

Wendy McKay

Our Ref: 20026727

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Your Ref: EN010012

Date: 6 August 2021

By email only

Dear Ms McKay

Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Deadline 6: Comments on Applicant’s revision 5 draft DCO

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

For Deadline 6 (3rd August) the Examining Authority (ExA) have requested comments on Draft Development Consent Order (Draft DCO) submitted by NNBGenCo (SzC) Ltd at Deadline 5.

Our comments (Appendix A) highlight a number of minor amendments are required to the draft DCO requirements and draft Deemed Marine Licence (DML) conditions to ensure the Environment Agency is consulted in the discharge of additional information being submitted to the discharging authority. There is a substantial amount of information still to be submitted, and when we have considered this we may suggest to the Examining Authority that additional DCO Requirements or DML Conditions are required.

We have highlighted throughout our Written Representation where we consider further information is required to give assurances that proposed conditions or requirements can be met. In addition there are instances where mitigation or compensation measures may need to be secured via additional legal agreements.

Yours sincerely

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Appendix A: Environment Agency comments on Draft Development Consent Order

Section	Wording	Comments
Schedule 2, Article 3 - Requirements		
Requirement 4, Project wide: Terrestrial ecology monitoring plan and mitigation plan	<p>Project wide: Terrestrial ecology monitoring and mitigation plan</p> <p>The construction, operation and removal and reinstatement of authorised development must be carried out in accordance with the Terrestrial Ecology Monitoring and Mitigation Plan unless otherwise approved by East Suffolk Council following consultation with Natural England and the Environment Agency.</p>	We welcome the proposed amendment so the Environment Agency is a consultee on any future revision of the TEMMP.
Requirement 12B, Main development site: Coastal Defences Marine Infrastructure	<p>Main development site: Coastal Defences Marine Infrastructure</p> <p>(1) Construction of Work No. 1A(m) (permanent beach landing facility), Work No. 1A(n) (soft coastal defence feature), Work No. 1A(o) (hard coastal defence feature), Work No. 1A and Work No. 1A(bb) (temporary beach landing facility) must not commence until:</p> <p>(a) details of the layout, scale and external appearance of that work in respect of land landward of the mean high water springs have been submitted to and approved by East Suffolk Council in consultation with the Marine Management Organisation and the Environment Agency; and</p> <p>(b) details of the layout, scale and external appearance of that work in respect of land seaward of the mean high water springs have been submitted to and approved by the Marine Management Organisation, in consultation with East Suffolk Council.</p> <p>(2) The details referred to in paragraph (1) must:</p> <p>i) be in general accordance with the design principles set out in Chapter 5 of the Main Development Site Design and Access Statement;</p>	We welcome the proposed amendment so the Environment Agency is a consultee on in discharging this requirement.

	<p>ii) be in accordance with the Main Development Site Operational Parameter Plan – Operational Platform (SZC-SZC100-XX-100-DRW-100043); and</p> <p>iii) include a monitoring and adaptive sea defence plan that sets out the periodic monitoring proposals for the sea defence features and the trigger point for when the crest height of the sea defence would need to be increased to 16.9m (AOD).</p> <p>(3) Work No. 1A(m) (permanent beach landing facility), Work No. 1A(n) (soft coastal defence feature), Work No. 1A(o) (hard coastal defence feature), Work No. 1A and Work No 1A(bb) (temporary beach landing facility) must be carried out in accordance with the approved details. (3) Work No. 1A(m) (permanent beach landing facility), Work No. 1A(n) (soft coastal defence feature), Work No. 1A(o) (hard coastal defence feature), Work No. 1A and Work No 1A(bb) (temporary beach landing facility) must be carried out in accordance with the approved details.</p>	
<p>Requirement 12C,</p> <p>Main development site: SSSI Crossing</p>	<p>Main development site: SSSI Crossing</p> <p>(1) Construction works within the SSSI must not commence until details of working methods within the SSSI land have been submitted to and approved by East Suffolk Council, following consultation with Natural England. The temporary SSSI Crossing must be built in general accordance with the following details:</p> <p>(a) Main Development Site SSSI Crossing (SZC Construction) (July 2021) (Drawing Ref: SZC-SZ0100-XX-000-DRW-100207 (Rev. 02));</p> <p>(b) Main Development Site SSSI Crossing (Bailey Bridge Stage) (July 2021) (Drawing Ref: SZC-SZ0100-XX-000-DRW-100209 (Rev. 02)).</p> <p>(2) Construction of the permanent element of Work No. 1A(l) (SSSI Crossing) must not commence until details of the layout, scale and external appearance have been submitted to and approved by East</p>	<p>The potential environmental impacts, including Water Framework Directive concerns, relate to both the construction and permanent elements of the SSSI Crossing.</p> <p>On this basis, we request that the Environment Agency is a consultee in discharging (1) Construction works, as well as for (2) permanent elements.</p>

