

# **SZC - Climate Change and Good Design Issues**

*a SAGE Written Representation - Deadline 2*

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## **Summary**

This WR covers Principal Issues on the basis of the PA2008's linked "sustainable development" strong provisions for contributions to climate change mitigation and good project design, in respect of

- Climate Change draft DCO claims and changed policy & needs frame of reference
- Transport Strategy as an undeliverable design in the setting of other development dynamics in Suffolk
- Natural environment mitigation, compensation and IROPI: assessing mitigation and compensation in the light of a UK government imperative of nature protection as an overriding public interest
- Tourism impact, amenity and natural capital: residents as tourists and baseline limitations, and amenity as a planning issue
- Site Size, revised NPS6 limits, and a new minimal nuclear waste claim from EDF
- DCO licensing provisions and energy security: proposals about guaranteeing DCO terms with changed ownership reflecting EDF funding challenges
- ISH hearing requests: there are seven PIs where we would like to contribute substantially with appropriate time allocations.

Our S.A.G.E. Briefing on New Developments (February 2021), mentioned in this text, is a source for "changed circumstances" on Policy and Need. Our Relevant Representation and OFH contributions are also concerned with SZC funding and economics issues. We assume these issues will form part of an ISH on Policy and Need.

# SZC – climate change and good design issues

## 1 Introduction

Following our Relevant Representation and Open Floor Hearing (OFH) script, we approach issues from the viewpoint of the PA2008's very strong duties on the Secretary of State (SoS) to contribute to climate change mitigation and the direct link to good design (to achieve this end).

We also argued that EDF were wrong to assert "no changed circumstances" since NPSs 1 & 6 of 2011 and we wish to supplement our brief OFH account of policy and real world changes by presenting it to an ISH. Our S.A.G.E. Briefing is "New Developments for the Sizewell C Examination?" February 2021. It surveys 4 areas: Government policy change, energy market change including Brexit, three new SMR nuclear/hydrogen linked projects for Wylfa and the proposed life extension of Sizewell B.

We have now been able to look at Climate Change documentation mainly in the Planning Statement App 590. Viewing climate change as a changing circumstance if ever there was one, we then look at delivery issues in the design of transport and environment mitigation and compensation. We also comment on the baseline for the tourism assessment.

Three new issues have arisen:

- nuclear waste and storage on site and the site size requirement of the NPS6 Review, which Government regards as already decided. EDF have recently made a major announcement about a huge reduction in nuclear waste from the EPR reactor(s).
- the Environment Bill post Brexit, with its 25 year Environment Programme, its biodiversity net gain provisions and natural capital principle.
- concerns that EDF's DCO proposals on assigning its licence could lead to an undermining of planning conditions.

Where possible we try to distinguish the two key initial periods of the project i.e. construction and operation. For the first period we look at the deliverability of the project and for the second period its sustainability for a 60 year life with nuclear waste management thereafter. But the overriding issue is the sustainability of the whole project.

## 2 Climate change – a mandatory contribution

Given the 2008 Planning Act's strong duty on national infrastructure projects to contribute to climate change mitigation, and the Net Zero UK 2050 "imperative" and associated policies and particularly the 2035 threshold of a 78% cut in CO<sub>2</sub> by 20135 over 1990 levels, we have been searching the draft DCO archive for proposals and assessments designed to contribute to these objectives. We note EDF's insistence on the "urgency" of the project, scattered throughout the draft DCO and examine likely time lines.

