 5 of the Act, SZC Co. consulted persons set out in the categories contained in section 44 of the Act. This includes: persons with an interest in the Order Land; persons who have the power to sell and convey or release the Order Land; and those who would or might be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965 in respect of injurious affection, under Part 1 of the Land Compensation Act 1973 in respect of depreciation of land value by physical factors or under section 152(3) of the Act in respect of compensation where there is no right to claim in nuisance.

7.9.8 In addition to the publicity and consultation in relation to the Application, all the known owners and occupiers of land within the Order Land have been contacted regarding the proposals for the DCO by SZC Co.

7.9.9 Furthermore, representations can be made by way of: representations in respect of the Application in response to any notice given under section 56

of the Act (notifying persons of accepted application), the examination of the Application by the examining authority and any written representations procedure that the examining authority decides to adopt in connection with the Application. Section 92 of the Act provides that, where a DCO application includes a compulsory acquisition request, affected persons have an opportunity to request that a compulsory acquisition hearing be held and to make oral representations about the compulsory acquisition request at such hearing.

- 7.9.10 In those circumstances, the requirements of Article 6 are satisfied.
- 7.9.11 The powers of compulsory acquisition sought through the DCO would only engage Article 8 to the extent that homes are to be compulsorily acquired. Article 8 is a qualified right, and interference can be justified in appropriate cases by reference to Article 8(2).
- 7.9.12 The **Draft DCO** (Doc Ref. 3.1) does seek compulsory acquisition powers in respect of residential land, and as such the Article 8 rights of those individuals would be interfered with. However, there will be no violation of those rights where it has been demonstrated that the proposed interference is 'in the public interest' and lawful, which SZC Co. has demonstrated throughout this Statement.

## 8. SZC Co.'s approach to acquisition

- 8.1.1 SZC Co.'s acquisition strategy has been informed by the CA Guidance, which states that promoters should seek to acquire land by agreement wherever practicable. However, it recognises that where, as here, many separate plots of land need to be acquired, it is not always practicable to acquire each plot of land by agreement. The CA Guidance states that where that is the case, it is reasonable to seek powers of compulsory acquisition covering all of the land required at the outset (paragraph 25).
- 8.1.2 SZC Co. is committed to seeking to acquire all interests in land necessary for the development through private agreement with landowners and is continuing to negotiate in pursuit of that objective. However, in the event that negotiations with particular landowners or statutory undertakers are unsuccessful, SZC Co. requires the power to compulsorily acquire the remaining interests.
- 8.1.3 SZC Co. has taken the cautious approach of seeking powers of compulsory acquisition (or rights of use) in respect of all parcels of land required for the Sizewell C Project, even where it already holds an interest in the land (with the exception of Crown Land). SZC Co. has taken this approach to ensure that it has the right to acquire the interests it needs in the whole of the

Order Land – even where an unidentified owner later asserts an interest in land which SZC Co. believes it owns.

8.1.4 As part of its ongoing engagement on proposals for Sizewell C and its associated development, SZC Co. has consulted, at length, with landowners, tenants and those with an interest in land as listed in the **Book of Reference** (Doc Ref. 4.3). As the Sizewell C Project proposals have been amended and refined, the number of affected parties has varied, as have the issues and identities of the affected parties. **Appendix B** to this Statement shows the status of SZC Co's negotiations with landowners.

8.1.5 In addition to the formal process of consultation with those with a relevant interest, SZC Co. has also sought to engage in commercial negotiations with those parties to seek to secure the interests in land it requires to implement the proposed development, and to allow the Sizewell C Project to proceed. This engagement will continue past the submission of the DCO Application up until the land interest is secured or the compulsory acquisition powers in the DCO are exercised.

