



# The Sizewell C Project

## 6.2 Volume 1 Introduction to the Environmental Statement

### Chapter 5 Other Permits, Licences and Consents

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## Contents

5.	Other Permits, Licences and Consents .....	1
5.1	Introduction .....	1
5.2	Generic design assessment .....	2
5.3	Permitting .....	2
5.4	Submissions under the Euratom Treaty.....	4
5.5	Licences .....	5
	References .....	8

## Tables

None provided.

## Plates

None provided.

## Figures

None provided.

## Appendices

None provided.

## 5. Other Permits, Licenses and Consents

### 5.1 Introduction

5.1.1 The Sizewell C Development Consent Order (DCO), made under section 103 of the Planning Act 2008 (the ‘Act’) will include the legal powers and rights required in order to construct, operate and maintain the Sizewell C Project.

5.1.2 The Sizewell C DCO application may, however, need to be supplemented by other applications because either a specific consent cannot be contained in the Sizewell C DCO, a consenting authority declines to allow a consent to be obtained through the Sizewell C DCO, or it is not appropriate or desirable to include consent within the DCO due to the stage of design development and the level of detail available.

5.1.3 This chapter of the **Environmental Statement (ES)** (Doc Ref. Book 6) provides a brief overview of the stand-alone permits, licenses and consents which fall into these categories. These are listed in full, along with status and timescales, in submitted as part of the application.

5.1.4 Section 2.7 of the National Policy Statement for Nuclear Power Generation (NPS EN-6) explains the relationship between the regulatory framework for nuclear power stations and the planning regime (Ref. 5.1). It states that the licensing and permitting of nuclear power stations by the nuclear regulators (the Office for Nuclear Regulation (ONR), the Environment Agency and the Department for Transport) is a separate process from the planning regime. In order to avoid unnecessary duplication and/or delay, the planning inspectorate should act on the basis that:

- the relevant licensing and permitting regimes will be properly applied and enforced;
- it should not duplicate the consideration of matters that are within the remit of the nuclear regulators; and
- it should not delay a decision as to whether to grant consent until completion of the licensing or permitting process.

5.1.5 With the exception of the deemed marine licence, this chapter excludes consideration of the Sizewell C DCO and any permissions which are likely to be embedded within or required under the provisions of the Sizewell C DCO. Where there are links to the Environmental Impact Assessment process, these are explained in this chapter where relevant.

5.1.6 The decommissioning of Sizewell C would be subject to a consent from the ONR as well as other relevant licences and permits, further detail on these are provided in **Volume 2, Chapter 6** of the **ES**.

## 5.2 Generic design assessment

5.2.1 As described in **Chapter 4** of this volume, the Generic Design Assessment (GDA) is the process by which the nuclear regulators, the ONR and the Environment Agency, assess new nuclear power station designs. The GDA process allows the regulators to assess the safety, security and environmental implications of new reactor designs. Assessment at the design stage enables identification of any potential issues so that they can be addressed by the requesting parties (the companies who have submitted a design for assessment) before commitments are made to construct the reactors.

5.2.2 Detailed information on the designs for the United Kingdom European Pressurised Reactor (UK EPR™) was submitted through the GDA process. A rigorous and structured examination was undertaken, carried out in an open and transparent manner, to facilitate the involvement of the public who were able to view and comment on design information. In December 2012, the ONR issued a Design Acceptance Confirmation (Ref. 5.2) and the Environment Agency issued a Statement of Design Acceptability (Ref. 5.3) for the UK EPR™ design, which concluded the GDA process.

5.2.3 The design of the plant, buildings and systems subject to the GDA process are required to meet the highest standards of public and environmental protection, and withstand a range of defined natural and human hazards, to ensure protection over the lifetime of the power station. Any site-specific modifications or changes resulting from lessons learnt from other UK EPR™ new build projects, including Hinkley Point C, are controlled by a stringent and approved change control process.

## 5.3 Permitting

5.3.1 Under the Environmental Permitting (England and Wales) Regulations 2016 ('Environmental Permitting Regulations'), SZC Co. requires a number of construction and operational permits, granted by the Environment Agency, to operate Sizewell C. These include:

- Construction water discharge activity permits required for discharge of waste water streams.
- The radioactive substances regulation permit for the disposal of radioactive waste.

