



The Sizewell C Project

9.10.1 Initial Statement of Common Ground - Anglian Water Services Limited

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1 INTRODUCTION

1.1 Status of the SOCG

1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the application for development consent under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project. This version (Version 01), dated 27/05/21, has been prepared through a programme of engagement between NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant and Anglian Water Services Ltd ('Anglian Water'), referred to as 'the parties'. Subsequent versions of this SoCG may be required where information is superseded, or new information becomes available.

1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties arising from the application for development consent for the construction and operation of the Sizewell C nuclear power station and together with the proposed associated development (hereafter referred to as 'the Sizewell C Project'). This SoCG has been prepared in accordance with the 'Guidance for the examination of applications for development consent' published in March 2015 by the Department of Communities and Local Government (hereafter referred to as 'DCLG guidance').

1.2.2 The aim of this SoCG is, therefore, to inform the Examining Authority and provide a clear position on the state and extent of discussions and agreement between the parties on matters relating to the proposed Sizewell C Project.

1.2.3 This SoCG does not seek to replicate information which is available elsewhere within the DCO application documents. All documents are available on the Planning Inspectorate website.

1.3 Structure of this Statement of Common Ground

1.3.1 **Chapter 2** provides a schedule which detail the position on relevant matters between the parties, including any matters where discussions are ongoing. This is underpinned by Appendix A, which provides a summary of engagement undertaken to establish this SoCG.

2 POSITION OF THE PARTIES

2.1.1 **Table 2.1** provides an overview of the position of the parties and any further actions planned.

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- 2.1.2 For the purposes of this table, ‘apparatus’ should be interpreted to mean: any works, mains, pipes, drains, sewer, or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage and includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any sewer, drain, or works and any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus.

Table 2.1: Position of Parties

Ref.	Matter	Anglian Water Services position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
Draft Development Consent Order					
1	The latest version of the draft DCO was submitted to the Examining Authority in January 2021 [AS-143] .	<p>Anglian Water is of the view that article 23 as drafted does not appear to be consistent. Paragraph (2) makes it clear that consent of the owner of the sewerage network is required to discharge water into it (subject to reasonableness); but paragraph (7) states that disputes must be determined in accordance with Section 106 of the Water Industry Act. However, consent is not required as part of the Section 106 process nor can the capacity of the received network which is considered to be a planning issue be taken into account.</p> <p>We would therefore suggest at that article 23 (7) (Discharge of Water) of the Draft DCO be replaced with the following wording: “(7) Any dispute arising from the making of connections to or the use of a public sewer or</p>	<p>It is considered appropriate for any dispute arising from the making of connections to or use of a public sewer or drain to be determined in accordance with the statutory dispute resolution process provided in the Water Industry Act 1991. Section 106 of the Water Industry Act 1991 deals with disputes arising between a sewerage undertaker and a person proposing to make a connection as to the reasonableness of the undertaker's refusal to permit a communication to be made or the reasonableness of its requirements for a connection.</p> <p>Article 23(2) of the draft DCO provides that before the undertaker can discharge any water into any watercourse, public sewer or drain, it must first obtain the consent of the owner,</p>	Both parties will continue to engage to agree the draft DCO wording in relation to article 23.	In Progress – Update to be provided at Deadline 3 (24.06.21)

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		<p>drain by the undertaker under paragraph (1) is to be determined in accordance with the arbitration provisions in article 82 (arbitration)”</p> <p>More generally we would query why it is considered necessary to include wording in article 23 (4) referring to deemed consent to discharge of water to the public sewerage network within 28 days as proposed.</p>	<p>who may impose terms and conditions on the discharge. If that consent is refused or the terms and conditions upon which the consent has been granted are considered unreasonable, it is appropriate for such matters to be determined in accordance with the Water Industry Act 1991. The Applicant does not consider that any inconsistency arises in article 23 as drafted in this respect.</p> <p>The current drafting referring to the Water Industry Act 1991 is consistent with recent DCOs including The Great Yarmouth Third River Crossing Development Consent Order 2020 (article 20) and The Immingham Open Cycle Gas Turbine Order 2020 (article 15)) and the Applicant does not consider it appropriate to depart from the statutory position or from the approach taken in these recent DCOs.</p>		