### Documentary basis

The key claimed features of the project on climate change can be seen in three document sets:

- **Planning Statement** Document 8.4, (App 590) Section 7.2.3-7.2.13, giving comparative CO<sub>2</sub>kWh figures for gas – 340 gCO<sub>2</sub> kWh, solar 42-85, offshore wind 7-24 and SZC at 4.5gCO<sub>2</sub>kWh, all on a life cycle basis. The SZC carbon deficit from the construction period of 9-12 years is declared as 5.7 million tonnes of Co<sub>2</sub>e. The claim is that this would take just under six years to pay off before low carbon operations can contribute in comparison to other technologies.
- **Environment Statement** Document 6.2 (App 173) Vol 1, Ch. 26 – this contains no substantive analysis, but refers to the Main Development Site, concerned mainly about coastal change, not CO<sub>2</sub> saving.
- **Main Development Site - Climate Change** Document 6.3 (App 342) Volume 2 Chapter 26 contain the substantial conclusion that "less than 1% of the total UK carbon budget" is involved in the project and that the effect would be "not significant". The Conclusion: 26.7.2 and 26,7.4 – 6 (pp74/5) adds that 2034 is assumed as the first year of operation for SZC. The project would save - compared to average UK energy mix - 12 m tonnes of CO<sub>2</sub>e by 2050 by displacing 1m tonnes of CO<sub>2</sub> each year.
- **Main Development Site** 6.3 (App 343) Volume 2, Chapter 26 *Climate Change Appendices* 26A and B. Two small but indicative matters: Table 1.3 Potential Climate Hazards and Likelihood of Occurrence of likely CC impacts. This records the period 2020-39 as "not likely/possible" on most of 10 counts. And then References, p 11, gives climate forecasts as UK Climate Projections 2009. Both are out of date and inadequate.

### Outmoded "policy and need" baselines

We note EDF's dependence on Government CO<sub>2</sub> emissions data from the same period as the NPSs (2011) originating in the Nuclear Energy White Paper of 2008 and suggest that EDF headline claims may not be well founded for likely SZC operation in 2034, only one year

before the new and dramatic threshold – “tipping point” - announced by Government in April 2021.

**An insignificant contribution:** SZC can, at the very best, make only a very modest contribution to UK climate change needs, disproportionate to its low carbon profile and recent TV advertising as a NetZero electricity company because it has too little time – at most 9 years, most likely 5 years - after paying off its carbon deficit to contribute low carbon electricity. If the carbon deficit is bigger than stated, as we argue below that it may well be, the contribution measured by years would be proportionately even lower.

If urgency and alternatives are considered, we note that the carbon emissions figures cited above for offshore wind is not comparing like with like. The offshore wind emissions are based on a UK Government (BEIS) load factor of 58.4% because of the variation of wind availability. Accepting that, we note here that the Climate Change Committee in its current Sixth Carbon Budget forecast that big nuclear towards 2050 will most likely need to be offline in hot summers. If SZC is not on line and contributing net low carbon electricity until, at the earliest 2034, plus 6 years of payback, then the CCC off line forecast comes into play, perhaps lowering the SZC loadfactor much nearer the variable offshore wind figure. In these real circumstances, we question whether comparative CO<sub>2</sub>ekWh ratings are adequate to understand the EDF claim to urgency and significant contribution to climate change mitigation. Additionally, offshore wind, prices and costs apart, can be up and running in 2/3 years, and has an increasing lifespan from 20 years to 30 years.

**CO<sub>2</sub> lifecycle emissions** Similar issues arise with EDF’s SZC very low CO<sub>2</sub>e figure of 4.5 gms/kWh. The Government’s report on the nuclear “fleet” *Meeting the Energy Challenge - White Paper on Nuclear Power (2008)* drew on consultation and extensive research and concluded, page 48, that the OECD benchmark range of 7 – 22 gms/kWh would be used for UK energy policy purposes. The EPR was a known design prospect at that time, but without operating experience a CO<sub>2</sub> performance rating was not available. The research literature ranges very widely, from a maximum around 100 gms to the very low figure of 4.5 gms as declared for SZC by EDF. A literature review by Keith Barnham, a solar power expert, published in February 2015 (*The Ecologist*) is regarded as an authoritative guide. It casts doubt on the traditional self-definition of the nuclear power industry as “low carbon”, a category which has, incidentally, recently morphed into a commercial advertising formulation as NetZero electricity. Barnham thought a fair total life cycle figure for the existing global fleet of nuclear power stations would be in the mid 50 gms, much depending on a heavy but variable CO<sub>2</sub> deficit for mining and processing uranium ore. Barnham cites the Climate Change Committee – from 2013 – referring to the EPR’s emissions rating 6 gms.