- The operational construction water discharge activity permit for discharge of non-radioactive water to sea.
- Flood risk activity environmental permit for the main development site (works to the Leiston Drain) and potentially LEEIE/Lovers Lane.
- The construction combustion activities (CA) permits for any combustion plant used during construction which exceeds permit thresholds i.e. combined heat and power, and diesel generators.
- The operational CA permits to allow the discharge of emissions to air during operation.
- The greenhouse gas emissions permit for any combustion plant used during construction, commissioning and operation which exceeds certain thresholds, i.e. emergency diesels during operation and potentially a combined heat and power during construction.
- Waste permits and exemptions, required for a variety of waste treatments.

5.3.2 The environmental permit applications will outline proposed limits to discharges/emissions, and monitoring and management arrangements for each of the activities to be regulated. These are based on an environmental risk assessment of the activities to be regulated and the application of site specific Best Available Techniques, as described in the permit applications. The applications are either submitted at the same time as the DCO application or will be post DCO application and in advance of a particular activity. The anticipated timescales are set out in the **Schedule of Other Consents, Licences, and Agreements** (Doc Ref. 5.11).

5.3.3 The environmental permit applications are considered by the Environment Agency which regulates these permits under the Environmental Permitting Regulations. The Environment Agency will publish the permit applications on a public register for consultation, after determining that the applications have been duly made. Subsequently, the Environment Agency will consider the applications and may also engage in additional consultation on the draft permit and the draft decision document.

5.3.4 The environmental permit applications are supported by environment assessments, which are consistent with the Environmental Impact Assessment presented in the **ES**, as well as the **Shadow Habitats Regulations Assessment Report** (Doc Ref. 5.10) and the **Water Framework Directive Compliance Assessment Report** (Doc Ref. 8.14) as relevant. For example, the CA permit application reports on the

operational air quality and noise impact assessments of the emergency diesel generators, which are also assessed and reported on in the **ES**.

## 5.4 Submissions under the Euratom Treaty

5.4.1 The United Kingdom is a member of the European Atomic Energy Community, which was created under the Euratom Treaty in 1957. The general objective of the treaty is to contribute to the formation and development of Europe's nuclear industries, so that all the member states can benefit from the development of atomic energy, and to ensure security of supply. The treaty also guarantees high safety standards for the public and prevents nuclear materials intended principally for civilian use from being diverted to military use.

5.4.2 At the point of submission of this application for development consent, the UK is within the transition period for exiting the European Union and the Euratom Treaty. The majority of requirements under the European and Euratom Directives identified through this ES have been implemented within UK domestic legislation, and as such post the transition period the requirements of these directives will remain in place. In addition, number of statutory instruments have been prepared and laid before Parliament address the UK departure from Euratom.

### a) Article 37 of the Euratom Treaty

5.4.3 Article 37 of the Euratom Treaty requires each member state to submit to the European Commission sufficient information concerning any plan for the disposal of radioactive waste. This is to enable the Commission to give its opinion on whether the implementation of such a plan is likely to result in the radioactive contamination of the water, soil or airspace of another member state.

5.4.4 For the Commission to provide an opinion under Article 37, the Department for Business, Energy and Industrial Strategy submits general information to the Commission as required under the European Commission recommendation of 11 October 2010 on the application of Article 37 of the Euratom Treaty.

5.4.5 Until the European Commission gives its opinion, the Environment Agency cannot grant an environmental permit to allow an operator to proceed with new plans for the disposal of radioactive waste under Schedule 23 of the Environmental Permitting Regulations.

## b) Articles 41 to 44 of the Euratom Treaty

5.4.6 Under the procedure laid down in Articles 41 to 44 of the Euratom Treaty, the European Commission is required to provide an opinion on the new nuclear investment plans scheduled in the member states. The Department for Business, Energy and Industrial Strategy is required to submit sufficient information on the proposed new nuclear investment activities to the European Commission on behalf of SZC Co.

5.4.7 The European Commission verifies that the objectives set out in the Euratom Treaty are respected, in particular in terms of nuclear safety standards for the protection of the population, nuclear safety of nuclear installations, non-diversion of nuclear materials and diversification of supplies.

## 5.5 Licences

### a) Nuclear Site Licence

#### i. Purpose of the licence

5.5.1 The Nuclear Installations Act 1965 requires that licensees are regulated by the ONR. The ONR regulate licensees via the Nuclear Site Licence (NSL).

