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Carly Vince  
Chief Planning Officer  
EDF Energy  
**By email only**

Your Ref:

Our Ref: EN010012

Date: 23 October 2020

Dear Carly Vince

## **Planning Act 2008 – Section 89**

### **Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9**

#### **Application by NNB Generation Company (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project.**

#### **Procedural decision during Pre-examination stage**

On 24 June 2020 the Secretary of State decided to accept the above application for Examination. On the same date the Planning Inspectorate issued a letter comprising advice to the Applicant, provided under section 51 of the Planning Act 2008 (PA2008).

We were appointed as the Examining Authority (ExA) on 30 June 2020 and this letter identifies the areas in which we require updated information from the Applicant to be submitted during the Pre-examination stage, further to the section 51 advice.

#### **Requests for updated documents**

##### *Draft Development Consent Order (draft DCO) signposting Document*

The Applicant is requested to provide a draft DCO signposting document in addition to the 'Navigation Document' [Examination Library Reference<sup>1</sup> [APP-007](#)] previously provided to include information highlighting the relationships between certain key application documents, the concepts which underpin those documents and the relationship between them.

<sup>1</sup> The Examination Library (EL) lists each document that has been submitted to the Examination and documents issued by the Planning Inspectorate. A unique EL reference number is given to each document. The relevant EL reference numbers are provided in square brackets []

The ExA is reviewing the Environmental Statement (ES) and the draft DCO. Noting the numerous documents which include information pertaining to the Project Description which has formed the assessment in the ES, the ExA have raised a number of clarifying points in Annex A. More generally, the ExA is keen to enable all parties to clearly understand the relationship between the Works detailed in the draft DCO and where such Works are described and assessed in the ES. Therefore, the ExA is requesting the following as parts of the new signposting document:

- a) An explanation as to where within the numerous project description documents, the reader can locate information on each particular numbered Work in Schedule 1 of the draft DCO [[APP-059](#)]. It has been noted that some of the phrasing used is inconsistent and therefore linking a Work number to a Work and continuing this approach in all documentation submitted in the Examination will aid the reader.
- b) A table, setting out for each Work, a description of that Work and where within the application documentation the location of the Work is identified and what controls would regulate the parameters assessed in the ES for that Work, for example, the location/dimension of that Work; and
- c) Identifying where within the ES all the Works and every element within each Work has been assessed.

The ExA requests that such documentation is reviewed and updated throughout the Examination.

### *Guide to the Application*

The Applicant is also requested to provide a 'Guide to the Application', to facilitate Interested Parties' understanding of the application, to be updated during the Examination. This should set out in tabular form the master documents list to provide a full list of all the documents submitted and indicating either the latest revision (if applicable) or when a new document was submitted. For ease of navigation, these documents should be grouped in colour coded sections as set out in the original Navigation document with the latest documents clearly identified. Please note the Guide to the Application 'good example document' on the [Example Documents page](#) of the National Infrastructure Planning website.

### *Statement of Reasons Appendix B: Status of Negotiations*

In order to facilitate regular updates during the Examination, the Applicant is requested to provide the 'Statement of Reasons, Appendix B - Status of Negotiations with Owners of the Order Land' [[APP-063](#)] as a standalone and unredacted Examination document. In addition, it would be helpful for a separate addendum to be provided identifying all relevant Statutory Undertakers and the position as regards the agreement of Protective Provisions for each one.