The uncertainty and highly contested claims suggest that the very low carbon emissions claim for the EPR should, in the public interest, be backed up by more than the simple headline figures of the DCO. We suggest therefore that there is a need for transparency and a high standard of declaration for this project.

## **Transparency – and the SZC carbon deficit**

EDF's figuring does not show itself as following any of the three – voluntary - international carbon footprint codes (*PAS2050, GHGProtocol and thirdly, ISO14067, which was developed by the BSI*). These and home-grown corporate standards are now universal for big companies and effectively determining for large scale independent investors.

We offer a Vattenfal (*Sweden energy multinational operating in UK offshore energy*) example of transparency. A report for them on a new wind farm – Norfolk Boreas – by RoyalHaskoning (August 2020) sets a high standard, including detailed figures for supply chains and key components of the build. SZC has extensive supply chains, which it publicises routinely as part of its economic benefit/boost argument. For example, in their Made in Britain campaign about Hinkley Point C, they mention 17 major suppliers in the UK, and 2000 other suppliers. Also, that out of the £20 bn cost, £6bn will be imported from abroad. Co2 generation by transport is a big factor in all countries' carbon deficits, and people next. EDF is likely to involve directly and indirectly of the order of 12,000 extra people in the East Suffolk area, equivalent to at least another Leiston. The transport infrastructure does not compare to Hinkley Point. The idea that SZC's carbon deficit will be the same as Hinkley Point C's is therefore questionable.

A metric of some importance can be derived from EDF's commissioned report of 2008, published in 2011, on the environmental values and carbon footprint of Sizewell B. This was in response to the Government's consultation on carbon footprinting of that period. Conducted by consultants AEA of Harwell, published by EDF for its Environment Product Declaration (EPD) it declares a figure of 42% of Sizewell B's lifecycle CO2 emissions are attributable to the construction stage (Key Findings, p1, para 5). EDF are claiming a very different figure for SZC, under six years out of 60 years, i.e a 10% construction stage carbon deficit. This requires explanation. Other metrics may help here. 12 million tons of materials are required to build SZC. The total cost (current figure) is £20bn. Does a 10% carbon deficit look credible especially when the EPR design is concrete and steel heavy for safety reasons after Chernobyl and Fukushima.

The disparity of the carbon deficit figures invites another observation: HPC (Hinkley) has a CfD (Contract for Difference) for 35 years out of a 60 year design life. If SZC's Co2 emissions were to be averaged over its shorter subsidized life, its 4.5 gmsCO2e/KWh could easily double, bringing it into the UK Government's nuclear emissions range of 7 -22 gms (*see below*). A higher carbon deficit from a likely overrun of time and costs might bump the figure up. We therefore suggest EDF issues a higher standard of data to justify its claims. Any increase in the SZC carbon deficit would, of course, reduce the number of years it might be able to contribute its low carbon electricity to the grid, setting aside other value for money and alternative energy security options. Its actual Net Zero contribution, already delayed after the 2035 threshold, would be very minor.

## **Background Note**

As background we note that the European Union, host to France's EDF parent, has rejected the case for "low carbon" as an energy designation, and legally now recognises only a single

distinction in energy sourcing between renewables and other sources. We also note that EDF's annual declaration of its energy supply to the grid shows that its nuclear power emissions rating relies on carbon credits under the carbon credit trading mechanism (ETS) currently being transposed to the UK after Brexit. Might such a future putative credit be being included in the very low figures for SZC? The Climate Change Committee's Sixth carbon Budget (2021) also requires that UK power generation should be carbon neutral by 2030. SZC would still be being built – contributing a sizeable carbon deficit and no benefit.

