

ANNEX J Suggested / revised requirements

Overview

The Councils are under discussion with the Applicant with regard to its proposed requirements. Whilst the Councils have provided detailed commentary on the wording of all requirements, this section highlights requirements that the Councils are seeking to be either added or more substantially changed. They are all under discussion with the applicant.

These are (in the order as they appear in the LIR):

- i. Fen Meadow: amendment to Requirement 14A to allow for discharge by SCC rather than West Suffolk Council
- ii. Coastal geomorphology related requirements
- iii. Archaeology: Amendments to Requirement 3
- iv. SCC only: Surface and Foul Water Drainage – SCC proposed replacement to Requirement 5.
(Note: ESC do not agree with this proposal)
- v. Emergency Planning – New requirement

Please note – transport related requirements and obligations are covered within the Transport Annex M.

i. Fen Meadow: amendment to Requirement 14A to allow for discharge by SCC rather than West Suffolk Council

(under discussion with the Applicant)

The Council has discussed this requirement with colleagues at East Suffolk and West Suffolk Councils. ESC does not want to be responsible for that part of the fen meadow plan which is not in its district i.e. Pakenham Fen Meadow (Work No. 18) and West Suffolk Council is content for SCC to discharge that part which concerns Work No. 18, provided they are consulted. Owing to this, SCC would propose this requirement is amended as follows (proposed changes to the Applicant's draft DCO highlighted in yellow):

(1) Vegetation clearance within Sizewell Marshes SSSI, pursuant to in connection with Work No. 1A must not be commenced until –

(a) Part A of the a fen meadow plan for the development of fen meadow has been submitted to and approved by East Suffolk Council, in consultation with West Suffolk County Council and [the relevant Statutory Nature Conservation Body], and

(b) Part B of the fen meadow plan for the development of fen meadow has been submitted to and approved by Suffolk County Council, in consultation with West Suffolk Council and the relevant Statutory Nature Conservation Body.

(2) Part A of the fen meadow plan concerns Work No. 6 and Work No. 7 and Part B of fen meadow plan concerns Work No. 18.

(3) Parts A and B of the fen meadow plan must be developed in general accordance with the Fen Meadow Strategy and include details of proposed works, including—

(i) landscape and planting details;

(ii) water management measures; and

(iii) an implementation timetable for the works.

(4) Work No. 6, Work No. 7 and Work No. 18 must be carried out in accordance with the approved fen meadow plan.

ii. Coastal geomorphology related requirements

(under discussion with the Applicant)

ii.a. Marine Technical Forum NEW REQUIREMENT

(alternatively, this may be enshrined within the Section 106)

(1) No development shall commence until a Marine Technical Forum (MTF) is formed with membership consisting of Sizewell C Co., EDF Energy Generation Ltd (Sizewell B), ESC, Natural England, Environment Agency and the Marine Management Organisation), meetings are to be held at least quarterly and more frequently if required by the requirements of the CPMMP, with an agenda to be agreed by MTF members.

Constituting the MTF will include the following:

(a) The role of the MTF in the scrutiny and implementation of the coastal geomorphology monitoring and mitigation process shall be Advisory;

(b) The MTF brief will include production of recommendations for impact mitigation and maintenance works. Approval for those works must be given by the relevant approval body, ESC or MMO, subject to the location of the works relative to the agreed boundary of authority;

(c) Decisions leading to impact mitigation and/or maintenance works must only be taken following consultation with the MTF;

(d) The MTF will provide a mechanism for agreement between ESC and the MMO as to the production of boundary maps;

(e) Changes to the membership (EA, NE, MMO, and ESC) and role of the MTF (as defined in the agreed MTF Terms of Reference) may be proposed by any party and shall require agreement of MTF members;

(f) Sizewell C Co. shall actively manage and fully fund the MTF process until decommissioning and removal of marine works including the Hard Coastal Defence Feature, unless otherwise agreed by the MTF; and

(g) The public shall have full access to documents prepared for and issued by the MTF, including meeting records, unless otherwise agreed by the MTF.

ii.b. Monitoring and Mitigation Plan (Councils' version to replace 7A proposed by the Applicant)

(1) No development shall commence until a Coastal Processes Monitoring and Mitigation Plan (CPMMP) that covers all marine works and coastal geomorphological impacts has been approved by ESC following consultation with other members of the MTF.