The Planning Inspectorate will apply its practice on redaction to any submissions made to it and will consider the need for, and merits of redaction, on a case by case basis. The redaction of submissions must be seen in the context of the fundamental values of the Planning Inspectorate which are its commitment to openness, transparency and impartiality. Further information is contained in paragraphs 8.1 to 8.4 of [Advice Note 8.4: The Examination](#). As such it is noted that the following documents were also submitted by the Applicant with redactions:

- 6.3 Volume 2 Main Development Site Chapter 19 Groundwater and Surface Water Appendix 19B: Sizewell C Conceptual Site Model of the Hydrogeological Regime Part 1 of 5 [[APP-304](#)]
- 6.3 Volume 2 Main Development Site Chapter 19 Groundwater and Surface Water Appendices 19C - 19FBk5 5.2 Appx1 7 MDS Flood Risk Assessment Part 1 of 14 [[APP-309](#)]
- 5.2 Main Development Site Flood Risk Assessment Appendices 1- 7 Part 14 of 14 [[APP-107](#)]
- 5.2 Main Development Site Flood Risk Assessment Appendices 1- 7 Part 2 of 14 [[APP-095](#)]
- 5.2 Main Development Site Flood Risk Assessment Appendices 1- 7 Part 6 of 14 [[APP-099](#)]
- 5.5 Two Village Bypass Flood Risk Assessment [[APP-119](#)]
- 5.6 Sizewell Link Road Flood Risk Assessment [[APP-136](#)]

Also the following documents were submitted and marked as confidential:

- 6.1 Volume 1 Introduction to the Environmental Statement Chapter 1 Introduction Appendix 1B Statement of Competence – CONFIDENTIAL [[APP-161](#)]
- 6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14A Confidential Ecology Appendix CONFIDENTIAL [[APP-225](#)]
- 6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Annex 14C.3A - Badger Mitigation Strategy CONFIDENTIAL [[APP-256](#)]
- 6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Annex 14C.3B - Badger Draft Licence CONFIDENTIAL [[APP-257](#)]
- 6.3 Volume 2 Main Development Site Chapter 18 Geology and Land Quality Appendix F of Appendix 18A - Ground Investigation on Sizewell C Construction Site Area and Associated Development Part 1 of 2 CONFIDENTIAL [[APP-293](#)]
- 6.3 Volume 2 Main Development Site Chapter 18 Geology and Land Quality Appendix F of Appendix 18A - Ground Investigation on Sizewell C Construction Site Area and Associated Development Part 2 of 2 CONFIDENTIAL [[APP-294](#)]
- 6.3 Volume 2 Main Development Site Chapter 18 Geology and Land Quality Appendix F of Appendix 18A - Summary of Terrestrial Surface Water Quality Monitoring CONFIDENTIAL [[APP-292](#)]
- 6.3 Volume 2 Main Development Site Chapter 18 Geology and Land Quality Appendix L of Appendix 18A - Pre-existing Geotechnical Data Synthesis and Interpretative Report CONFIDENTIAL [[APP-295](#)]
- 6.6 Volume 5 Two Village Bypass Chapter 7 Terrestrial Ecology and Ornithology Annex 7A.5A Draft Badger Licence Method Statement CONFIDENTIAL [[APP-428](#)]

Please will the Applicant explain the basis for the redactions and confidentiality. The Applicant's attention is also drawn to Rule 21(1) of the Examination Procedure Rules.

### *Funding Statement*

The Funding Statement [[APP-066](#)], Paragraph 3.2.6, indicates that funding is expected to comprise third party equity and debt. The Applicant is requested to provide an addendum to the Funding Statement which is specifically concerned with the availability of funds for Compulsory Acquisition/compensation for the proposed development to include further details to support the expression of confidence that

the necessary funds would be raised both to acquire the land and to implement the project for which the land is required.

### *Planning Statement Section 106 Heads of Terms*

The Heads of Terms for the Section 106 Agreement [[APP-600](#)] are extensive and indicate that it will provide mitigation. The Applicant is requested to submit the draft Section 106 Agreement. The ExA appreciates that not all the provisions may yet be agreed in which case please submit the most up to date position.