### **Conclusions**

We recognise from our research that these are complex matters, but assert most strongly that EDF's draft DCO is less than transparent about its emissions claims and therefore that an ISH is needed. Here we note that the Government introduced SE&CR (Streamlined Energy & Carbon Reporting) requirements to apply from 2019 for Director's Reports (BEIS). We are not sure how EDF NNB SZC fits here, but it is another standard which can be seen as applicable.

Overall, we find the EDF's response to climate change imperatives out of date, unsatisfactory in explanation, substandard and out of step with comparable energy technologies and other changed circumstances for climate change mitigation pathways.

## **3 Transport Strategy**

We have experienced a frustration over the lack of relevant information about EDF's transport strategy. It consists largely in headline statistics and provides no answers to obvious matters of public interest. It mirrors the approach about climate change which lacks basic transparency. We therefore hope the following matters of concern can be explored in the Examination process.

### **Quantities and make-up of traffic**

The number of HGVs on the road and variants of that number because of the rail and sea delivery options, on which we comment below, has obscured the fact that the workforce and materials supply to the SZC site will involve of the order of 12,000 extra vehicles on the Suffolk road infrastructure which is already under severe strain. A useful metric can be seen from the provision of parking places on main site (1,000), at the worker campus (2000) at two caravan parks (maybe 500) at the FMC and the 2 P&Rs, plus offsite parking for associated deliveries and services. Publicity about HPC contracts also states that 2,000 other companies are servicing the site. A further metric might be the total economic boost claimed for the project, frequently cited as a £2bn boost (Report by the Sizewell C Consortium of Contracted Businesses, Ernst & Young, March 2021).

### **Designate routes and badging**

We were able to mention, at a PreExa session, as an example of chronic traffic management issues on the A12 and its feeder routes, the current SCC plan to seek Government grants to

introduce smart traffic lights on six roundabouts on the A12 between Seven Hills (the site of the FMC) and the northern roundabout of Woodbridge. We note also that existing logistics operators e.g. at Debach, have accustomed their HGVs to designated circular routes because of the limits of the B roads exacerbating the problems of the A12. A similar system for HGVs operates at Coddensham off the A14/A140. We draw two conclusions from the amount and types of traffic: first that badging is essential for all vehicles going to the site and/or P&Rs. Secondly, that badged vehicles should have designated routes. We note that EDF publicises for HPC its wide spread of contractors across the whole of the UK. Responsible companies capable of forward contracts for a project of this size should have no problem with either designated routes or badging, which is now standard practise for liveried vehicles.

Designated routes and badging should not be too difficult to arrange as a supplement to routine security systems which we assume will be of a high quality for a sensitive site of such longevity of construction.

Designated routes have been accepted by EDF for HGVs, but it is unclear what this means in practise. We know the likely traffic breakdown on the A12 northwards and southwards, but no geographical origin of materials has been forthcoming, despite some sense of the geographical spread coming from the main contractor information. We have asked about routing for HGV return journeys, in contrast to the assumption that the FMC will be an obligatory port of call at least for the HGVs travelling northwards on the A12. Having asked this question, we are curious about the actual role and geographical location of the FMC. It is presented as having about 100 parking places, and maybe this will allow for some holding of vehicles waiting for their northwards journeys. But with sophisticated GPS tracking, we assume the reality is that without designated routes for the HGVs, they will be travelling laterally from the A14 eastwards as much as from the south on the A14/A12. The available roads for lateral journeys are almost universally substandard B roads with existing challenges.

### **Limitations of feeder routes**

Taking the B 1708 to Wickham Market as an example, we cannot see how this road can accommodate the workforce feed-in to the Southern P&R and HGVs either going to site or returning to re-load across country westwards. The P&R traffic is already a major source of concern.