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Protective Provisions					
2	Protective provisions to be included within the DCO to ensure that Anglian Water's interests are adequately protected and to ensure compliance with relevant safety standards.	<p>Anglian Water has engaged with SZC Co. to agree protective provisions and submitted initial comments back on the protective provisions included in the January 2021 draft DCO. Anglian Water have received an updated draft of the protective provisions from SZC Co. since then and are currently considering the matters raised and will provide comments to SZC Co. for review by the end of June 2021.</p> <p>Finalisation of these protective provisions is anticipated in June 2021.</p>	<p>SZC Co. have issued an updated draft of the protective provisions to Anglian Water and is awaiting their comments on this latest draft.</p> <p>Both parties continue to engage with the intention to sign off the protective provisions in June 2021.</p>	Continued engagement to agree protective provisions	In Progress - Update to be provided at Deadline 3 (24.06.21)
Foul and Surface Water Drainage					
3	SZC Co. foul and surface water drainage strategy	The majority of the foul and surface water drainage strategy for the proposed development does not appear to interact with Anglian Water's operated assets, except for the land at Eastfield Industrial Estate. We would wish	The Outline Drainage Strategy of FWS (Foul Water Sewer) for the Land East of Eastfield Industrial Estate (LEEIE) / Ancillary Construction Area (ACA) area states a preference for foul water to be conveyed to AWS (Anglian	Continued engagement to agree protective provisions and the foul and surface	In Progress - Update to be provided at Deadline 3 (24.06.21)

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Ref.	Matter	Anglian Water Services position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		<p>to comment further on the foul drainage strategy for land at Eastfield Industrial Estate.</p> <p>Both parties agree sufficient design details have been provided in relation to the Associated Developments for this stage of the process. SZC Co. will continue working with Anglian Water to develop the detailed design.</p>	<p>Water Services) Leiston Water Recycling Centre depending on available capacity. Alternatively, foul water could be treated in or near LEEIE with outfall to Leiston Drain. As a last resort foul water would be piped to cess pits and tankered to the Temporary Construction Area (TCA) for treatment and disposal via the Combined Drainage Outfall (CDO).</p> <p>For Associated Developments, SZC Co. is working with Anglian Water to develop the design for the Points of Connection (POCs). Both parties agree sufficient design details have been provided for this stage of the process. SZC Co. will continue working with Anglian Water to develop the detailed design.</p> <p>Protective provisions will ensure processes are in place to work together going forward to the satisfaction of both parties.</p>	<p>water management detailed design</p>	

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4	Suitability of proposed method of foul and surface water drainage	<p>Anglian Water would expect the Environment Agency and Suffolk County Council as Lead Local Flood Authority to comment on the suitability of proposed method of foul and surface water drainage where it is not expected to connect to the public sewerage network.</p> <p>In the event that the method of foul and surface water were to require a connection to the public sewerage network following approval, Anglian Water would wish to be consulted to ensure that any revised strategy is sustainable and that there is no detriment to our customers.</p> <p>Both parties agree sufficient design details have been provided for this stage of the process. SZC Co. will continue working with Anglian Water to develop the detailed design.</p>	<p>The Outline Drainage Strategy of FWS for LEEIE/ACA area states a preference for foul water to be conveyed to AWS Leiston Water Recycling Centre depending on available capacity. Alternatively, foul water could be treated in or near LEEIE with outfall to Leiston Drain. As a last resort foul water would be piped to cess pits and tankered to the TCA for treatment and disposal via the CDO.</p> <p>Both parties agree sufficient design details have been provided for this stage of the process. SZC Co. will continue working with Anglian Water to develop the detailed design.</p> <p>Protective provisions will ensure processes are in place to work together going forward to the satisfaction of both parties.</p>	Continued engagement to agree protective provisions.	In Progress - Update to be provided at Deadline 3 (24.06.21)

Ref.	Matter	Anglian Water Services position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
	Surface water management by SuDS	Anglian Water welcome specific inclusion that surface water will be managed by SuDS; should this position change Anglian Water would need to undertake further work.	<p>SZC Co. confirm that the management of surface water by means of SuDS is a key tenet of the Outline Drainage Strategy and that SZC Co. will continue to prioritise the local and sustainable management of surface water ahead of any reliance on connection to the public sewerage network.</p> <p>SZC Co. will continue to engage with Anglian Water to discuss surface water management throughout project development and delivery. Protective provisions will ensure processes are in place to work together going forward to the satisfaction of both parties.</p>	Continued engagement to agree protective provisions.	In progress - Update to be provided at Deadline 3 (24.06.21)
Temporary possession of Anglian Water's interests					
5	Temporary possession of land in Anglian Water's ownership to provide access to a proposed construction compound for the proposed Yoxford Roundabout.	Anglian Water and SZC Co. are currently in dialogue about this proposal. Anglian Water is satisfied that access will be maintained to the site at Yoxford. Anglian Water and SZC Co. are working together to agree the form	The scope of requirements and plan drawings have been submitted and we await comment. SZC Co. is in dialogue with Anglian Water to decide the most appropriate agreement to	Continued engagement to agree temporary possession of land	In Progress - Update to be provided at Deadline 3 (24.06.21)