(2) Approval for works proposed by the CPMMP must be given by the relevant approval body, ESC or MMO, subject to the location of the works relative to the agreed boundary of authority.

(3) The scope of the CPMMP shall be reviewed annually by the MTF unless required otherwise by the MTF.

(4) Changes to the CPMMP may be proposed by any member and shall require acceptance of MTF members prior to application.

(5) Sizewell C Co. shall actively manage and fully fund the CPMMP process until decommissioning and removal of marine works including the Hard Coastal Defence Feature unless otherwise agreed by the MTF.

ii.c. Coastal Defences (Councils' version to replace 12B proposed by the Applicant)

(1) Construction of Work No. 1A(n) (soft coastal defence feature) or Work No. 1A(o) (hard coastal defence feature) must not commence until the following information has been approved by East Suffolk Council following consultation with members of the MTF:

(a) 'For Construction' drawings of the proposed works.

(b) A comparison of the 'For Construction' and 'DCO submission / approved' design.

(c) Where there has been a design change post DCO, an updated Environmental Impact Assessment to demonstrate either no significant change to the DCO Environmental Impact Assessment, or where a significant change is identified, proposals for changes to the MMP that are required to manage the new impacts.

(d) a construction programme showing all temporary and permanent works.

(e) installation methodology and detailed method statements, including material delivery.

(f) a description of all equipment and vessels to be involved.

(g) a description of all materials to be used notably including evidence of compatibility of proposed beach replenishment material with the existing environment.

(2) The works shall be built in accordance with the information approved by ESC after consultation with the MTF.

(3) During the construction phase any proposed design change to the Coastal Defences shall be referred to ESC for approval in consultation with the MTF.

(4) Sizewell C Co. shall act upon the instructions of ESC regarding potential further actions including production of alternative designs, Impact assessments and MMP amendments. Agreed revised works shall be carried out in full to the satisfaction of ESC.

ii.d. Decommissioning and Removal NEW REQUIREMENT

(1) Sizewell C Co. shall remove the Hard Coastal Defence Feature and any associated works that have potential to prevent the natural evolution of the shoreline as part of the Sizewell C site decommissioning works unless amended by the anticipated Sizewell C Decommissioning Environmental Impact Assessment or otherwise agreed by ESC after consultation with members of the MTF. The removal works shall be carried out in

accordance with a proposal to first be submitted to ESC for approval. The agreed works shall be carried out in accordance with an agreed timetable to be submitted to and approved by ESC.

ii.e. Maintenance Activities Plan (MAP) NEW REQUIREMENT

(1) A MAP shall be submitted not less than 6 months before commencement of the first maintenance activity and at 5-year intervals thereafter.

(2) The MAP must be approved by ESC following consultation with members of the MTF.

(3) The plan must cover: All temporary and permanent works associated with the HCDF, SCDF, BLF above MHWS and all 'Marine works' below MHWS.

(4) The plan must include:

(a) A list of maintenance works foreseen for the station.

(b) Details of the typical equipment and personnel requirements for each activity.

(c) Details of the frequency and typical timing of each activity.

(d) Details of controls and mitigation in place in order to protect the environment.

(5) The MAP must be updated every 5 years commencing from the date of the commencement of all temporary and permanent marine works above and below MHWS.

(6) Should Sizewell C Co. propose, or be required to undertake, additional activities not included within the plan, they must submit a further MAP for approval by ESC in consultation with the MTF not less than 6 months prior to the commencement of that maintenance activity, unless the works required are an emergency, in which case notification in writing is to be given to ESC in advance of works taking place to allow for a representative from ESC to be on-site during the emergency works.

(7) Maintenance activities are defined as Inspections / surveys, Upkeep, Repair and adjustment, Alterations, Replacement of structures (not including the alteration, removal or replacement of foundations) and other required maintenance activities to the extent assessed in the environmental information.

ii.f. Beach Landing Facility NEW REQUIREMENT

(1) Work to construct those parts of the permanent BLF (and any temporary BLF) to landward of the MLWS contour shall not commence until the following information has been approved by ESC following consultation with members of the MTF:

(a) 'For Construction' drawings of the proposed works;

(b) a comparison of the 'For Construction' and 'DCO submission' design to identify changes;

(c) where there has been a design change post DCO:

i. an updated EIA to demonstrate no significant change to the DCO Impact Assessment, or,

ii. where a significant change is identified, proposals for mitigation, including suggested changes to the MMP that are required to manage the new impacts.

