



The Sizewell C Project

9.10.18 Statement of Common Ground - Marine Management Organisation

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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 a development consent order ('DCO') to the Planning Inspectorate ('PINS') under the Planning Act (PA) 2008 ('the Application') for the proposed Sizewell C Project.

1.1.2 This SoCG Version 02 has been prepared by NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant and the Marine Management Organisation (MMO) and agreed on 01 September 2021.

1.1.3 This SoCG has evolved through a programme of engagement and series of versions as detailed in Section 2.

1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties on a range of issues 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').

1.2.2 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').

1.2.3 Paragraph 58 of the DCLG Guidance states:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence"

1.2.4 The aim of this SoCG is to inform the Examining Authority and provide a clear position of the state and extent of discussions and agreement between SZC Co. and the Marine Management Organisation on matters relating to the Sizewell C Project.

- 1.2.5 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 <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/>).

1.3 Parties to this Statement of Common Ground

- 1.3.1 On 27th May 2020, SZC Co. submitted an application to the Planning Inspectorate for development consent to build and operate a new nuclear power station, Sizewell C, along with the associated development required to enable construction and operation. A further submission was made to the Planning Inspectorate on 12 January 2021 proposing changes to several elements of the project, including (but not limited to) small changes to the permanent Beach Landing Facility (BLF), addition of a second, temporary BLF, design changed to the sea defence and the addition of a temporary outfall for drainage of surface water to the beach.
- 1.3.2 The Marine Management Organisation is responsible for enforcement of all elements of the Marine and Coastal Access Act (2009) in England. This includes issuing Marine Licences for construction works, deposits, and removals in or over the sea below the mean high-water spring (MHWS) tidal mark. MMO is also the competent authority in England for issuing Harbours Orders.
- 1.3.3 For Nationally Significant Infrastructure Projects (“NSIPS”) the PA (2008) enables DCOs for projects which affect the marine environment to include provisions which deem marine licences. The MMO’s primary roles under the PA 2008 regime are as an interested party during the examination stage, and as a licensing and consenting body for the DML at the post consent stage
- 1.3.4 The MMO is responsible for regulating and enforcing marine licences, regardless of whether these are 'deemed' by DCOs or are consented independently by the MMO. This includes discharging of conditions, undertaking variations and taking enforcement action, when appropriate.
- 1.3.5 Collectively SZC Co. and the Marine Management Organisation are referred to as ‘the parties’.
- 1.3.6 Matters of interest to the Marine Management Organisation and which are detailed in Section 2 of this SoCG are as follows:
- Proposed development on the main development site.
 - Coastal geomorphology and hydrodynamics

- Marine water quality
- Marine ecology

1.3.7 In addition, other DCO application documents of interest to the Marine Management Organisation include:

- Draft DCO (including the Requirements)
- Draft Harbour Powers (Section 6 of draft DCO)
- Draft Marine Licence (Schedule 20 of Draft DCO)
- Code of Construction Practice
- Mitigation Route map

1.4 Structure of this Statement of Common Ground

1.4.1 Chapter 2 provides a schedule which details the matters of agreement and disagreement between the parties.

1.4.2 **Appendix A** provides a summary of engagement undertaken to establish this SoCG.

1.4.3 **Appendix B** provides a schedule which identifies pre-application meetings and workshops between SZC Co and the Marine Management Organisation, including joint stakeholder meetings and workshops.

1.4.4 **Deadline 7 Update:**

This version of the SoCG (Version 02), to be submitted at Examination Deadline 7, captures the remaining “headline” issues only. For this version of the SoCG, the detailed comments tracker has been removed due to ongoing review of additional technical submissions made during the examination and continued discussions on content of the DML. SZC Co and the MMO continue to update and populate the detailed tracker ‘offline’.

The MMO reserves the right to update its position in the following tables pending further discussions on the comments contained within the detailed tracker as it is updated.

The MMO will defer to Natural England on the shadow Habitats Regulations Assessment (HRA), and to the Environment Agency on the Water Framework Directive (WFD) compliance assessment; technical discussions

between SZC Co and the MMO relevant to the HRA and WFD are captured in the detailed tracker where necessary but summary tables are not provided in this version of the SoCG.

2 POSITION OF THE PARTIES

- 2.1.1 Table 2.1 to 2.8 provide details on the areas of agreement and disagreement between the parties.

