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Our ref: SIZE-SP004 / 20025411 (NE internal ref: 339203)  
Your ref: EN010012



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**BY EMAIL ONLY**

Dear Ms Gregory

**NSIP Reference Name / Code:** The Sizewell C Project EN010012 'the Project'

**Natural England's registration identification number:** SIZE-SP004 / 20025411

**Submission by the developer of further information and changes to the Development Consent Order (DCO) application and subsequent examination of the Project**

We are writing to you to set out our concerns about the expected submission of further information by EDF Energy<sup>1</sup> (the developer) which was omitted from the DCO application, their DCO Proposed Changes submission and the subsequent examination of the Project. These concerns relate to Natural England's ability to effectively and properly advise you through the forthcoming examination process.

As part of the wider Defra Group which includes the Environment Agency and Marine Management Organisation, we are in regular discussion on issues where there is overlap across our respective remits. We have been discussing our concerns as set out in this letter and understand that these organisations may also be writing to you separately on these matters.

***Submission of further information by the developer which was omitted from the DCO application***

You will be aware that in September 2020 we provided our Relevant Representations to the Sizewell C Project DCO application<sup>2</sup> as submitted by EDF Energy in May 2020 and accepted for examination in June 2020. Within our response we raised a number of outstanding concerns which we advised must be resolved before the Project can be consented. This was in the context of a significant amount of information being missing from the original application. In many instances, this has constrained our ability to properly advise on the potential impacts from the Project in terms of our remit, including:

- Internationally designated sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites)
- Nationally designated sites (Sites of Special Scientific Interest (SSSIs))
- Protected species
- Protected landscapes (Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB))

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<sup>1</sup> NNB Generation Company (SZC) Limited

<sup>2</sup> 306236 - Natural England's Relevant Representations to Sizewell C, dated 30<sup>th</sup> September 2020

- Ancient woodland
- The England Coast Path (ECP)

Since the submission of our Relevant Representations we have engaged with EDF Energy through a number of issue-specific meetings with the aim of progressing our concerns for the natural environment, and there has been some progress made which we welcome. However, some of the matters for which further information and assessment is required remain significant enough, in our opinion, to mean that if not satisfactorily addressed our advice would be that you may not be able to determine the application with confidence in these regards.

We note with concern that the recent *Notification of Proposed Project Changes document* (EDF Energy, dated October 2020) states that EDF Energy “*intends to submit revised information prior to the start of the examination to address minor errata, omissions and qualitative issues relating to the submitted application documentation, although these will not form part of the consultation*” (paragraph 1.1.5). Section 6 lists the further information that is proposed to be submitted, both relating to the Proposed Changes submission and to pre-existing elements of the Project, including information identified as missing within our Relevant Representations. In terms of our remit, the missing information includes a number of key surveys and technical reports which feed into and underpin the various impact assessments (e.g. Habitats Regulations Assessment (HRA)). It also includes various plans and strategies which include the detail of mitigation and compensation measures identified as necessary through the corresponding impact assessments (e.g. Outline Landscape and Ecology Management Plan (OLEMP), Sizewell Marshes SSSI fen meadow and wet woodland compensation strategies etc.).

Many of these outstanding surveys, technical reports, impact assessments, plans and strategies are directly relevant to our statutory remit and outstanding concerns. They therefore need to be reviewed by us in detail, and with sufficient time, for us to properly advise you on them when submitted. For these reasons, we consider some of these to be major omissions. We note that the words used at paragraph 1.1.5 of the *Notification of Proposed Project Changes document* are taken from paragraph 2.2 of PINS advice note sixteen and, with respect, cannot agree that the further information we require amounts merely to the correction of errata or minor omissions. We consider the omissions to be more significant and they constrain our ability to provide sufficiently complete and robust advice to the Examining Authority.

### ***Submission by the developer of Proposed Changes to the DCO application***

In addition to the omissions from the application as submitted in May 2020, the forthcoming Proposed Changes submission includes a number of material changes to the application as originally submitted, albeit we readily accept that these material changes are within the substance of what was originally applied for. Many of these are also relevant to the interests within our statutory remit and so need to be reviewed by us in detail in terms of the corresponding impact assessments, underpinning surveys, technical reports, mitigation strategies etc.

Some of these changes appear to be in response to our outstanding concerns and represent progress which we very much welcome (e.g. change to the SSSI crossing design, change to the location of the Water Resource Storage Area, additional SSSI fen meadow compensation site, change to Sizewell B relocated facilities proposals etc.). Others present us with additional and/or alternative issues to address rather than remove or lessen the concerns outlined in our Relevant Representations (e.g. additional Beach Landing Facility (BLF), change to transport delivery strategy, change to sea defence design, new temporary marine outfall etc.). We have provided a full response<sup>3</sup> to EDF Energy on these Proposed Changes through their non-statutory consultation with us (November-December 2020) which we understand will be appended to their submission to you for your consideration.

It should be noted that the detail provided to us in that consultation was only sufficient for us to advise on the scoping of the updated and/or additional environmental assessments which are required. We

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<sup>3</sup> 335391 - Natural England's response to the Sizewell C Proposed Changes Consultation, dated 18<sup>th</sup> December 2020

would expect EDF Energy to submit sufficiently robust information in this regard so that any implications on the natural environment can be properly and fully assessed. Some of these changes may therefore present a challenge in our efforts to achieve common ground until this information has been assessed with sufficient time allowed for us to properly advise you on them.

### ***Examination of the Project***

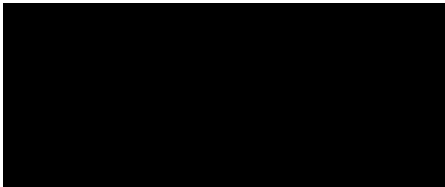
For these reasons, we stress that while we do not object to EDF Energy's forthcoming submission either in terms of the previously omitted information or the Proposed Changes (both of which will address some of the concerns as outlined in our Relevant Representations), we do have concerns about the issues this presents our organisation at this stage. We advise that it will be very challenging for us to process and advise you on all this new information if, as we understand it, the aim is to start the examination in early 2021.

These concerns are further compounded by the impacts of the ongoing coronavirus pandemic on our staff resources, including our national specialists whose advice is critical to our Project responses. This is especially challenging during the current national lockdown where a significant number of staff are working reduced hours and others not working at all due to the need to provide childcare and other care roles.

We are making you aware of this at this time given that our advice is crucial in allowing you, as the Examining Authority, to ensure that the Project can be fully determined with confidence against all the necessary evidence with respect to the natural environment. In the meantime, we will continue to advise and engage with EDF Energy to help resolve outstanding issues.

Please feel free to get in touch if you would like to discuss any of the above.

Yours sincerely



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