## 9. Discussions With Those Affected By The Application For Compulsory Acquisition Powers

### 9.1 Identifying affected persons

9.1.1 Under section 44 of the Act, there are three categories of persons who must be consulted by the applicant at the pre-application stage under section 42(1)(d):

- Category 1: those persons who the applicant, after making diligent inquiry, knows are owners, lessees, tenants or occupiers of the land.
- Category 2: those persons who the applicant, after making diligent inquiry, knows are interested in the land or have the power to sell and convey the land or to release the land.
- Category 3: those persons who the applicant thinks that, if the order sought by the proposed Application were to be made and fully implemented, would or might be entitled as a result of the implementation of the order to make a relevant claim (as defined under section 44(4) and (6)) arising out of the proposed Application.

9.1.2 Land referencers were appointed by SZC Co. prior to the commencement of Stage 1 consultation to complete a diligent inquiry process to identify relevant persons with an interest in land. The following process was followed to identify persons with an interest in land for all stages of

consultation and informal engagement and to prepare the **Book of Reference** (Doc Ref. 4.3) where all persons with an interest in land are listed:

- Landowners and other interested parties were identified through title searches with the Land Registry.
- Where ownership could not be determined, site visits were conducted.
- Land referencing questionnaires requesting clarity on land ownership and details of other persons with an interest in the land were issued to all identified parties.
- Follow up site visits, letters and telephone calls were undertaken to clarify land interest.
- Where landowners remained unknown, site notices were erected where possible in a suitable visible location (for example on gateways or nearby telegraph poles).

9.1.3 Category 3 persons were identified due to their proximity to the proposed construction activities and the likely impact on their interest in land as a result of the construction activities and physical impacts on completion of construction such as noise and lighting. This is based on scheme proposals, construction activities and environmental information available at the point of statutory consultation. A conservative approach was taken to identifying these interests.

9.1.4 Further information on the land referencing process and a list of section 42 consultees can be found in the **Consultation Report** (Doc Ref. 5.1).

## 9.2 Engagement with persons with an interest in land

9.2.1 SZC Co. has carried out four stages of public consultation since 2012, in addition to further targeted consultation and informal engagement. As part of this, SZC Co. has consulted with all persons who are within one or more of the categories in section 44 of the Act. As the Sizewell C Project has evolved in response to feedback during consultation and operational requirements, the number of affected parties has varied, as have the issues and identities of the affected parties.

9.2.2 Beyond the formal stages of consultation, SZC Co. has engaged directly with individual landowners and those with an interest in the affected land. As a result of this engagement SZC Co. has had a better understanding of

the direct and indirect impacts on individual landowners. SZC Co. has also engaged with individuals landowners to seek private agreements.

- 9.2.3 **Appendix B** of this Statement describes the status of negotiations with landowners. SZC Co. is continuing to seek private agreements with those who have an affected interest in land and option agreements have been agreed over some of the sites to allow SZC Co. to secure the land for the Sizewell C Project.

### 9.3 Engagement with statutory undertakers

- 9.3.1 As explained in **section 4.9** of this Statement, discussions with relevant statutory undertakers are ongoing in relation to which rights are to be retained and which are to be extinguished or suspended, as well as in relation to the negotiation of protective provisions.

- 9.3.2 The interests held by each statutory undertaker identified by SZC Co. as having a right to keep or access apparatus within the Order Limits are identified in **Part 2** and **Part 3** of the **Book of Reference** (Doc Ref. 4.3).

- 9.3.3 Adequate protection for the statutory undertakers will be included within protective provisions in the DCO. SZC Co. therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.

## 10. Related Applications, Orders And Consents

- 10.1.1 SZC Co. is aware of no obvious impediments to the implementation of the Sizewell C Project. In addition to the DCO, the **Schedule of Other Consents, Licences and Agreements** (Doc Ref. 5.11) identifies the other consents, licenses and agreements that are required for the Sizewell C Project to be implemented. The status and/ or timeframe for each consent, licence and agreement is listed within that schedule.

## 11. Conclusion

- 11.1.1 The DCO Application for the Sizewell C Project benefits from up to date, authoritative policy support. Not only does national policy establish an urgent need for new, low carbon energy generation, it specifically identifies Sizewell C as potentially suitable to meet that need.
- 11.1.2 The development of Sizewell C is in the national interest and national policy requires that substantial weight is to be given to the need for its development. Alternative energy sources and alternative sites were

considered by Government in developing national policy and do not need to be considered again in the determination of this Application.