Table 2.1 Position of the Parties – SZC Co. and Marine Management Organisation on Costal Geomorphology and Hydrodynamics

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_ CGH1	The overarching methodology for the assessment of impacts on Coastal Geomorphology and Hydrodynamics as detailed in Volume 1 Appendix 6P and section 20.3 of Volume 2 Chapter 20 of the ES.	<p>SZC Co:</p> <p>There is no comment on the overarching methodology in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed. DCO Addendum (2021) uses same method so no change in position expected</p> <p>MMO:</p> <p>MMO still seeking clarity on minor comments, see detailed SoCG</p>	<p>SZC Co:</p> <p>Further information provided in various examination documents (responses to ExA1[REP2-100] and ExA2) questions but some minor comments remain.</p>	Technical meeting planned before ISH11 to close out any remaining queries	Not agreed
MDS_ CGH2	The construction mitigation, management and monitoring measures detailed in Part B section 12 of the Code of Construction Practice .	<p>SZC Co:</p> <p>There is no comment on the CoCP in the MMO relevant representations; we assume this is agreed. DCO Addendum (2021) has updated CoCP, change in MMO position possible</p> <p>MMO:</p> <p>All mitigation measures still being discussed.</p>	<p>SZC Co:</p> <p>CoCP has been updated (latest version is Revision 4 as at D5 REP5-078).</p> <p>MMO:</p> <p>Mitigation, management and monitoring measures for dredging at the Beach Landing Facilities (“BLFs”), scour around the marine infrastructure, and the Soft Coastal Defence Feature (“SCDF”) are still to be agreed with MMO however this will be done via the DML conditions and the CPMMP. MMO content with the CoCP.</p>	Technical meeting planned before ISH11 to close out any remaining queries	Agreed
MDS_ CGH3	The securing mechanisms to control impacts on coastal geomorphology and hydrodynamics as detailed in the Mitigation Route Map including: <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) Deemed Marine Licence Conditions, in particular Conditions 11, 17, 37, 40, 41, 42, 43, 44 and 49.	<p>SZC Co:</p> <p>There is no comment on the securing mechanisms in the MMO relevant representations; we assume the means by which mitigation is agreed in principle but understand that scope and wording etc needs to be finalised (see also Table 2.4). DCO Addendum (2021) provides updated draft DCO (with DML) for consideration by MMO.</p> <p>MMO:</p> <p>All mitigation measures still being discussed.</p>	<p>SZC Co:</p> <p>The principle of the securing mechanisms is agreed wording of conditions to be confirmed (see Table 2.4). Relevant monitoring plans to be certified.</p> <p>Monitoring plans submitted during examination include: CPMMP (Rev 2) – D5 - REP5-059</p> <p>MMO:</p> <p>The MMO require changes to the frequency of the monitoring in the CPMMP (Rev 1) to control impacts on coastal geomorphology and hydrodynamics. MMO currently</p>	Technical meeting planned before ISH14 to close out any remaining queries	Not agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
			<p>reviewing rev 2 of the CPMMP [REP5-059] to identify if we are content with the frequency now proposed. MMO is aiming to provide comments on this by Deadline 8.</p> <p>MMO does not agree with the wording of DML Condition 17(5) which states that the CPMMP will be “deemed discharged” once East Suffolk Council have approved the plan.</p> <p>MMO requests changes to DML Conditions 35-37 to control impacts on coastal processes. The maximum annual dredging volumes should be stated, and the annual disposal volumes should be stated.</p> <p>MMO requires further discussions about Condition 41 to control impacts on coastal processes due to the installation of the Soft Coastal Defence Feature. This is around controlling the sediment type (source, particle size) that will be used.</p>		
MDS_CGH4	The baseline characterisation of the Greater Sizewell Bay’s (GSB) coastal geomorphology and hydrodynamics relevant to the proposed Sizewell C marine infrastructure as detailed in section 20.4 of Volume 2 Chapter 20 and Appendix 20A section 3 of the ES.	<p>SZC Co: There is no comment on the baseline in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed. DCO Addendum (2021) uses same baseline so no change in position expected.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: MMO content with the baseline characterisation, although we do still have concerns about gaps in the assessment of impacts on coastal geomorphology which we address below (See MDS_CGH7; MDS_CGH8; MDS_CGH9; MDS_CGH10). MMO content for this matter to be closed.</p>		Agreed
MDS_CGH5	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 20.5 and 20.12 of Volume 2 Chapter 20 . In particular the	<p>SZC Co: There is no comment on the primary or secondary mitigation in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed.</p>	<p>SZC Co: Acknowledged that the ES Addendum provided the latest information on the BLF design and the inclusion of a second, temporary marine import facility. Supplementary information for latest HCDF</p>	Technical meeting planned before ISH11 to close out any remaining queries	Not agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