	<p>Suffolk Council, following consultation with the Environment Agency and Natural England. The details must:</p> <p>(a) be in general accordance with the Main Development Site SSSI Crossing (SZC Operational) (July 2021) (Drawing Ref: SZC-SZ0100-XX-000-DRW-100205 (Rev. 02));</p> <p>(b) include layout and scale which has:</p> <p>(i) a crest no lower than 8.6m (AOD);</p> <p>(ii) a soffit no lower than 6.8m (AOD) at its intersection with the Leiston Drain; and</p> <p>(iii) a span no wider than 15m.</p> <p>(c) include a flood risk monitoring and adaptive defence plan that sets out the periodic monitoring proposals for the SSSI Crossing and the trigger point for when the crest height of the SSSI Crossing would need to be increased to 10.5m (AOD).</p> <p>(d) a timetable for the works, including a timetable for the return of temporary SSSI land.</p> <p>(3) Work No. 1A(I) (SSSI Crossing) must be carried out in accordance with the approved details.</p>	
<p>Requirement 22A,</p> <p>Associated developments: Landscape works</p>	<p>Associated developments: Landscape works</p> <p>(1) Work No. 11 and Work No. 12 must not be commenced until details of the landscape works for that work have been submitted to and approved by East Suffolk Council.</p>	<p>This requirement secures key environmental mitigation and monitoring measures.</p> <p>On this basis, we request the requirement is amended so the Environment Agency is a consultee any future revision of Sizewell Link Road or</p>

	<p>(2) The details referred to in paragraph (1) must be in accordance with the Approved Plans (Schedule 7), unless otherwise agreed by East Suffolk Council.</p> <p>(3) Landscape works must be carried out in accordance with the approved details.</p> <p>(4) landscape works in relation to Work No. 11 must be managed in accordance with the Two Village Bypass Landscape and Ecology Management Plan, unless otherwise agreed with East Suffolk Council.</p> <p>(5) Landscape works in relation to Work No. 12 must be managed in accordance with the Sizewell Link Road Landscape and Ecology Management Plan unless otherwise agreed with East Suffolk Council.</p>	Two Village Bypass Landscape and Ecology management plans.
Schedule 20 — Deemed Marine Licence under Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009		
Condition 40: Beach Landing Facilities	<p>40.—(1) Work No. 1A(m) and Work No. 1A(bb) shall not commence until the following activity details have, after consultation by the undertaker with ESC, been approved by the MMO. The details must include:</p> <ul style="list-style-type: none"> (a) start and end dates for the installation (b) installation methodology and detailed method statement, (c) any proposed mitigation, (d) navigational lighting to be used on plant, (e) vessels to be used; and (f) links to the coastal processes monitoring and mitigation plan. <p>(2) Should impact piling be required, the impact piling must not commence until:</p> <ul style="list-style-type: none"> (a) the expected location, start and end dates of impact pile driving have been submitted to the Marine Noise Registry and the MMO has been notified; 	The proposed condition links to the Coastal Change Management Plan. On this basis, we request the condition is amended to include the Environment Agency as consultee of the detailed information.

