

FAO: Examining Authority for Sizewell C

Planning Inspectorate
National Infrastructure Planning
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Your Ref:

Our Ref: JBB/RWS/00127327/3

Date: 2 June 2021

By email only:

sizewellc@planninginspectorate.gov.uk

Dear Examining Authority,

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

Written Representations – Deadline 2 (2 June 2021) – Together Against Sizewell C (“TASC”)

1. We write on behalf of TASC (IP no. 20026424), a group of local residents and campaigners, which formed to oppose the building of Sizewell C and its associated works in a legal, open, peaceful and fully accountable manner.
2. We enclose TASC’s Written Representations, covering the following topics:
 - (a) Policy & Need
 - (b) Alternatives
 - (c) Rail Impacts
 - (d) Transport Impacts
 - (e) Landscape Impacts
 - (f) Air Quality Impacts
 - (g) Ecological Impacts
 - (h) Potable Water Supply Impacts
 - (i) Financial Viability
 - (j) Nuclear Waste
 - (k) Emergency Planning
 - (l) Health and Low-level Radiation
 - (m) Carbon Footprint
3. Within those Written Representations, TASC develop the following objections:

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Policy & Need

4. The Promoter accepts that the Project cannot be deployed by the end of 2025. It also accepts, therefore, that this is not a case where EN-1 or EN-6 are NPSs which “have effect” and to which the ExA must have regard under s.104(2) Planning Act 2008. By 2017 WMS, however, the Secretary of State explained that EN-1 and EN-6 were documents to which regard may be had where no NPS applies under s.105(2) Planning Act 2008.
5. TASC submit that there has been a number of relevant changes in circumstances since the publication of EN-1 and EN-6, which affects the weight to attach to them in the determination of consent for this Project. These are set out in the Review of Policy and Need Written Representation¹ and in summary are as follows:
 - EN-1 and EN-6 were guided by climate forecasts in UKCP09; the current forecasts in UKCP18 are materially worse.
 - The size and scale of the Project assessed as part of EN-6 was materially smaller to the Project before the ExA.
 - The cost of alternatives has become cheaper.
 - There is a greater availability of low carbon alternatives.
6. The upshot of that policy matrix is that the ExA needs to form a judgment as to whether there is a “need” for a new nuclear power station at Sizewell for deployment after 2025.
7. Whilst the Government may well consider that nuclear power stations have a role to play in energy strategy post 2025, there is a marked difference in language between EN-6 and the emerging policy for the period 2026-2035. In EN-6, new nuclear power stations are described as playing “*a vitally important role*” para.1.1.1, whereas in July 2018, the Government’s response to the consultation on the criteria for new locations, described the position as follows: “*nuclear has an important role to play in the UK’s energy future as we transition to the low-carbon economy*” paragraph 3.9.
8. TASC rely upon the **attached** Written Representation from Neil Crumpton, an energy consultant. In summary, his evidence is as follows:
 - There are alternative and cheaper low-carbon (or carbon-negative) energy solutions which could produce the equivalent 3.2GW as the Project.

¹ Chris and Jen Wilson.

- Those solutions would be quicker to deploy than the projected 2032² date by which this Project is to be fully operational.
 - The exploitation of those alternative solutions would avoid the 5.7m tonnes of CO₂e³ during the 9-12 years construction phase of this project.⁴
9. As such, TASC say there is no need for a new nuclear power station at Sizewell. The acknowledged adverse effects by the Promoter are unnecessary to achieve the policy object of transitioning to a net-zero carbon economy by 2050.
10. The Project would make no contribution whatsoever to reducing carbon emissions by 78% on 1990 levels by 2035, in fact it will make this target harder to achieve due to a substantial carbon emission in the construction phase. The ExA will know that the Government announced on 20 April 2021 that this target would be legally binding and has already tabled the necessary legal instrument before Parliament to give it legal effect.
11. Please note that TASC has requested (by letter dated 5 May 2021) for a decision on the Project to be suspended until the policy position is clearer, given the extant review of the NPSs.

Rail Impacts

12. EN-6 para.3.15.3 identifies the issue of adverse effects on transport networks during the construction and decommissioning phases, and it directs attention to Section 5.13 of EN-1, which at para.5.13.12, says that mitigation of transport impacts is an *“essential part of the Government’s wider policy objectives for sustainable development”*.
13. TASC is concerned with the potential impacts on the rail network arising from the temporary extension of the existing Saxmundham to Leiston branch line into the main development site (referred to as the “Green Rail Route”).
14. TASC rely on two Written Representations from Clive Lovelock, a (retired) railways signal engineer. In summary, his evidence is as follows:
- There is insufficient information supplied by the Promoter to be satisfied of the impact on the rail network.

² With 2034 normally used as the earliest date SZC could be operational

³ 6.2m tones of CO₂e is the latest figure

⁴ Planning Statement (8.4) para.7.2.9.