	proposed Coastal Processes Monitoring and Mitigation Plan as defined in Condition 17 of the Marine Licence.	<p>The Coastal Processes Monitoring and Mitigation Plan (CPMMP) is the agreed mechanism for mitigation – MMO has seen 1st draft; final position not yet agreed.</p> <p>DCO Addendum (2021) uses same assumption so no change in position expected</p> <p>MMO:</p> <p>Is Chapter 20 going to be updated? Section 20.5.7 details primary mitigation for the Beach Landing Facility (BLF) which is now outdated (number of piles, length of BLF)</p> <p>Primary and secondary mitigation measures still to be discussed and agreed.</p> <p>The Outline/In Principle CPMMP is still being discussed and yet to be agreed. Outline CPMMP must be agreed in examination. Post consent the final CPMMP will be submitted for approval which will contain the finer details. The final CPMMP must be in line with the In Principle CPMMP submitted in examination.</p>	<p>and BLF provided at D5 [REP5-015] still under review.</p> <p>MMO:</p> <p>The MMO require further information and changes to the frequency of the monitoring in the CPMMP (Rev 1) to control impacts on coastal geomorphology and hydrodynamics. MMO currently reviewing rev 2 of the CPMMP [REP5-059] to identify if we are content with the amended proposals for the 'in principle' plan. MMO is aiming to provide comments on this by Deadline 8.</p>		
MDS_CGH6	The assessment of impacts associated with the hard coastal defence feature as described in section 20.6 of Volume 2 Chapter 20 and Appendix 20A .	<p>SZC Co:</p> <p>Detailed design is not yet confirmed. Worst case assumed but to be confirmed. Lack of assessment of switch to NE wave climate discussed in meetings – agreed such a switch is not worst case (and therefore enveloped in assessment), but potential side-effects possible if accretion occurs at BLF abutment.</p> <p>DCO has revised (enhanced) BLF so potential for MMO view to change.</p> <p>MMO:</p> <p>Hard Coastal Defence Feature (HCDF) not within MMO remit. MMO do not have concerns about impacts associated with the hard coastal defence feature,</p>	<p>SZC Co:</p> <p>Latest version of CPMMP (Rev 2) [REP5-059] under review.</p> <p>MMO:</p> <p>Hard Coastal Defence Feature (HCDF) not within MMO remit. MMO defer to East Suffolk Council on this point.</p>	<p>MMO to review and feedback on supplementary information.</p> <p>Technical meeting planned before ISH11 to close out any remaining queries</p>	Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		although are aware further discussions will take place regarding this in relation to the CPMMP.			
MDS_ CGH7	The assessment of impacts associated with the soft coastal defence feature as described in section 20.7 of Volume 2 Chapter 20 and Appendix 20A .	<p>SZC Co: Detailed design is not yet confirmed.</p> <p>MMO: Detailed design still to be discussed. MMO would seek advice from Environment Agency (EA) and East Suffolk Council (ESC) on the detailed design. For the Soft Coastal Defence Feature (SCDF), the timing of its release of sediment is dependant on the rate of sea level rise experienced. The change to the HCDF (toe of the structure moved further towards the shoreline) means that the SCDF will begin its function earlier than previously intended, hence the volume of sediment released during the lifetime of the SCDF will increase with it being recharged earlier in the project lifetime. However as the SCDF is intended to supply sediment using natural processes, as long as it is monitored and maintained as intended in the CPMMP, (Appendix 2.15A of the Environmental Statement (ES) addendum) with suitable amendments in line with the monitoring programme MMO is of the view that it will maintain its beneficial role in the coastal system</p>	<p>SZC Co: Further information provided during examination still under review.</p> <p>Preliminary design and maintenance requirements for the Sizewell C Coastal Defence Feature (Revision 2.0) [REP3-032] (update submitted at D7 [Doc ref: 9.12(B)])</p> <p>Storm Erosion Modelling of the Sizewell C Coastal Defence Feature (Revision 1.0) [REP3-048] (update submitted at D7 [Doc ref: 9.31(A)])</p> <p>Sizewell C Coastal Defences Design Report - Revision 1.0 [REP2-116]</p> <p>Temporary and Permanent Coastal Defence Feature Plans - Not for approval (Revision 2) [REP5-015]</p> <p>MMO: MMO have concerns regarding the modelling that has been undertaken to assess the impacts associated with the Soft Coastal Defence Feature (SCDF), and the proposal to use a much coarser material for the SCDF than the native grain size present within the area as there has been no evidence provided to show that this will not have a negative impact on the neighbouring coastline and nearshore morphology. The MMO does not agree that using coarser material for the sacrificial outer layer is the best option at this stage, as it is indicated that with a finer sediment there will still only be a limited number of recharges required (6 or 7 times over the course of the operational phase). See section 3.1 of REP6-040 and section 5.1 of REP6-039 for details. MMO require further information and changes to the CPMMP.