## **Requests for clarification**

### *Crown Land Plans*

The relevant Crown Land has been identified on the Crown Land Plans [[APP-009](#)] and included in the Book of Reference (BoR) [[APP-067](#)]. The Statement of Reasons (SoR) [[APP-062](#)] seeks to explain the position in relation to Crown Land. However, the Applicant is requested to provide further clarification of the position in relation to the operation of Article 85 of the draft DCO and what it is seeking to achieve in terms of Compulsory Acquisition of such land, in the light of section 135 of the PA2008. In addition, it would be helpful to have listed/identified separately the land plots falling within each category of Article 85(1)(a)(i), (ii) and (iii).

### *Access and Rights of Way Plans*

On Works Plans [[APP-011](#) and [APP-012](#)] and Access and Rights of Way Plans [[APP-013](#)], 'New and Altered Means of Access' (eg A1/1, A1/2, A1,3, etc...) are annotated. The Applicant is requested to clarify the purpose of these annotations and how they relate to the draft DCO.

Please will the Applicant also carry out a thorough check of all the information and details on the Access and Rights of Way Plans and the references to the information on them in Schedule 10 of the draft DCO and issue corrected plans. By way of example, the ExA draws attention the following discrepancies:

- i. RoW Plan Sheet 2 of 27. Main development site and rail – There is no road labelled Eastbridge Road on any plans.
- ii. RoW Plan Sheet 17 of 27. Two village bypass – Tinker Brook and access to Parkgate Farm – New highway points between PCH11/1, PCH11/12 and PCH11/2. PCH11/12 is not on any plans.
- iii. RoW Plan Sheet 17 of 27. Two village bypass – Access to Parkgate Farm – Private means of access between points PSA11/1 and PSA11/2. There is no PSA11/1 or PSA11/2 on the plans.
- iv. RoW Plan Sheet 24 of 27. Yoxford roundabout – Highway between points PSH14/1 and PCH14/2. PCH14/2 should be PSH14/2.
- v. RoW Plan Sheet 24 of 27. Yoxford roundabout – B1122 Yoxford Road – Highway between points PSH14/5 and PSH14/6. The reference in Schedule 10 should be to Middleton Road not Yoxford Road.

### *Receptor locations and consistency of descriptions.*

The ExA note that, according to ES Figure 1.7 Chapter 1, Main Development Site, Introduction [[APP-179](#)] there are three properties listed as being located at Upper

Abbey Farm. Identified as:

- MDS2 – 2 Upper Abbey Farmhouse
- MDS3 – The Cottage Upper Abbey Farm
- MDS4 – 1 Upper Abbey Farmhouse

The Noise and Vibration aspect Chapter identified Receptor 26 as being at Upper Abbey (ES Figure 11.1). The Air Quality aspect chapter identifies two receptors LE48 and LE42. LE48 as shown on ES Figure 12.1 [[APP 215](#)] appears to be located in a similar location to Receptor 26 in the noise and vibration aspect Chapter and MDS2, 3 and 4 as shown on ES Figure 1.7. The ExA notes however that ES Figure 12.2 has receptor LE48 located to the south, just to the north of the Kenton Hills car park. The Applicant is requested to review the figures reference and ensure that all receptors are shown in the same, consistent location or explain any discrepancy.

Furthermore, the ExA notes that when referring to the various receptor locations in the identified Figures from the ES Chapters, Table 2B.1 [[APP-576](#)] appears to refer to different numbers from those in the Figures referred to above, and does not consistently use the property names for Upper Abbey Farm. In addition, there appear to be other errors. By way of example:

- i. Ash Wood Cottages – MDS7 and LE25 are elsewhere not Ash Wood Cottages;
- ii. Barley Rise – MS42 (from Fig 11.2) is at Halfway Cottages; and
- iii. Common Cottages – Air Quality receptor LE54 does not exist within the ES, should this be LE33?

The Applicant is requested to review this Table and provide an updated version, if necessary, addressing the points raised above. Furthermore, the Applicant is requested to cross-check any information with the ES for consistency and clarity.