- It is unrealistic to suggest there will be two trains to Leiston from 2023, in light of the failure to commence the process to amend the level crossing orders.
 - It is not possible to operate the night freight arrangement without delaying existing passenger trains.
 - The Promoter has failed to show Network Rail are satisfied with its arrangements.
 - Consent should be withheld unless the Promoter can show an agreed programme of works with Network Rail.
 - In the absence of that evidence, the ExA cannot rule out a substantial adverse effect on the road network as a consequence of not being able to deliver the rail strategy.
15. TASC note these concerns are shared by the Joint Local Impact Report, which advises that the construction phase may give rise to the following adverse impacts:
- There are significant gaps in the details such that it is not possible to assess the impacts on the wider transport network. There is a risk non or late delivery would lead to an uplift in HGV movements placing pressure on the local highway network.⁵
 - The running of rail freight has the potential to disrupt passenger services.⁶
16. There is insufficient information for the ExA to rationally conclude that the rail strategy is sound and deliverable, without an adverse effect on other rail users.
17. If the rail strategy were to be undeliverable, the impacts on the road network would be significant. They are set out in the Transport Written Representation **attached** with this letter.⁷ TASC questions how the road network would cope even if the rail strategy is deliverable.

Landscape Impacts

18. EN-1 para.5.9.8 requires that projects should be designed carefully, taking account of impacts on the landscape. The conservation of designated landscapes (such as AONBs) should be given “substantial weight” (see para.5.9.9). Consent for projects within AONBs should only be granted in “exceptional circumstances” (para.5.9.10). The potential for impact on the

⁵ JLIP, para.15.142.

⁶ Ibid, para.15.143.

⁷ With contributions from: Nicola Pilkington, Joan Girling, Jackum Brown, Jenny Kirtley, Pete Wilkinson, Chris Wilson and Jen Wilson

Suffolk Coast and Heaths Area AONB is recognised in EN-6 (para.3.10.3). The decision maker is reminded that visual effects may not be eliminated entirely with a nuclear project but that they should be reduced “as far as reasonably practicable” (para.3.10.8). In considering whether to grant consent, the ExA must take into account the duty at s.85 Countryside and Rights of Way Act 2000, which requires regard to be had to the natural and scenic beauty of the AONB.

19. The impacts on the AONB, in the opinion of TASC, are set out in the **attached** AONB and Landscape Written Representation.⁸ In summary, that evidence is as follows:

- The Appraisal of Suitability was for a materially different Project, i.e. a 5-6 year construction with at least one reactor on a 117ha site, rather than a 12 year construction of two reactors over a 370ha site.
- The prominent and unsympathetic design will have a serious adverse effect on the landscape and scenic qualities of the AONB.
- The construction phase will adversely affect the tranquility of the AONB.

20. Those concerns are shared by the local councils in the Local Impact Report, which note that:

- There will be a significant and lasting adverse residual impact, that will be contrary to s.85 of the 2000 Act (paras.6.36).
- The impact will not be localized and will affect the coastal aspects of the AONB designation. The design does not respond to the sensitivities of the receiving landscape (para.6.38).
- Construction noise, traffic and significant light pollution will adversely affect the perceptual qualities of the AONB (para.7.9(iv)).

21. These adverse effects should be afforded “substantial weight” in line with national policy and weigh heavily against consent.

Air Quality

22. By EN-1 para.5.2.9, the ExA should give air quality impacts “substantial weight” (para.5.2.9). TASC relies upon the **attached** Air Quality Written Representation from Dr Clare Holman, an air quality management expert and a director of Air Pollution Services.

23. Dr Holman’s Written Representation explains in summary that:

⁸ By Jenny Kirtley, Jackum Brown, Jen Wilson, Chris Wilson, Joan Girling

- Insufficient information on the PM is provided in the outline Dust Management Plan.
- It is not clear what happens when the emission source of causing high dust deposition combines with dust from the construction site.
- If PM (2.5) was to be assessed, it should have been assessed against the more stringent Air Quality Objective for PM (10).
- Emissions for PM (2.5) should have been assessed for their health impacts, and the WHO Guidelines are the appropriate measure.
- There are no receptors within the accommodation campus: that is an oversight as workers also require an adequate level of amenity.
- The diesel back-up generators and CHP engine in the accommodation campus have not been assessed against guidance aimed at the planning system (e.g. the IAQM guidance), rather the EA risk assessment. The potential omission in that approach is that it may not capture potentially significant effects which do not result in an exceedance of the Air Quality Objective.
- There is no assessment of NOx emissions for a cold-start, nor for part-load operations.
- Receptor LE41 Keepers Cottage will be 28% above the Air Quality Objective for NOx, and LE30 Sizewell Village is 99% of the Objective.
- Nitrogen deposition is predicted to exceed the critical loads at several ecological receptors at Minsmere, Suffolk Beaches, Sizewell Marshes, Reckham Pits Wood and Minsmere South Levels.
- No sensitivity tests were undertaken for different meteorological conditions.
- No assessment of ammonia emissions for road transport has been undertaken.