### **Design issue at Southern P&R**

We have only one further point to make about the basic design of this P&R. This is that its exit route is solely northwards on a single lane slip-road onto the dualled A12. There is no capacity for a southwards turn on to the Five Ways roundabout. This means that workers returned to the site by bus, or visitors with cars will need to travel north to the first roundabout of the Two Village bypass before they can safely turn south on to the A12. Or here will be dangerous and maybe unworkable fly turning on side lanes. We assume that this design issue arises from the original proposal for a Four Village Bypass which would

have provided a convenient roundabout for returning southwards on the A12. The compromise of a Two Village Bypass has created a real problem.

### **On road management of HGVs**

We have mentioned HGVs as capable of on-road management in a steady flow to feed on site batching which is likely to require continuous material flow across shiftworking and maybe through the night. We doubt this is going to work. Given the extremely varied nature of the A12 roadway, its congestions and pinch-points and danger points, and the dominant traffic management problem of bunching, we observe the paucity of lorry pull-offs – necessary to on road convoy management - on the A12. We also wonder about the extent to which ready mix concrete will be employed either on site and/or for the earlier associated developments, and whether this quantum of HGV level traffic has been factored into the number of HGVs. It could be that the headline HGV count covers only direct deliveries to the main site.

### **A12 traffic forecasts and housing development**

Clearly any assessment of the deliverability of the projects' traffic strategy depends on the forecast of secular traffic growth on the A12 and B road network, always recognising that commuting across country to avoid the A12 and A14 is already a serious problem on most C roads, some of which are single lane. The East Suffolk local plan is heavy with new housing quotas, unlikely to reduce in the foreseeable future. The current plan, being reviewed, involves a disproportionately high national quota of 582 houses per annum from 2018 - 2036, and we suggest that each housing unit, for a standard family, is likely to require between 2 and 3 vehicles once settled. This would put an extra 1,000 to 1,500 vehicles on the roads daily and maybe a multiplier for services of another 500. Additionally, Ipswich is a housing authority with its own local plan and an annual actual housing growth of 400, well under target and now targeting 1000 per annum to catch up. The £50m Ipswich Northern Bypass link road from the A14 across to the A12 (three route options) was defeated on environmental and traffic generation grounds in January 2020. But a tranche of 3,500 new homes is still to go ahead.

We therefore suggest that traffic growth on top of present traffic problems would pose major challenges to the SZC project with its predominantly southern materials sourcing, and for a large part of its workforce with their average commute of 90 minutes each way north to and eastwards to SZC main site and the P&Rs on the A12. Secular traffic growth looks like a combined and cumulative challenge.

### **Exclusion of outer zone parishes**

EDF has excluded parishes in its outer impact zone from some consultations which they argue do not concern them. This is not proper and means that issues about putting freight on the rail system north out of Ipswich to Leiston have no forum, and "rat-running" in single lane roads in rural Mid and East Suffolk will not be considered properly.



### **Rail freighting already at capacity**

Secondly, we noted with interest and respect the contribution of Cllr Smith of Felixstowe about reducing road traffic through a small container sea vessel strategy and a rail freight strategy. Here he concluded that rail freight capacity, while in principle a good solution, did not look feasible because Felixstowe Port already uses the full regional freight capacity. This facility is soon to be expanded as a freeport with massive new logistics facilities. A new logistics centre has been announced by Uniserve Mega, at £90m cost, with capacity for 100 HGVs to use loading bays at any one time, amounting to maybe 1000 per day, plus say three times the number of LGVs exiting with loads for break-bulk distribution. This suggests that the Port of Felixstowe authorities and its owner should be asked to present an assessment of EDF's late rail freight strategy to the Examination.

### **Grampian doctrine, planning parameters and Rochdale Envelope**

There is an understandable fear that if, once such a big project got going, cost pressures and penalty payments— these have occurred early at Hinkley Point C - might mean reductions in commitments made in the Exa process. The Grampian principle of necessary infrastructure being in place to reduce impacts during construction seems to be highly relevant. Further, should the required 20% construction cost reduction – ref. Atkins Report – not have been already factored into the draft DCO provisions, there is worry that a planning parameters approach (ref Planning Statement) and a Rochdale Envelope facility might be resorted to by the developer. We therefore suggest that traffic strategy commitments to mitigate impacts on existing users and infrastructure be adopted as binding Orders.