#### *Transport Assessment*

The ExA has noted that hyperlinks in the contents page of the Transport Assessment [[APP-602](#)] are either not working or direct to an external consultant's website. The Applicant is requested to either rectify this or provide hyperlinked contents pages for the Appendices and Figures Documents [[APP-603](#), [604](#), [605](#) and [606](#)]

#### *Main Site Flood Risk Assessment*

The ExA notes that there are no hyperlinks to the seven Appendices in the Main Development Site Flood Risk Assessment [[APP-093](#)]. The Appendices are spread across fourteen application documents [[APP-094](#) to [107](#)]. The Applicant is requested to provide contents hyperlinks to the start of individual Appendices for ease of access.

#### *Temporary Works Construction Accesses*

The ExA notes that there are no temporary accesses to construction compounds or other Works areas shown on either the Works Plans or scheduled in the draft DCO. The Applicant is requested to explain its approach with respect to identifying temporary Works construction accesses.

### **Submission of updated documents**

With regard to the issues identified above it would be helpful and assist the Examination process if the documents and clarification requested, and any other information or amendments made to the application documents, were submitted no later than **16 November 2020**.

If you have any questions about the content of this letter please do not hesitate to contact the Case Team, using the details provided at the top of this letter.

Yours sincerely

*Wendy McKay*

Wendy McKay

**Lead Member of the Panel of Examining Inspectors**

## Questions for the Applicant on the relationship between the draft DCO and the ES

The questions below arise from a comparison between the draft DCO and the following documents in the ES:

- SZC Bk6 ES V2 Ch2 Description of permanent Development [[APP-180](#)]
- SZC Bk6 ES V3 Ch2 Northern Park and Ride Description of Development [[APP-350](#)]
- SZC BK6 ES V4 Ch2 Southern Park and Ride Description of Development [[APP-380](#)]
- SZC Bk6 V5 Ch2 Description of Two Village Bypass [[APP-411](#)]
- SZC Bk6 V6 Ch2 Description of Sizewell Link Road [[APP-446](#)]
- SZC Bk6 V7 Ch2 Description of Development (Yoxford roundabout and other highway improvements) [[APP-480](#)]
- SZC Bk6 V8 Ch2 Description of the Freight Management Facility [[APP-511](#)]
- SZC Bk6 V9 Ch2 Rail Description of Development [[APP-541](#)]

### A. SZC Bk6 ES V2 Ch2 Description of permanent Development

1. Work No. 1A in the draft DCO lists (ix) radioactive waste storage building; (x) radioactive waste process building; and (xi) radioactive waste treatment building. The ES V2 Chapter 2 at Table 2.1 lists radioactive storage building x2 and radioactive waste building x1, but makes no mention of a radioactive waste process building. The ES Paragraph 2.4.16 does however make reference to all three. Can the Applicant please explain the reason for the discrepancy?
2. Work No. 1A in the draft DCO lists (xvi) 4 cooling water discharge weir buildings, the ES notes at Table 2.1 that these are 2x2 different types. Can the Applicant provide clarification in the draft DCO to reflect that described in the ES?
3. The ES references at Paragraph 2.4.33, "*Power Transition Platforms*". Can the Applicant confirm that these are the Works listed under draft DCO Work No. 1A(b) or otherwise explain the relationship of the Power Transition Platforms' with the Works in the draft DCO?
4. Additionally, Work No. 1A(b) lists six monopoles linked to these platforms. Can the Applicant clarify how and where these are included in the ES project description and considered in the relevant aspect Chapters of the ES?
5. The draft DCO lists, at Work No. 1A(d), "*four electricity transmission towers / pylons inside the powers [sic] station's security fence and associated transmission infrastructure*". Can the Applicant clarify how and where these have been assessed with respect to relevant Chapters in Volumes 2 and 10 of the ES?
6. Draft DCO Work No. 1A(f) "*Intermediate level waste store, including structures and plant*", and Work No. 1A(g) "*interim spent fuel store, including associated*



*structures and plant*” are included in the Authorised Development as listed in the draft DCO. Can the Applicant clarify how the ES describes and assesses the ‘include[ed] structures and plant’ in relation to both of these Works as drafted in the draft DCO?