5.5.2 Under this site-specific regime, SZC Co. is required to obtain a NSL from the ONR to build and operate a nuclear plant. Accompanying the licence is a set of conditions to be complied with covering construction, operation of the plant and staff organisation. The licensing process involves safety case submissions to demonstrate that the operation of the proposed plant would not lead to harm to the operators or members of the public. The ONR's inspectors assess the submissions against their own set of Safety Assessment Principles.

#### ii. Obtaining the licence

5.5.3 The ONR provides guidance on its website to assist potential applicants. The NSL must be in place prior to any construction activity that may impact on nuclear safety, since this requires ONR permission in the form of consents. An NSL can be sought at the earliest possible opportunity to allow the ONR to advise the licensee, including development of its arrangements. Once granted, the NSL is an obligation until the site is de-licensed.

### iii. Transport

5.5.4 The ONR is responsible for regulating safety with regards to nuclear transport and security arrangements.

### iv. Security

5.5.5 The ONR includes a specialist civil nuclear security organisation. The civil nuclear security is the security regulator for the UK's civil nuclear industry, ensuring that the requirements of the Nuclear Industries Security Regulations 2003 are met by operators. The ONR (Civil Nuclear Security) approves Construction Site Security Plans, Nuclear Site Security Plans, Transport Security Plans and Temporary Security Plans.

### b) Marine licence

5.5.6 In England, the Marine and Coastal Access Act (2009) provides that a marine licence is required for certain activities within the UK marine area (Section 42, Marine and Coastal Access Act 2009). These activities include deposits, removals and construction works.

5.5.7 Section 149A of the Planning Act 2008 provides that a DCO may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009. Section 103 provides that only the Secretary of State can grant a DCO so it is the Secretary of State that deems that a licence has been issued. The Marine Management Organisation (MMO) is then responsible for enforcing the deemed marine licence as they would if the marine licence were determined as a standalone consent.

5.5.8 It is the intention of SZC Co. to secure the marine licensing provisions associated with the construction and operation of Sizewell C within the application for development consent. SZC Co. is applying for a deemed marine licence in the draft Sizewell C DCO pursuant to section 149A of the Planning Act 2008.

5.5.9 Elements of Sizewell C that will be sought within a deemed marine licence in the application for development consent include, but are not limited to:

- The taking of sediment samples to inform pre-construction (but post-application), construction and operation phase monitoring. This is outside of any sampling undertaken under the provisions of the Marine Licensing Exempted Activities Order 2011.
- The construction of works in or over the sea/tidal waters or on or under the bed of these waters up to the mean high-water spring



(together with descriptions of the substances associated with these constructions), including:

- the cooling water intake and outfall structures and any protections associated with these;
  - the Beach Landing Facility;
  - fish recovery and return outfall structure;
  - construction drainage outfall structure;
  - dolphins, fenders or mooring/impact protection equipment;
  - sea defences or erosion protection works;
  - the installation of any marker buoys or other navigational aids;
  - removal of material associated with capital dredging, and subsequent disposal; and
  - maintenance dredging, and disposal of arisings.
- Coordinates relating to the extent of each or all of the above.

#### c) Other Licences and consents

- 5.5.10** A number of protected species licences are required from Natural England, under the Conservation of Habitats and Species Regulations 2017, for any components of the proposed development that affects protected species. Ghost licences (i.e. draft licences) are expected to be provided to the relevant parties during the Sizewell C DCO application.
- 5.5.11** Consent is also required from Natural England for works in a Site of Special Scientific Interest.
- 5.5.12** Licences are required from the Environment Agency, under the Water Resources Act 1991, for the abstraction of water and impoundment/transfer of water during construction.
- 5.5.13** Land drainage consent is required from the Internal Drainage Board, under the Land Drainage Act 1991, for any works affecting an ordinary watercourse (for example the Sizewell drain at the main development site).
- 5.5.14** Hazardous substance consent is required from East Suffolk Council, under the Planning (Hazardous Substances) Act 1990, for any sites which want to hold certain quantities of hazardous substances at or above defined limits.

## References

- 5.1 Department of Energy and Climate Change, National Policy Statement for Nuclear Power Generation (EN-6) (London: The Stationery Office, 2011).
- 5.2 Office for Nuclear Regulation, Design Acceptance Confirmation for the UK EPR™ Reactor (2012).
- 5.3 Environment Agency, Generic Design Assessment (2011).