

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

Planning Act 2008 – Section 88

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues prepared under section 88(1) of the Planning Act 2008 (PA2008). This initial assessment has had regard to consideration by the Examining Authority (ExA) of the application documents and of Relevant Representations received in respect of the application.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Business, Energy & Industrial Strategy after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principle Issues;

the ExA will conduct all aspects of the Examination with these objectives in mind.

Agriculture and soils – to include:

- Effects of the proposal on agricultural land and farming operations.
- Soil quality.

Air Quality – to include:

- Air Quality impact baseline assessment methodology.
- Effects on air quality arising from dust and particulates during the construction phase including through construction activities, emissions from construction traffic and equipment/plant and changes in traffic flows.

- Effects on air quality arising from dust and particulates during the operational phase including through changes in vehicular activity and changes in distances between sources of emissions and air quality sensitive receptors.
- Proposed mitigation, monitoring and control measures for air quality, dust suppression, control and use of equipment/plant and construction traffic management and how such matters would be secured and enforced including by the Construction Environmental Management Plan (CEMP) and Code of Construction Practice (CoCP).
- Effects on air quality arising from dust and particulates during the decommissioning of the Proposed Development including through construction activities, emissions from construction traffic and equipment/plant and changes in traffic flows.
- Adequacy of the environmental measures incorporated into the design and mitigation proposal and whether all reasonable steps have been taken and would be taken to minimise any detrimental impact on amenity from emissions.

Alternatives – to include:

- The Environment Statement (ES) approach to alternatives including consideration of various routes, locations, strategies and design development options for the project.
- Whether the proposed development would comply with all specific legal and policy requirements in relation to the consideration of alternatives including any relevant National Policy Statements (NPSs), the Habitats Regulations and the Water Framework Directive (WFD)?

Amenity and recreation – to include:

- Delivery and timing of provision of sports pitch at Leiston.
- Whether the plans are appropriate to minimise disruption to users of the Public Right of Way (PRoW) network and minimise impacts on local and tourism community.
- Residential amenity.
- Recreational opportunities.

Biodiversity and ecology, terrestrial and marine – to include:

- Effects on the Minsmere – Walberswick designated sites, other European Sites and Sites of Special Scientific Interest (SSSIs).
- Appropriate Assessment (HRA), including Imperative Reasons of Overriding Public Importance, compensatory measures, selection of Natura 2000 sites, and alternatives for the Minsmere-Walberswick Special Protection Area (SPA) and Ramsar sites in respect of effects on breeding marsh harrier population during construction. Appropriate assessment in respect of coastal, freshwater and terrestrial habitats, ornithology, marine mammals and migratory fish.
- Eels.
- Bio-diversity net gain, including the relevance of the Environment Bill.

- The sum of all effects, and whether and how they will be mitigated/compensated.
- The weight to be given to local interests in relation to Suffolk priority habitats and species.
- Monitoring and further steps.
- Design and options for the SSSI crossing.
- Effects of the crossing and loss of watercourses.
- Effects of the cut-off wall.

Climate change and resilience – to include:

- Whether the proposed adaptation measures would ensure that the development would be sufficiently resilient against the possible impacts of climate change?
- Whether the proposed adaptation measures would give rise to any additional adverse impacts such as consequential impacts on coastal change?
- Whether there are features of the design of the proposed development critical to its operation which might be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise?
- Carbon footprint.

Compulsory acquisition – to include:

- Independently from the question of whether development consent should be granted, whether the full extent of the land, rights and powers that are sought to be compulsorily acquired are required for or to facilitate or are incidental to the proposed development¹.
- Whether there is a compelling case in the public interest² for the compulsory acquisition of the land, rights and powers that are sought by the draft Development Consent Order (dDCO).
- Whether all reasonable alternatives to compulsory acquisition have been explored³.
- Whether adequate funding is likely to be available to enable the promoter to carry out the compulsory acquisition within the statutory period including provision for the resource implications of a possible blight notice.
- Whether the purposes stated for the acquisition are legitimate and sufficient to justify the inevitable interference with the human rights of those affected.
- Accuracy of the Book of Reference.
- The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question⁴.

¹ See s122(2) of the Planning Act 2008

² In terms of s122(3) of the Planning Act 2008

³ See s123 of the Planning Act 2008

⁴ See s127 of the Planning Act 2008

- Adequacy of any Protective Provisions set out in the dDCO and the need for any other Protective Provisions to safeguard relevant interests.
- Crown land.

Cumulative impact – to include:

- The effects of the proposed development on other constructed and proposed major projects nearby.
- The effects of other major projects on the proposed development.
- Cumulative and in-combination effects with other major projects and proposals.