## **4 Natural Environment Mitigation, Compensation and IROPI**

Our concern here goes back to the first EDF consultation in November 2012 when we surveyed the number of variously protected nature sites in the impact zones chosen by EDF. We counted a total of 52. We noted (*Initial Proposals and Options, Environment Report, Chapter 4.2.9*) that breeding nightjars and skylarks were screened and have been wondering what has happened to them in the draft DCO mitigation proposals. We recall a reply at a live consultation that the nightjars might not be proved to be breeding. We subsequently visited the Suffolk office of nature records, housed in the Ipswich Museum building, asking if they had a record or could advise with any certainty on the numbers and conservation status of birds, animals and invertebrates in the impact zones, to which the answer was that such a count was not possible. We later asked Suffolk Wildlife Trust when the Sizewell Marshes SSSI's conservation status had last been reviewed and updated. The answer was indeterminate. We cite this experience simply to suggest that data about the impact of the long construction period and huge scale of impacts is likely to contain many unknowns and, on the precautionary principle of HRA Regulations, these likely impacts should be recognised as impossible to mitigate with any certainty. And further, that any appropriate assessment due under IROPI terms for specific species – the marsh harriers at Minsmere seem to be the chosen, headline creatures – even if it might in principle be compensatable

with extra foraging terrain – cannot justify or in any sense equate to likely unknown damage to many, many other unscreened species and habitats amongst the 52 we have counted.

### **EDF's IROPI stance**

Since EDF have arrived at IROPI compensation requirements for marsh harriers in their draft DCO and seem also to be relying on a general IROPI provision in the NPS EN1 & 6, we have been looking at how the IROPI tests might apply, quite apart from specific comments that might be made about marsh harrier supplementary foraging terrain and claims that Biodiversity Net Gain proposals can be called on as meeting appropriate assessment standards. We suggest that IROPI involves its own hurdles and is not simply an automatic pathway to compensation and the application of BNG. On BNG, having looked at the evolution of the voluntary codes and examples of application, we observe that BNG is best established in matters of replanting hedges removed for road widening, and has no obvious traction for protected nature species.

### **Suffolk's Nature as a "Public Interest"**

The relevant tests in IROPI, as referred to in our Relevant Representation, have been set out by Jackson JL's codification on appeal after the Mynnyd y Gwynt "Red Kites foraging" case. We suggest that the requirement of "public interest" is substantive, and that Minsmere and 51 other protected sites need to be considered under this title. Many of the 52 sites are protected under the aegis of the Europa 2000 programme as adopted by the UK Government. This has been carried over from Brexit, and we further suggest that the Environment Bill in Parliament currently might be counted as an imperative of public interest in its embodiment of the Government's 25 year Environment programme.

We return to the humble nightjar, whether or not proved to be nesting in 2012. It's Sizewell prospects call for, at minimum, an issue specific hearing on Nature Mitigation, Compensation and IROPI, at which we would wish to present a fully referenced account of our view that while EDF may well be correct to invoke IROPI, they have a duty to answer how their resulting proposals may or may not meet IROPI's stringent tests.

### **Nature site "integrity" and natural capital**

We offer the thought that the "natural capital" concept now embedded in environmental legislation and practise might be considered a comprehensive foil to the very tiny range of natural species selected by EDF for mitigation and compensation propositions. Marsh harriers are surely not the only species present around the project to invite such detailed concern. As cousins to the Hen Harriers of the now famous "People over the Wind" Irish court case establishing a strict adherence to mitigation process, we are entitled to conclude that further candidates for proper process are present in and around Sizewell C. We suggest that the natural capital underlies the "integrity" of nature sites employed by Natural England in its Rel Rep submission of October 2020 about marsh harrier foraging.