	<p>(b) a Marine Mammal Mitigation Protocol has been submitted to and approved by the MMO; and</p> <p>(c) a Site Integrity Plan has been submitted to and approved by the MMO.</p> <p>(3) The undertaker must submit the exact locations and start and end dates of impact pile driving to the Marine Noise Registry on every 6 month anniversary of the start of that impact pile driving as necessary and in any event within 12 weeks of completion of the impact pile driving. The undertaker must notify the MMO of these submissions.</p> <p>(4) The construction of Work No. 1A(m) and Work No. 1A(bb) shall be carried out in accordance with the details approved by the MMO.</p> <p>(5) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the activity details to the MMO at least 6 months prior to the proposed commencement of the relevant Work No.</p> <p>(6) The determination date is 6 months from submission of the activity details to the MMO.</p>	
<p>Condition 41: Soft Coastal Defence Feature (sCDF)</p>	<p>41.—(1) Work No. 1A(n) shall not commence until the following activity details have, after consultation by the undertaker with ESC, been approved by the MMO. The details must include:</p> <p>(a) start and end dates for the installation;</p> <p>(b) installation methodology and detailed method statement;</p> <p>(c) any proposed mitigation;</p> <p>(d) vehicles and plant to be used;</p> <p>(e) links to the coastal processes monitoring and mitigation plan.</p>	<p>The proposed condition links to the Coastal Change Management Plan. On this basis, we request the condition is amended to include the Environment Agency as consultee of the detailed information.</p>

	<p>(2) The construction of Work No. 1A(n) shall be carried out in accordance with the details approved by the MMO</p> <p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the activity details to the MMO at least 6 months prior to the proposed commencement of Work No. 1(A)(n).</p> <p>(4) The determination date is 6 months from submission of the activity details to the MMO.</p>	
<p>Condition 50 – Fish Monitoring</p>	<p>50.—(1) No water abstraction shall commence until an impingement monitoring plan has been submitted to and approved by the MMO in consultation with Natural England and the Environment Agency. The plan will set out:</p> <p>(a) the monitoring arrangements for assessing the efficacy of the intake head and the fish recovery and return system during the commissioning of Unit 1 and Unit 2;</p> <p>(b) the undertaker’s duty to consider future additional adaptive measures arising from (a) that may be required during operation of Unit 1 and Unit 2;</p> <p>(c) the monitoring methodology, frequency of monitoring and format of monitoring reports; and</p> <p>(d) examples of mitigation measures which would be effective to mitigate particular results of the monitoring and how the appropriateness of each measure will be considered.</p> <p>(2) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the monitoring</p>	<p>As highlighted in our Written Representation, we consider there is a high degree of uncertainty on the potential impacts to fish from the proposed cooling water system. It is important that best practice in monitoring, mitigation and compensation are followed. The Environment Agency has concerns whether the requirements of Deemed Marine Licence Condition 50 – Monitoring Plan, can be met.</p> <p>In particular, there is uncertainty as to what monitoring can be undertaken and whether any adaptive measures can be undertaken on site or through optimisation of the cooling water system.</p> <p>The condition has been changed to now only consider ‘fish impingement’, however no justification has been provided as to why entrainment is not possible or necessary.</p>

	<p>plan at least 6 months prior to the proposed commencement of water abstraction.</p> <p>(3) The determination date is 6 months from submission of the monitoring plan to the MMO.</p>	<p>Should offsite mitigation or compensation be required then securing mechanisms (such as a S106 TCPA 1990 agreement) that fall outside of the powers of this condition in the DML may be required. The Environment Agency understand that NNBSGenCo (SzC) Ltd are preparing further information to provide confidence as to what monitoring can be provided. In addition, The Environment Agency understand that NNBSGenCo (SzC) Ltd are preparing further proposals to identify appropriate secure securing mechanisms to provide mitigation/compensation for marine ecology impacts.</p>
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