7. ES Table 2.1, at the end of the list of ancillary buildings in Parameter Zone 1A lists ‘other ancillary buildings’. Can the Applicant explain where these are listed in the draft DCO? Furthermore, can the Applicant demonstrate where the use, activity, number, size etc of the buildings is secured through the draft DCO and relevant plans and where these parameters are included in the ES assessment? At present, as described in the ES, there is little information on the parameters of such buildings.
8. The ExA note that the following are listed in the draft DCO, Work No. 1A:
  - “(q) one electricity transmission tower / pylon outside the power station’s security fence, and associated transmission infrastructure including overhead line conductors”;*
  - “(s) removal of an existing transmission tower / pylon and associated transmission infrastructure”;*
  - “(w) temporary and permanent access roads”;*
  - “(x) Approximately 1,000 temporary parking spaces”;* and
  - “(aa) temporary water resource storage area, associated structures and plant”.*

However, it is not evident where these are included in the Project Description of the ES and therefore assessed within the ES. The Applicant is requested to provide clarification of the cross-referencing of such Works between the draft DCO and the ES project description and reference to relevant assessments.

9. Can the Applicant clarify the number of (a) car parks and (b) parking spaces which are being provided at each in relation to the Works described in the ES?
10. Can the Applicant clarify the Work in the draft DCO to which ES Paragraph 2.5.26 ‘Sizewell Replacement car Park’ relates?
11. An Outage car park of 576 spaces is listed in ES Paragraph 2.5.38. Can the Applicant confirm that this is Work No. 1D(hh) in the draft DCO, and if not, clarify which Work the outage car park relates? The ExA notes that draft DCO does not specify a limit on spaces to be provided and therefore the link is not clear. Furthermore, the ExA request that the draft DCO be amended to include the number of spaces for clarity.
12. The draft DCO at Work No. 1D(gg) lists an ‘up to 688 space car park’. Please can the Applicant clarify where this is captured as part of the description of the Proposed Development in the ES?
13. Work No. 1A includes a number of the listed works which are plural in their content which leads to ambiguity for the draft DCO in terms of what permission is



being sought for. Furthermore, this raises issues in relation to the EIA undertaken in understanding the Project Description and ensuring that all Works have been fully assessed. The Applicant is requested to consider this in the next draft DCO and ensure that such Works are limited to being within the envelope of assessment undertaken in the ES.

14. The ES describes a 'Northern Mound' in Table 2.3 and ES Paragraphs 2.4.61 to 2.4.65. Can the Applicant explain where works to 'a Northern Mound' are secured in the draft DCO? Can the Applicant also confirm that this feature is currently present on the site and is to be extended/increased or whether the current feature is to be fully removed and replaced.
15. ES Table 2.5 states 'unspecified amount of associated plant, buildings and infrastructure' a max height is provided but no further information. The Applicant is requested to provide a fuller description of what is proposed and therefore what has been assessed so that it is clear that the extent, limits and uses have been assessed and effects have been identified. The Applicant is also required to demonstrate where such Works are included in the draft DCO.
16. Similarly, can the Applicant provide further explanation in relation to draft DCO Work No. 1A(i) which lists "...and other plant". Can the Applicant set out parameters and usage of such plant and clarify where this is set out as being assessed in the ES?
17. ES Paragraph 2.5.5 states 'office accommodation for outage staff', the draft DCO Work No. 1D(kk) simply states "office, canteen and welfare facilities", with no mention of accommodation. Can the Applicant confirm that these two descriptions relate to the same Works? Can the Applicant address, through revisions, the discrepancy and provide clarification on the assessment that has been undertaken?
18. Draft DCO Work No. 1D does not list a workshop, civils store, general store or changing facilities as listed in ES Paragraph 2.5.5. Can the Applicant clarify this discrepancy and confirm the Works that have been included in the ES?
19. Work No. 1D in the draft DCO is listed as "Works associated with the relocation of certain Sizewell B power station facilities, to include— ...". However, "Sizewell B power station facilities" is not a defined phrase and it does not appear to the ExA that the actual facilities to be relocated are described in the draft DCO. Nor are the replacement facilities, as Work No. 1D is "Works associated with the relocation ... to include -...". Can the Applicant clarify this by updating the draft DCO with greater detail and precision of what is being done? ES Paragraph 2.5.5 'Phasing and Components' includes some elements not listed in Work No.1D. Can the Applicant address this and explain so as to ensure consistency between the documentation?

