

From: [REDACTED]
To: [SizewellC](#)
Cc: [Gregory, Michele](#)
Subject: EN010012 - Development Consent for the Sizewell C Project. Written submissions to the Examining Authority's (ExA) Rule 6 letter.
Date: 10 March 2021 16:45:50
Attachments: [image006.png](#)
[21 03 10 Sizewell C - EA letter to PINS - Rule 6 Preliminary Meeting.pdf](#)

Dear Wendy McKay

I attach our written response to your request for notification of our intended means of participation in the initial Preliminary Meeting for this project, our view on the Agenda for that meeting, and comments on the Examination procedures as you have proposed them.

Regards

Simon Barlow

Nuclear New Build Project Manager

East Anglia Area

Environment Agency | Icen House, Cobham Road, Ipswich, IP3 9JD

[REDACTED] [@environment-agency.gov.uk](#)

External: 020 302 58491 | [REDACTED]



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Wendy McKay

Lead member of the Panel of Examining Inspectors
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

sizewellc@planninginspectorate.gov.uk
cc. michele.gregory@planninginspectorate.gov.uk

By email only

Dear Michele

Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6.

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

We write to provide written submissions to the Examining Authority's (ExA) Rule 6 letter that explains how the Examination will be conducted. We also wish to be heard orally at the Preliminary Meeting: Part 1 and Part 2, and have registered separately using the Preliminary Meeting Participation Form, but for the absence of any doubt we shall require access arrangements (log ins) for:

Simon Barlow - Sizewell C NNB Project Manager: [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk)

Cameron Sked - Sizewell C DCO Coordinator: [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk)

Carol Bolt - EA Senior Solicitor: [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk)

Environment Agency comments on Preliminary Meeting Agenda

It is proposed that the comments outlined below will form the basis for our written and oral submission to the Preliminary Meeting.

Agenda item 1 – Welcome and introductions
No Environment Agency (EA) comments
Agenda item 2 - The Examining Authority's (ExA) remarks about the virtual Preliminary Meeting - Annex A (of Rule 6 letter)
No EA comments
Agenda item 3 - The ExA's remarks about the Examination process – Annex B (of Rule 6 letter)
No EA comments

Agenda item 4 - Initial Assessment of Principal Issues – Annex C (of Rule 6 letter)

The EA welcomes the identification of Principal Issues put forward by the ExA. We note that the interrelationship and overlap between Principal Issues is recognised, however we consider the following suggested revisions to the list would be of benefit of the ExA:

- **Flood risk modelling.** Although the list broadly refers to flood risk, we have not yet reached agreement on some important parts of the Development Consent Order application (DCO).

We await full flood risk modelling for the Sizewell Link Road and the associated FRA to support that element of the project. We cannot properly advise on the flood risk associated with this road proposal without it.

- **WFD impacts of SSSI crossing.** Although “*The design and options for the SSSI crossing*”, has been identified within the ‘biodiversity and ecology, terrestrial and marine’ Issue we consider that the Water Framework Directive (WFD) impact of the SSSI crossing should feature more prominently within the issues to be discussed in the list. Compliance with the WFD is integral to a DCO permission and this is not yet demonstrated.
- **The cooling water system.** Although marine ecology and fisheries issues have been identified as a Principal Issue, we consider that the potential impacts of the cooling water system, including WFD compliance, should feature more prominently within the issues to be discussed in the list. Compliance with the WFD is integral to a DCO permission and this is not yet demonstrated.
- **Coastal Processes.** The proposed hard coastal defence, together with the soft coastal defence, and the temporary and permanent beach landing facilities have potential to cause significant impacts on coastal processes. With the submission of the changes application these elements have departed from the design submitted within the original DCO, some significantly. The assertions made about the management of coastal defence features are entirely different from those made originally and we have yet to see evidence to support the new proposals. In fact we have yet to receive full details of any of these changes, the supporting modelling, or a comprehensive, and updated, assessment of their impacts. We consider it is essential that this topic be given thorough and proper scrutiny as part of the Examination process.
- **Sustainable water supply.** We await information to demonstrate that there can be a sustainable water supply provided to the development, both during construction and operation. Given the scale of the work that remains to be undertaken, the associated timescales, and the uncertainties that remain, we consider it essential that the supply of potable and non-potable water be given thorough and proper scrutiny as part of the Examination process.

Agenda item 5 - The Applicant’s proposed changes to the application – Annex B (of Rule 6 letter)

We understand that the consideration of the requested changes to the DCO application, at the Preliminary Meeting, will be limited to a discussion on the materiality of the proposed changes and their examination, if accepted.

As already stated we await the justifications and modelling that is required to support the proposed changes to the beach landing facilities (and associated jetty) and changes to the

coastal defence design and management arrangements. Assessment of such modelling can be highly complex and time consuming.