- 11.1.3 The contribution that the Sizewell C Project would make to meet the national need for low carbon, secure and reliable energy is substantial. When operational, the new power station would help to bring a stable supply of low-carbon electricity to the UK.
- 11.1.4 To enhance the overarching national benefit of delivering a new power station, SZC Co. has worked closely with stakeholders in the region to develop economic strategies with a range of measures that combine to create an environment in which education, skills and workforce development can flourish, to the benefit of both the Sizewell C Project and the region.
- 11.1.5 This Statement has demonstrated that the land over which SZC Co. is seeking compulsory acquisition powers is required for the construction, operation and maintenance of Sizewell C or is required to facilitate or is incidental to the development.
- 11.1.6 The Secretary of State can be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. In drawing this conclusion, SZC Co. has demonstrated that all reasonable alternatives to compulsory acquisition (including modifications to the Sizewell C Project) have been explored and that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate.
- 11.1.7 The description of the proposed development together with **Appendix A** of this Statement show that SZC Co. has a clear idea of how it intends to use the land which it is proposed to acquire. There is a reasonable prospect of the requisite funds for the acquisition becoming available. The purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.
- 11.1.8 In its approach to acquisition, SZC Co. has actively engaged with landowners and those with an interest in land through the formal consultation process but also through informal engagement as the proposals have evolved. This has allowed SZC Co. to change its proposals to minimise the private loss that would be suffered where possible. SZC Co. has actively sought to acquire land by private agreement rather than needing to rely on compulsory acquisition powers. **Appendix B** of this Statement demonstrates this. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code.

- 11.1.9 It is therefore the conclusion of this Statement that the public benefits of the scheme, particularly the delivery of new nuclear power generating capacity, could only be realised with the use of compulsory acquisition powers as described in this Statement. These public benefits are overwhelmingly greater than the private loss that would be suffered by those whose land is to be acquired, and there is a compelling case in the public interest for the land to be acquired compulsorily.

## References

- 1.1 Department of Energy and Climate Change, *Overarching National Policy Statement for Energy (EN-1)* (London: The Stationery Office, 2011)
- 1.2 Department of Energy and Climate Change, *National Policy Statement for Nuclear Power Generation (EN-6)* (London: The Stationery Office, 2011)
- 1.3 Parliament of the United Kingdom, *Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009* (London, 2009)
- 1.4 Department for Communities and Local Government, *Planning Act 2008: guidance related to procedures for compulsory acquisition* (London, 2013)
- 1.5 Department for Communities and Local Government, *Planning Act 2008: associated development applications for major infrastructure projects* (London, 2013)
- 1.6 Department for Communities and Local Government, *Planning Act 2008: Nationally significant infrastructure projects – Application form guidance* (London, 2013)
- 1.7 Lord Henley (then Parliamentary Under Secretary of State for Business, Energy and Industrial Strategy) *Statement on Energy Infrastructure: Written Statement - HLWS316* on 7 December 2017.
- 1.8 Department for Business, Energy and Industrial Strategy: Consultation on the siting criteria and process for a new National Policy Statement for nuclear power with single reactor capacity over 1 gigawatt beyond 2025 (London, December 2017)
- 1.9 Suffolk Coastal District Council, *Local Plan: Core Strategy & Development Management Policies* (Suffolk District, 2013)
- 1.10 East Suffolk Council, *Local Plan: Final Draft* (Suffolk District, 2019)
- 1.11 Department for Communities and Local Government, *Compulsory Purchase and Compensation, Compensation to Residential Owners and Occupiers* (London, 2010)
- 1.12 Parliament of the United Kingdom, *Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999* (London, 1999)
- 1.13 Department for Business, Energy and Industrial Strategy, *Government Response: Consultation on the siting criteria and process for a new National Policy Statement for nuclear power with single reactor capacity over 1 gigawatt beyond 2025* (London, July 2018)