24. Dr Holman also suggests a number of conditions to which any DCO should be subject.

25. The local councils acknowledge a number of Dr Holman's points in the Joint Local Impact Report:

- There is a potential for a large magnitude of dust emissions.⁹
- There would be a number of nearby habitat sites which are already above the critical load for nitrate deposition. A number of receptors will experience increases above 1%. These are not insignificant.¹⁰

26. Furthermore, Dr Holman notes that the impacts for nitrate deposition on habitats are not acknowledged in the ES Ch.14. However, those impacts

⁹ JLIP, para.19.21.

¹⁰ JLIP, para.19.24.

are assessed as “insignificant”, which is an assessment TASC does not agree with.

Ecological Impacts

27. EN-1 para.1.1.1 says that the Secretary of State shall have regard to any Marine Policy Statement. The UK Marine Policy Statement identifies the following matters when considering a coastal power plant:

“... the construction of the plants and associated development and marine offloading facilities, such as jetties and marinas, for heavy plant items. There may also be impacts from abstraction and discharge of cooling water during operation. More detail on impacts and specific measures and actions to avoid or minimise adverse impacts including on marine ecology is contained in the NPS EN-6” (paragraph 3.3.6).

28. EN-6 para.3.7.3 says that the Promoter should set out characteristics of cooling water and the specific implications on marine and estuarine environments.

29. By s.104(2)(aa) Planning Act 2008, the Secretary of State must have regard to any marine policy document published under s.59 Marine and Coastal Access Act 2009, where an NPS has effect. TASC submits therefore that marine policy documents must also be taken into account by s.105(2)(c) in a case where no NPS has effect.

30. The waters off Sizewell are covered by the East Marine Plan (2014). Policy FISH2(a) provides proposals must demonstrate how they will avoid an adverse impact on spawning and nursery areas and any associated habitat.

31. TASC has particular concerns about the proposed cooling system and combined discharge outfall. TASC relies upon the attached Written Representation from Peter Henderson, an ecologist with expertise in marine ecosystems. In summary, his evidence is as follows:

- The data which formed the basis of the assessment failed to quantify smaller fish species, only those retained by the 10 mm travelling screens and pump sampler. Accordingly, the number of fish likely to be injured or killed has been greatly underestimated.
- The intake system will suffer from biofouling, because it will not be protected by a chlorination system. No assessment has been made of

the adverse impact of discharge of cool anoxic water into the local ecology.

- No assessment has been made of the effects on the local ecology of the discharge of high numbers of jellyfish killed by the system.

32. There is insufficient information before the ExA for them to rationally conclude the impact on marine ecology would be acceptable for the purposes of EN-1, EN-6 and policy FISH 2 East Marine Plan.

Potable Water Supply

33. EN-1 para.5.15.5 provides that the ExA should give more weight to impacts of a project which would have an adverse effect on the achievement of the objectives in the Water Framework Directive (“WFD”). Para.5.15.6. requires the ExA to be satisfied that a project has had regard to the objectives of Water Resource Management Plans.

34. As set out in the **attached** Potable Water Written Representation by Emma Bateman, the Project would breach both of those policy objectives because:

- the 2MI/d required to sustain the Project would, in the view of the EA, have an adverse effect on the compliance with the WFD “no deterioration” requirement.
- the 2MI/d has not been included in the Water Resource Management Plan (August 2019) Distribution Input Forecast, due to uncertainty in the Project coming forward. If that demand were to be included, there would be a deficit.

35. This issue is identified by the local councils in the Local Impact Report:

- The Blyth Water Resource Zone is not capable of providing the required water supply.¹¹
- There may be options for boosting supply but there is no firm solution to the deficit agreed with Essex Water and the Environment Agency.¹²

36. In any event, there is a substantial variance about the amount of water required to be extracted:

- 0.5 MI/d (Site Water Supply Strategy, May 2020)
- 1.2MI/d to a peak of 2.5MI/d (Sustainability Statement, May 2020)
- 1.5MI/d rising to 3.5MI/d (ES Addendum, January 2021)

¹¹ JLIP, para.20.40.

¹² JLIP, paras.20.41-20.43.

37. The conflict with the WFD and the Water Resource Management Plan should carry substantial weight against granting consent.

Financial Viability

38. The Promoter has supplied a Funding Statement to demonstrate that it would have the necessary funds to proceed with the Project, in order to justify the compulsory purchase elements of the DCO.

39. TASC provides a Review of the Funding Statement Written Representation. In summary, TASC say:

- There is insufficient evidence for the ExA to be satisfied the Project is financially viable.
- The statements of confidence in the Statement appear to be contradictory.

Conclusion

40. For the foregoing summary reasons, amplified in the **attached** Written Representations, TASC object to the Project and are of the firm view the development consent should be refused because it would conflict with national policy.

41. We also **attach** TASC's answers to questions LI1.1 and LI1.2 asked by the ExA.

Yours faithfully,