(d) a construction programme showing all temporary and permanent works;

(e) installation methodology and detailed method statements, including materials delivery;

(f) a description of all equipment and vessels to be involved;

(g) a description including specifications of all materials to be used;

(h) any amendments to the MMP that are brought about as a result of the changed design.

(2) The works are to be carried out in their entirety in accordance with the approved details unless otherwise agreed in writing by ESC.

iii. Archaeology: Amendments to Requirement 3

(under discussion with the Applicant)

(Note: Where amendments are proposed to the wording included in the Applicant's draft DCO of January 2021, these are shown highlighted in yellow.)

(1) No part of the authorised development may be commenced until a Site Specific Written Scheme of Investigation for each phase of archaeological investigation relating to that part has been submitted to and approved by Suffolk County Council. Site Specific Written Schemes of Investigation must be in general accordance with the Overarching Archaeological Written Scheme of Investigation.

(2) The construction, removal and reinstatement of the authorised development must be carried out in accordance with the Overarching Archaeological Written Scheme of Investigation and Site Specific Written Schemes of Investigation, unless otherwise agreed with Suffolk County Council.

(3) No part of Work No. 1A (a) to (h) (main platform) may commence until a Peat Archaeological Mitigation Written Scheme of Investigation for that part has been submitted to and approved by Suffolk County Council, following consultation with Historic England. The Peat Archaeological Mitigation Written Schemes of Investigation must be in general accordance with the Peat Strategy.

(4) Work No. 1A (a) to (h) (main platform) must be carried out in accordance with the Peat Archaeological Mitigation Written Schemes of Investigation, unless otherwise agreed with Suffolk County Council.

(5) No later than three years following the commencement of Work No. 1A –

(a) each site-specific Post Excavation Assessment must have been completed and submitted to Suffolk County Council for approval;

(b) an Updated Project Design, detailing the scope of post-excavation analysis and publication in accordance with the Overarching Archaeological Written Scheme of Investigation and Site Specific Written Schemes of Investigation, must have been completed and submitted to Suffolk County Council for approval; and

(c) the full archaeological archive must be submitted to the Suffolk County Council Archaeological Service (Archive).

(6) In this requirement –

(a) "each phase of of archaeological investigation" means the phases described in the Overarching Archaeological Written Scheme of Investigation; and

(b) "Post Excavation Assessment" and "Updated Project Design" mean the Post Excavation Assessment and Updated Project Design referred to in the Overarching Archaeological Written Scheme of Investigation.

iv. SCC only: Surface and Foul Water Drainage – SCC proposed replacement to Requirement 5. (Note: ESC do not agree with this proposal)

(under discussion with the Applicant)

(Note: Where amendments are proposed to the wording included in the Applicant's draft DCO of January 2021, these are shown highlighted in yellow.)

(1) No part of the authorised development may be commenced until details of the surface and foul water drainage system for that part (including management and maintenance arrangements, means of pollution control, sewage treatment works and a programme of construction and implementation) have been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency, [the relevant Statutory Nature Conservation Body,] the relevant Internal Drainage Board, and the Lead Local Flood Authority and the drainage authority.

(2) No part of the authorised development may be commenced until details of the surface water drainage system for that part (including management and maintenance arrangements, means of pollution control, and a programme of construction and implementation) have been submitted to and approved by Suffolk County Council, following consultation with the Environment Agency, [the relevant Statutory Nature Conservation Body,] and the relevant Internal Drainage Board.

v. Emergency Planning – New requirement

The Councils have requested of the Applicant the following requirement to be added:

Emergency planning

(1) No part of the relevant works may be commenced until the Suffolk Resilience Forum Radiation Emergency Plan (“the Plan”) has been reviewed to account for the relevant works, or any part of them, and reissued in accordance with the Regulations.

(2) Emergency planning arrangements specified in the Plan in respect of the relevant works must be implemented in accordance with the Plan, unless otherwise agreed with Suffolk County Council following consultation with the Sizewell Emergency Planning Consultative Committee or Suffolk Resilience Forum as appropriate.

(3) For the purposes of this requirement –

(a) “relevant works” means permanent works related to site preparation and construction; and

(b) “the Regulations” means the Radiation (Emergency Preparedness and Public Information) Regulations 2019.