

From: [REDACTED]
To: [SizewellC](#)
Cc: [Gregory, Michele](#)
Subject: EN010012 - Development Consent for the Sizewell C Project: Environment Agency Written submission to Deadline B
Date: 07 April 2021 15:21:15
Attachments: [image006.png](#)
[21 04 07_SZC DCO Procedural Deadline B.pdf](#)
Importance: High

Dear Wendy McKay

I attach our written response to your request for comments on the output / questions emanating from the initial Preliminary Meeting (part 1) for this project. It is our intention to participate again in the Preliminary Meeting (part 2), and make oral representations if they are considered merited – the participants are listed in the attached letter.

Regards

Simon Barlow

Nuclear New Build Project Manager

East Anglia Area

Environment Agency | [REDACTED]

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

Our Ref: 20026727
Your Ref: EN010012

Date: 7 April 2021

sizewellc@planninginspectorate.gov.uk

cc. michele.gregory@planninginspectorate.gov.uk

By email only

Dear Ms McKay

Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Procedural Deadline B response.

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

We write to provide further written submissions to the Examining Authority's (ExA) to answer queries raised and provide further points of clarity. Should it proceed, we also wish to be heard orally at the Preliminary Meeting: part 2, and will 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 Senior Planning Advisor: [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 for Preliminary Meeting: part 2

The comments outlined below provide points of clarity to issues raised in the Preliminary Meeting: part 1 and will form the basis for our written and oral submission to the Preliminary Meeting: part 2.

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)
In the initial Preliminary Meeting the ExA requested written views on preferences for holding events virtually, in person, or via a blended approach. We have no preference on how the hearings are conducted, but would comment that the technology may need improving if hearings are to be conducted successfully in any sort of a virtual form.
Agenda item 4 - Initial Assessment of Principal Issues – Annex C (of Rule 6 letter)
No further EA comments to make beyond those submitted in our written response (10 March 2021, Our ref. 20026727), and as per our oral submissions.

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

In their oral response to the ExA, the Applicant claimed that coastal processes modelling had been recently shared with us via a 'Marine Technical Forum' (MTF) meeting. We wish to challenge that statement and clarify that detailed modelling information for the Beach Landing Facility and Jetty was **not** shared with us by the applicant at that meeting.

In the MTF referred to by the applicant, we, and other members, were presented with draft high-level illustrative modelling outputs only. This did not constitute the sharing of modelling information in any substantive manner. That said, the modelling report for the Beach Landing Facility and Jetty has been subsequently shared with the Environment Agency on the 29 March 2021, and we have begun our review.

In accordance with your expectations cited in the Preliminary Meeting (part 1) this report should also be provided to the ExA, as it supports the changes application for altered marine infrastructure proposals, and other interested parties should also have an equal opportunity to access this information.

Despite the provision of the modelling information to support the BLF and Jetty proposals, we shall also need to review the necessary modelling and evidence required to support the claims made for the Hard and Soft Coastal Defence features (HCDF and SCDF), and so establish the viability and sustainability of the management approach proposed. This information should include an **evidenced explanation** of why the applicant has changed their approach from a scheme which would have accepted exposure of the HCDF over time (by design) to one that - it is now stated - will include / require the ongoing replenishment of the SCDF as a part of the planned coastal protection infrastructure.

We earnestly challenge the applicant's suggestion in the Preliminary Meeting (part 1) that the proposed hard and soft coastal defence features, and their ongoing management (which will last for decades) may now be considered proven, and so be dealt with by way of a Requirement. The management and mitigation strategy for the SCDF is fundamental to the manner in which the HCDF may, or may not, interact with the marine environment; it could have implications for Suffolk's coastline and might jeopardise compliance with the Habitats Regulations and so this should be fully considered, when the Coastal Processes Principal Issue is examined.

As previously suggested, we maintain that either further time should be given in the pre-Examination period to consider the outstanding information upon its provision, or that this significant Principal Issue is programmed towards the end of the Examination – by which point it is hoped that we will have fully, and properly, reviewed the awaited modelling information / evidenced explanation, prepared our position, and so be able to more meaningfully participate in the examination of these issues.

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

To help us (and others) plan and prepare our response in readiness for your examination, we request that the ExA obtain from the applicant a programme for the release of awaited information and reports – setting out the timetable of submission, and providing sufficient, and appropriate, time for its review.

It would seem likely that some additional information may now be submitted after the deadline for Written Representations and so we ask whether the ExA will then be accepting amended / supplementary Written Reps, and - if so - what might be the associated deadlines for their submission?

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

No further EA comments to make beyond those made in our written response (10 March 2021, Our ref. 20026727), and subsequent oral submissions.

Agenda item 8 – Any other matters

During the preliminary meeting the ExA asked whether the EA provides assurances in the form of a 'letter of no impediment' in relation to any environmental permits within its remit that are required (in addition to the DCO) to enable the development to operate. We do not provide such letters. Our permitting process, and associated decisions, run independently of the DCO decision making process. As an environmental regulator - with responsibilities to consider the environmental impacts associated with the proposed operational discharges - we shall fully assess the environmental permit applications and consult on our draft decisions once these are available.

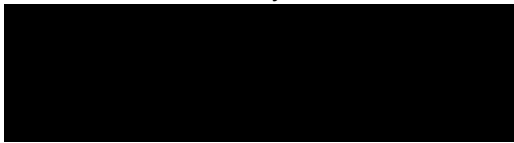
The developer must determine the timing for submission of their environmental permit applications. Ideally this would be sufficiently in advance to ensure that the Examining Authority has all the information they require to enable a full and proper examination of the proposal and so assist with its decision.

Despite our repeated advice, and that provided in PINS Advice Note 11 (Annex D), the applicant chose to **not** submit their applications for these environmental permits well in advance of the DCO Application.

There are complex overlapping Habitats Regulations Assessment (HRA) impacts that fall across operations covered by our permit decisions and those for consideration within the DCO decision, especially where there are project-wide operations that may act in combination to have impacts on the marine environment. The timing of the submission of the environmental permit applications may well now result in our decisions (and the associated HRA conclusions) not being available to timescales where they might otherwise have informed any such 'in combination' HRA assessments.

We hope that this information is useful to the Examining Authority and we will be happy to provide clarification, or additional information, at the Preliminary Meeting (part 2) on 14 April – if this would be of assistance.

Yours sincerely



Simon Barlow
Project Manager - Sizewell C Nuclear New Build

Environment Agency



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