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		of agreement for the temporary possession of land.	document the temporary possession.		
Effect on existing Anglian Water apparatus					
	Anglian Water's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.	<p>The mechanisms by which these will be addressed can be included via the protective provisions.</p> <p>Finalisation of these protective provisions is anticipated in June 2021.</p>	These matters are covered in the Protective Provisions. Where apparatus is covered by existing legal agreements, SZC Co. will work with Anglian Water to ensure that where apparatus is to be altered/moved etc the appropriate legal agreements will be put in place to protect Anglian Water's position in relation to this apparatus.	Continued engagement to agree protective provisions	In Progress - Update to be provided at Deadline 3 (24.06.21)
Effect on Anglian Water apparatus to be diverted					
	<p>Anglian Water has apparatus located within the Order limits which are affected by works proposed and which may require diversions subject to the impact.</p> <p>Currently the only potential diversion to have been</p>	Proposed diversion designs have been developed and are confirmed to be within the SZC Order limits. Detailed designs will be developed with SZC Co. however Anglian Water are comfortable with the maturity of the design at this stage in the process and that the mechanism for undertaking this diversion will	<p>SZC Co. is engaged with Anglian Water to confirm potential diversions, one diversion of which has been identified.</p> <p>Both parties agree sufficient design details have been provided for this stage of the process. SZC Co. will continue working with</p>	Continued engagement to agree protective provisions.	In Progress - Update to be provided at Deadline 3 (24.06.21)

Ref.	Matter	Anglian Water Services position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
	identified is a FWS at Leiston in Valley Road adjacent to the proposed Ancillary Construction Area.	be secured within the protective provisions.	<p>Anglian Water to develop the detailed design.</p> <p>Protective provisions will ensure processes are in place to work together going forward to the satisfaction of both parties.</p>		
Delivery by Anglian Water of the works associated with the application					
	Provisions provided within the DCO to carry out the work necessary by Anglian Water	<p>Anglian Water is satisfied that the provisions within Schedule 1 Part 2 of the draft DCO are sufficient to authorise the works required to be carried out.</p> <p>Anglian Water will require suitable land rights to enable it to carry out the works and are satisfied that the protective provisions provide this.</p> <p>Proposed diversions designs have been developed and are confirmed to be within the SZC Order limits. Anglian Water is comfortable with the maturity in</p>	<p>SZC Co. considers that Schedule 1 Part 2 of the draft DCO provides for the works required to be undertaken by Anglian Water.</p> <p>Where alterations to apparatus are required as part of the DCO proposals, SZC Co. will ensure that the appropriate rights are granted for these works. SZC Co. is working with landowners to secure voluntary agreements, where required, to allow the works to take place.</p> <p>Both parties agree sufficient design details have been provided and accepted for this stage of the</p>	Continued engagement to agree protective provisions.	In Progress - Update to be provided at Deadline 3 (24.06.21)



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		design to inform the required rights in land.	<p>process. SZC Co. will continue working with Anglian Water to develop these designs.</p> <p>Protective provisions will ensure processes are in place to work together going forward to the satisfaction of both parties.</p>		

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APPENDIX A: ENGAGEMENT ON THE SOCG

A.1.1. The preparation of this SoCG has been informed by a programme of discussions between the parties, as are summarised in **Table 2.2**.

Table 2.2: SOCG meetings held between the parties

Date	Details of the Meeting
5-11-20	Initial Meeting to run introduction of overall project and understand requirements and expectations of Anglian Water.
14-12-20	Provision of details where Anglian Assets are within SZC RLB.
09-02-21	Meeting to review constraints with diversion that was needed and begin to further understand protection requirements.
23-03-21	To discuss PP's and other potential outstanding matters related to the SOCG.