20. The ExA note that ES Paragraph 2.5.29 lists lighting columns as part of the Proposed Development. This is omitted from the draft DCO in Work No.1D. Can the Applicant, through revisions, ensure consistency between these descriptions?
21. ES Paragraph 2.5.35 lists the 'western access road' leading to the laydown area however the ExA note that it is not clear where this is secured through the draft DCO or of which of the authorised Works it forms part of. Can the Applicant clarify this and revise the documentation as necessary?
22. ES section 2.7 references a temporary construction area including Upper Abbey Farm however the ExA note that it is not clear where these Works are secured in the draft DCO or of which Work it forms part. Can the Applicant clarify this and revise the documentation as necessary?
23. ES Paragraph 2.7.17 references Kenton Car Park however the ExA note that it is not clear of which Work this forms part, nor how it is secured in the draft DCO. Can the Applicant clarify this and revise the documentation as necessary?
24. ES Section 2.9 references the Leiston off-site sports facilities however the ExA note that it is not clear as to where these are listed in the draft DCO. Can the Applicant clarify if these works form part of Work No. 5? If not, can the Applicant provide further clarification and revise documentation accordingly?

**B. SZC Bk6 ES V3 Ch2 Northern Park and Ride Description of Development**

1. The Northern Park and Ride, Work No.9 in the draft DCO, does not reference the creation of car parking spaces (over 1250 are anticipated by the ES), nor the diversion of a 11KV overhead power line. Can the Applicant review Work No.9 against the ES and where appropriate, amend the draft DCO to include the upper limit on the car parking spaces to be provided and ensure that the draft DCO includes the power line diversion, or explain why those amendments would not be appropriate?

**C. SZC BK6 ES V4 Ch2 Southern Park and Ride Description of Development**

1. Noting the issues raised in relation to the Northern Park and Ride above, can the Applicant also review this component of the Southern Park and Ride. In addition to those points noted above, the ExA notes the omission of reference in the draft DCO to the traffic incident management area. Can the Applicant review the draft DCO against the ES and where appropriate, amend the draft DCO to include the upper limit on the car parking spaces to be provided and ensure that the draft DCO includes the power line diversion and traffic incident management area, or explain why those amendments would not be appropriate?

**D. SZC Bk6 V5 Ch2 Description of Two Village Bypass**

1. The ExA notes that Work No. 11 "Two Village Bypass" in the draft DCO does not specifically list the flood compensation land development. Can the Applicant either justify this approach or amend the draft DCO as appropriate?

**E. SZC Bk6 V6 Ch2 Description of Sizewell Link Road**

1. The ExA notes that Work No. 12 as currently drafted in the draft DCO is very generic. The ExA also notes that the ES provides a further description of some larger components including, but not limited to, raising a railway by 2m and then building a bridge over it. Such detail is not included in the draft DCO. Can the Applicant review the Proposed Development of the Sizewell Link Road and the drafting of Work No. 12 and either justify this approach or amend the draft DCO as appropriate?

**F. SZC Bk6 V8 Ch2 Description of the Freight Management Facility**

1. The ExA notes that Work No. 13 stipulates the number of car parking spaces however information relating to the number, floor area and purpose of buildings to be erected is omitted. The ExA request that the Applicant review this and ensure that parameters are secured in the draft DCO.

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