In addition to concern about the nightjar(s) we have also asked at open sessions and in consultations on SZC about the status of bats and other registered species at Hinkley Point C: where did they go while their mitigational/compensatory were being constructed and

established ? While, prospectively at SZC, an enlarged underpass is to be built on the permanent access road to the power station to improve on the original culvert proposal for the otters, bats and water voles. This mitigation measure invites the same question. And, of course, the HRA precautionary principle was designed to deal with the problem of a project starting up before species and protected nature site damage occurs. A specific instance might be the need for permanent 18/7 construction lighting not needed in the early period of construction. Might not bats migrate ?

## **5 Tourism Impact: Natural Capital and Amenity**

We would like to suggest, to an ISH on tourism, that the legally established concept of amenity be examined alongside the natural capital approach to nature assets. It is a way of understanding how Suffolk residents are also important local tourists and visitors. Suffolk's expanding housing market caters for a high proportion of retirees. They are not counted in the baseline DMO Tourism Report frequently cited for assessing tourism impacts. The DMO is a marketing organisation, not an economic consultancy. Its figures came from a membership survey and modelling approach which we believe underestimates the rising value of nature-based tourism in Suffolk.

## **6 Site size and new minimal nuclear waste claim**

We have previously commented on the widely canvassed issue of site size for two of the world's largest nuclear reactors, and the contrast with Hinkley Point C. In our commentary, the very limited 30 + hectare total site at SZC for 2 EPR reactors was matched against the NPS EN6 Review specification of 30 ish "approximately" hectares per unit. We expressed concern about adequate on site space for nuclear waste storage, especially in the absence of a final national waste storage facility. To our surprise, our East Anglian Newspaper, the EADT has now published a letter asserting that "Sizewell C will generate 40 times less nuclear waste", by Peter Bryant, Sizewell C Head of Environment, Decommissioning and Radiation Safety" (EADT Monday May24, 2021). Our reasoned response the next day has failed to be published. The claim is based on waste per unit of electricity, whereas we suggested tonnage might be an more standard measure and that one of our S.A.G.E. group had in the course of professional work visited Harwell and seen the storage challenge at first hand. In considering the NPS EN6 Review's "decided" site size provision, we ask the Exa to look into the waste storage issue.

## **7 DCO licensing: guarantees and UK energy security**

A further concern meriting examination is the provision in the draft DCO for assigning any licence it may attain to operate to another party. The draft DCO reference is App 59, 60 & 61, specifically in App 60, Article 9.4.27.

We have corresponded with concerned Members of Parliament about the prospect of assignment to China's CGN, the development partner of EDF NNB at Sizewell and Hinkley Point C. We are aware of the consultation undertaken by the ONR on site licensing but understand this capability and safety duty terminates once the project is operating. We regard the future ownership issue as separable and of public interest. The draft DCO argues that the requested provision is based on the formula developed by the now withdrawn Horizon project at Wylfa, Anglesey. Our concern can be put at a more practical level than matters of state: it is that once these big projects get going and run into re-financing problems, commitments made at Exa and SoS level can be set aside or eroded. We therefore suggest that this licensing provision is closely examined. And secondly that in principle it should be qualified so that the project must be competed by the named applicant developer NNB on behalf of EDF UK and EDF France as the parental holding/controlling interest, and that any state support provisions in the form of investment insurance or market price protection (CfD – contract for difference) be not transferable. Such conditions would be deliverable by an SoS, of course, but we suggest that the Exa look at the issues because they are in the draft DCO.

## **8 Asks**

We ask therefore for opportunities to participate – hopefully with more than a 5 minute allocation given our accumulated research and monitoring – at ISH events on

- Need and Policy and changed circumstances
- Climate Change and SZC's very limited low carbon window
- The design of the transport strategy
- Environment, Mitigation and IROPI
- Tourism Impact, Natural Capital and Amenity
- Site Size and New Minimal Nuclear Waste Claim
- DCO licensing guarantees: and UK energy security.

With an appropriate allocation of time in prospect, we will reference our contributions to the standard of our Climate Change contribution above.

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