

Michele Gregory  
Case Manager  
National Infrastructure Planning

**Our Ref:** 20026727  
**Your Ref:** EN010012  
**Date:** 08 January 2021

[michele.gregory@planninginspectorate.gov.uk](mailto:michele.gregory@planninginspectorate.gov.uk)  
cc. [sizewellc@planninginspectorate.gov.uk](mailto:sizewellc@planninginspectorate.gov.uk)

**By email only**

Dear Michele

**The Sizewell C New Nuclear Power Station Project  
Development Consent Order (DCO) application and proposed DCO changes submission**

We write to discuss:

1. the forthcoming DCO Changes application
2. the expected submission of further DCO supporting material
3. the subsequent Examination, and
4. procedural requirements

We wish to set out our thoughts about these matters and the work ahead for us as a statutory consultee in relation to this DCO application. We are concerned that we may not have a proper opportunity to consider the information relating to the DCO changes application, and the further information to be submitted in support of the original DCO application, in the time available; and so be able to properly advise the Examining Authority in the forthcoming examination process.

The Environment Agency are part of the wider Defra Group, all of whom have an interest in this project and DCO process. We work closely with our colleagues in Natural England and the Marine Management Organisation. We have been discussing this concern intensely for quite some time and understand that other Defra organisations may well also be writing separately to you on this matter.

**Background**

The DCO Application was accepted for Examination on 24 June 2020 and registration of Interested Parties closed on 30 September 2020. Our Relevant Representations were submitted to that deadline and stated our concerns about several potential environmental impacts, and also identified where underpinning evidence was missing, or inadequate.

**1. The DCO Changes Application**

A public consultation on proposed changes to the DCO closed on 18 December 2020. We have responded to this and stated that we were supportive of some of the changes – where they represent betterment for the environment. However, some of the proposed changes are significant (especially those relating to marine infrastructure) and we are concerned about the scale of the evidence, for the associated potential environmental impacts, that is yet to be submitted in support of these changes, and (in some instances), new proposals.

We understand a formal DCO Change Application will be submitted to the Planning Inspectorate later this month. We also understand that this application should take into account the views stated in response to the consultation and present the missing environmental impact

evidence that is required to support the proposed changes. This further information is expected to be extensive in nature and will require significant effort to review effectively and adequately.

If the Change Application is accepted we are very keen that statutory (and non-statutory) consultees have appropriate time to adequately review and respond to the numerous impact assessments that will accompany it.

This is particularly important because we would now expect the applicant to submit sufficiently robust and conclusive evidence necessary to allow for proper assessment of the environmental impacts associated with these changes. Given the timescales available for this information to have been collated and provided with the changes application, we believe that there will be a need for us to examine very carefully the information that is provided to ensure that it is both suitable and adequate for the purposes of examination. As previously mentioned, this review work represents a significant undertaking. We were already very concerned about our ability to do this and the time that may be allowed to do so. The situation has now been made much worse by the introduction of another nationwide lockdown in response to the pandemic and the need for some of our staff - critical to this project response - to provide their children with home-schooling, or undertake other supportive care roles. Some will be unavailable for significant periods of time.

If there is not sufficient time made available to properly conduct the processes described above, and to do so to an appropriate standard, then we believe that the Examining Authority may find that it does not have access to all the information it requires from us to fully assess the effects of the proposed changes being made to the application.

## 2. The submission of further supporting information

We understand that the applicant intends to submit a raft of additional information at, or around, the same time as the Changes Application - information required to support the DCO Application itself - but which was not provided at the time of submission. We consider it essential that statutory consultees (or similar) who need to review this information have enough time ahead of the start of the Examination to have determined whether the information provided is sufficient to overcome outstanding concerns and so reach agreement on some significant issues. Bearing in mind that we already have concerns about the availability and adequacy of time to review the additional information that we anticipate will be presented with the Changes Application, this extra DCO support information represents yet further work for review.

It has always been our ambition to reach agreement with the applicant on those matters for which we are a key commentator. Despite significant pre-application engagement, we were unable to achieve agreement on most matters ahead of the DCO application. We have made some progress with the applicant since, but we are not there yet on some fundamental aspects of the project and, with the DCO changes proposals, in some instances we may be moving further away from agreement than we were at the time of the DCO submission.

It would seem that review of the information described above will need to be conducted in parallel to the review of the additional information required by the Changes Application. This may well slow progress and mean that we are unable to reach agreement with the applicant on outstanding matters pertinent to the DCO application itself, ahead of the examination commencing.

## 3. Examination and the steps ahead

For all the reasons explained above we would earnestly request that you give very serious consideration to the procedural steps ahead and how you will ensure a fair and appropriate participation in the process by all those that must form an opinion on the information to be offered for review, both as part of the Changes Application and the additional information to be provided for the DCO Examination. It is our expectation that we should be able to give PINS robust advice and guidance. If we have not had the space to look at, and possibly negotiate and agree changes to proposals (proposals that - in some instances - arguably should have

been more appropriately reviewed in the pre-application period), then we may not be able to arrive at suitable conclusions in time to offer you our proper advice and final position as you move forward into the Examination process. This would be troubling and would certainly not fulfil our aspiration to ensure that any power station built would meet high standards of environmental protection. It may mean that we cannot advise you of our views in relation to compliance with Legislation such as the Habitats Regulations, or the Water Framework Directive.

#### 4. Procedural Requirements

PINS Advice Note 16 Section 4, Figure 3f states that:

*If the proposed change results in any new or different likely significant environmental effects, provision of other environmental information (is required) and confirmation that:*

- i. the effects have been adequately assessed and that the environmental information has been subject to publicity. Whilst not statutorily required, the publicity should reflect the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations);*

In terms of compliance with this expectation, we broadly agree that the applicant's changes consultation identified the likely significant environmental effects and the work necessary to assess these. However, we are concerned about the sheer volume of new and additional information that was identified; and the significant amount of time that will be required, if we are to effectively and capably review this information, once it has been received.

We therefore respectfully request that:

- the Changes Application is carefully considered to ensure (in the first instance) that all the necessary information and evidence - to inform the required environmental assessments - is included
- there is sufficient time allowed for the statutory, and non-statutory, consultees to adequately review and respond to these significant additional impact assessments
- the time allowed for review is provided before the preliminary meeting is held, so that the task can be concluded (or substantially undertaken) before organisations such as ours might otherwise be required to provide evidence for your review and / or participation in hearings; in parallel to the task of reviewing the information set out above. We are concerned that if the preliminary meeting is held too soon that it might prove impossible to conclude the examination within the statutory six month period, if all the environmental issues are to have been fully considered.

Your support in our request will, in turn, help to ensure that the process fulfils consultation / publication requirements and will also allow us to provide the Examining Authority with all the advice and guidance necessary to properly proceed with review of the evidence.

Yours sincerely



**Simon Barlow**  
Project Manager

Sizewell C Nuclear New Build  
Environment Agency  
Iceni House, Cobham Road, Ipswich, Suffolk IP3 9JD  
**Tel: 020302 58491**  
[simon.barlow@environment-agency.gov.uk](mailto:simon.barlow@environment-agency.gov.uk)

OFFICIAL