Draft Development Consent Order – to include:

- The s.106 agreement and other obligations and agreements.
- The harbour, harbour powers and the harbour authority.
- The deemed marine licence (DML).
- Regulatory approvals and environmental permits.
- Adequacy of the dDCO Requirements, and associated provisions and documents, their status and enforceability to secure the proposed mitigation (primary, secondary and tertiary) and monitoring.
- Whether any additional Requirements are necessary.
- Whether the flexibility that the scheme currently provides in terms of detailed design can be justified and represents a reasonable approach.
- The proposed procedures for consultation on and the discharge of Requirements, and for approvals, consents and appeals, including arbitration.
- The need for and means of securing funding for any necessary monitoring and enforcement of the dDCO Requirements.
- The explanatory memorandum.

Flood risk, ground water, surface water – to include:

- Effectiveness of Flood Risk Assessments (FRA) for the main development site and all other associated development sites in considering the effects of coastal, fluvial, surface water, groundwater, sewers and other sources of flooding, taking into account climate change.
- Effects on groundwater and surface water, including Source Protection Zones, water dependent resources and receptors from the construction and operational phases of the proposed development.
- Effectiveness of mitigation measures and monitoring.
- Compliance with the WFD.

Health and wellbeing – to include:

- Potential adverse effects on human health and the living conditions of local residents during construction and operation including those arising from air quality, noise and vibration, visual impact and pollution.

- Potential beneficial effects on human health and the living conditions of local residents during construction and operation.
- The overall impact upon human health and the living conditions of local residents taking into account the cumulative effects of the proposed development itself and with other development.
- Whether there is a need for on-going monitoring of any potential adverse health effects?

Historic environment (terrestrial and marine) – to include:

- Effects on the terrestrial heritage assets and their visual and functional settings, and on buried and marine archaeology.
- Future archaeological investigation, monitoring and supervision.

Landscape impact, visual effects and design – to include:

- Suitability of study areas and viewpoints used in the Landscape and Visual Impact Assessment (LVIA).
- Interpretation of provided photographs and montages.
- Design of the proposal.
- Impact on landscape and visual amenity, including the settings of protected landscapes.
- The effects of temporary and permanent lighting on the landscape and visual amenity.
- Effects on amenity and views from the PRow network.
- Effectiveness of mitigation.
- Cumulative effects.

Marine ecology and fisheries, marine water quality and sediment, marine navigation – to include:

- In addition to the issues listed under biodiversity and ecology, above:
 - Restrictions and effects on navigation.
 - Marine ornithology.
 - The DML.

Noise and vibration – to include:

- Noise and vibration baseline noise survey methodologies.
- Noise and vibration from traffic, rail and other operations generated through construction, maintenance and decommissioning.
- Construction, operational and decommissioning noise and vibration effects on residents, businesses and wildlife.
- Maximum noise levels and exposures and working hours. Establishing the maxima, and monitoring and enforcement throughout the development.
- Proposed monitoring and mitigation measures, including noise and vibration reduction measures, working hours, techniques and practices and the means whereby this would be secured by the dDCO and CoCP.

Policy and need – to include:

- The need for the proposed development including in terms of national considerations and the local economy.
- In particular, the current role and status of NPSs EN-1 and EN-6 including whether there has been any relevant change of circumstances that would call into question whether the assessment of need for sites set out in the NPSs remains up to date?
- Whether site circumstances have changed at Sizewell to the extent that the NPS policies for Sizewell C can no longer be regarded as being up to date including changes to the nominated site area?

Radiological considerations – to include:

- Adequacy of provision of facilities for the safe storage of Intermediate Level Waste (ILW) and spent fuel rods. Whether contingency is adequate?
- Longer term plans for this storage and how this would be facilitated and maintained.

Socio-economic – to include:

- Baseline assessment methodology and the socio-economic evaluation.
- Effects of incoming workers on the receiving communities (including law and order considerations, schooling and impact on community facilities).
- Effects on health on the receiving communities and on the incoming workforce.
- Effects on accommodation.
- Effects in relation to temporary on-site accommodation.
- Effects on local businesses including tourism and the local supply chain.
- Effects on the labour market.

Traffic and Transport – to include:

- Suitability of the Transport Strategy, including consideration of movement of people and freight by mode of travel.
- Suitability of proposed associated development of park and ride sites, bypasses, junction improvements, rail extensions and beach landing facility.
- Suitability of the Transport Assessment and modelling approaches.
- Effects on local road network and roads, including access, congestion, road safety and disruption.
- Effects on emergency services.
- Effects on the Strategic Road Network (SRN).
- Effects on PRoW and Non-Motorised User (NMU) routes
- Effectiveness of mitigation and control measures, monitoring and enforcement.
- Consideration of effects of other developments.

Waste (conventional) and material resource – to include:

- Effectiveness of Conventional Waste Management Strategy.
- Effects on the supply of construction materials.
- Effects on the supply of potable and non-potable water during construction.