Responding to this information, and offering an opinion on it to the Examination process, will be dependent upon that information arriving within a suitable timescale. This may prove impossible to undertake within the Examination window if sufficient review time is not available.

We suggest that either, this information is to be submitted promptly, and further time is given in the pre-examination period to consider it, or this matter is programmed towards the end of the examination – by when it is hoped that we may have arrived at some conclusions on the awaited material, enabling a more proper input from the EA.

Agenda item 6 - Draft Examination Timetable – Annex D (of Rule 6 letter)

We note in the examination timetable that the ExA may intend to publish the report on the Implications for European Sites (RIES) on 09 September 2021.

Three Environmental Permit applications for the operation of the power station have been submitted to the EA:

- a bespoke Water Discharge Activity permit - required for the proposed discharges of cooling water and liquid process effluents into the marine environment, during operation of the power station
- a Combustion Activity permit - required for the proposed operation of diesel generators, to be used to provide back-up electrical supply at the site, and
- a Radioactive Substances Regulations permit - necessary for the proposed disposal of operational radioactive waste emissions to air, and water, and by transfer

There are complex overlapping Habitats Regulations Assessment (HRA) needs that fall across these permit decisions and the DCO decision, especially where there are project-wide in combination impacts on the marine environment. Despite our repeated advice, and that in PINS Advice Note 11 (Annex D), the applicant has chosen to not submit their applications for these environmental permits well in advance of the DCO Application. We are a competent authority and must undertake an HRA as part of our determination process. It is currently our projection that our permit decisions - and associated HRA conclusions - will not be available within the Examination timescale, due to the submission strategy adopted by the applicant. We consider that our permit determination HRA conclusion should have assisted with the within project in combination HRA for the DCO application and its absence could result in challenges to the HRA process – at a DCO decision level.

We note that the ExA is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting. As we have highlighted in Agenda items 4 and 5, there are a number of Principal Issues, or proposed changes to the DCO application, where key information remains unavailable, or the issues are particularly complex. These include Coastal Processes, Water Supply, Marine Ecology (including WFD compliance) and Flood Risk.

As already suggested, we maintain that either further time be given in the pre-Examination period to consider this information, upon its provision. Or that these issues are programmed towards the end of the Examination, by when it is hoped that we can have fully and properly reviewed the awaited information, prepared our position and so be able to more meaningfully participate in the examination of these issues.

The Examination is scheduled across the very period during which Coronavirus lockdown restrictions are hoped to be relaxed. We would like to point out that there are a great number

of EA staff who have been working under considerable pressure for the last twelve months, which has included emergency response to flooding incidents, and who have done so without having had the opportunity to take leave in the usual way. These people are long overdue, and are indeed entitled to, a break. It is hoped that there will therefore be some gaps planned into the Examination timetable - devoid of deadlines - that could be utilised by those staff requiring a break, where convenient. If those gaps could be highlighted for all parties at an early stage then that would be welcomed by the EA, and would help our people plan.

Agenda item 7 - Procedural Decisions taken by the ExA – Annex E (of rule 6 letter)

We welcome the proposal for an initial Statement of Common Ground at Deadline 1 and a finalised Statement of Common Ground at Deadline 8. We request that no further interim Statement of Common Ground deadlines be added to the schedule as this can be very time and resource intensive, and is likely to derive limited benefit.

We note that it is proposed that Agendas for Issue Specific Hearings will be issued five working days in advance of each Hearing. Given that some of the Hearings may require attendance in person (if Coronavirus rules allow this), there may need to be travel and hotel arrangements made for EA staff. Early advance knowledge of which subject areas are to be discussed at each Issue Specific Hearing would enable proper planning of attendance and most efficient use of our resources.

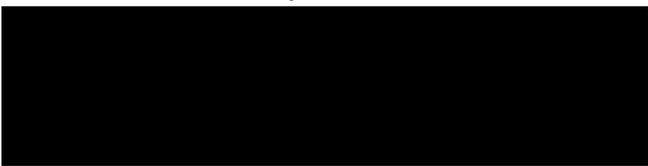
Agenda item 8 – Any other matters

No EA comments

We trust that this will provide the Examining Authority with all the Environment Agency advice and guidance necessary to support your preliminary meeting, but we will also be attending both parts of the meeting, should we be able to assist further on these issues.

In the meantime you are welcome to discuss any of these matters with me, using my contact details below.

Yours sincerely



Simon Barlow
Project Manager
Sizewell C Nuclear New Build
Environment Agency

Iceni House, Cobham Road, Ipswich, Suffolk IP3 9JD



[\[redacted\]@environment-agency.gov.uk](mailto: [redacted]@environment-agency.gov.uk)