</p>	<p>MMO to review and feedback on supplementary information.</p> <p>Technical meeting planned before ISH11 to close out any remaining queries</p>	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_ CGH8	The assessment of impacts associated with the beach landing facility as described in section 20.8 of Volume 2 Chapter 20 and Appendix 20A .	<p>SZC Co: Lack of assessment of switch to NE wave climate discussed in meetings – agreed such a switch is not worst case (and therefore enveloped in assessment), but potential side-effects possible if accretion occurs at BLF abutment. We see no reason or evidence for the promotion of a salient. DCO has revised (enhanced) BLF so potential for MMO view to change.</p> <p>MMO: There is uncertainty in the predicted impacts on the subtidal regions (and outer longshore bar) due to the assessment of impacts from the BLFs being based on a consideration of the effect of the project on hydrodynamics via the bed shear stress without a sediment transport model being applied. The uncertainty in these impact assessments leads to the various comments MMO have on the CPMMP, see our detailed SoCG.</p>	<p>SZC Co: Latest version of CPMMP (Rev 2) [REP5-059] under review.</p>	<p>MMO to review and feedback on CPMMP by Deadline 8.</p> <p>Technical meeting planned before ISH11 to close out any remaining queries</p>	Not Agreed
MDS_ CGH9	The assessment of impacts associated with the nearshore outfalls as described in section 20.9 of Volume 2 Chapter 20 and Appendix 20A.	<p>SZC Co: There is no comment on the assessment of the nearshore outfalls in the MMO relevant representations. Based on this, we assume this is agreed. DCO Addendum (2021) makes no change to the nearshore outfalls so no change in position expected.</p> <p>MMO: No comments on the assessment of impacts at this stage. Further discussions to take place regarding monitoring and mitigation as part of the CPMMP.</p>	<p>SZC Co: Latest version of CPMMP (Rev 2) [REP5-059] under review.</p> <p>MMO: The potential for scour protection to be used around nearshore outfalls and a commitment to monitoring and potentially mitigating for additional scour around the outfalls caused by this should be included in the CPMMP. Revision 2 does not include this detail.</p>	<p>MMO to review and feedback on CPMMP by Deadline 8</p> <p>Technical meeting planned before ISH11 to close out any remaining queries</p>	
MDS_ CGH10	The assessment of impacts associated with the offshore	SZC Co:	SZC Co:	MMO to review and feedback on CPMMP by Deadline 8	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
	cooling water infrastructure as described in section 20.10 of Volume 2 Chapter 20 and Appendix 20A.	<p>There is no comment on the assessment of the physical presence of the offshore outfalls in the MMO relevant representations. Potential effects of the thermal plume on sediment dynamics confirmed as addressed in the scour assessment. Based on this, we assume this is agreed.</p> <p>DCO Addendum (2021) makes no change to the offshore outfalls so no change in position expected.</p> <p>MMO: No comments on the assessment of impacts at this stage. Further discussions to take place regarding monitoring and mitigation as part of the CPMMP.</p>	<p>Latest version of CPMMP (Rev 2) [REP5-059] under review.</p> <p>MMO: MMO reviewing revision 2 of the CPMMP to identify if required changes have been made to monitor and potentially mitigate for scour around the offshore cooling water infrastructure. The MMO advised that the assumption within section 3.3 that the scour around the offshore cooling water infrastructure will reach equilibrium in 3 months is subject to uncertainty. If the 6-month survey shows scour development continuing (in depth or extent), then further surveys will be needed until the equilibrium is reached – or mitigation measures are put in place (see next comment).</p>	Technical meeting planned before ISH11 to close out any remaining queries	
MDS_CGH11	The assessment of combinations of spatially and temporally overlapping marine components as described in section 20.11 of Volume 2 Chapter 20.	<p>SZC Co: There is no comment combinations of spatially and temporally overlapping marine components in the MMO relevant representations. Assume agreed.</p> <p>DCO Addendum (2021) has changes for BLF, second BLF and sea defence so change in MMO position possible.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comment</p>		Agreed
MDS_CGH12	The residual effects of impacts associated with the hard coastal defence feature as described in section 20.6 of Volume 2 Chapter 20 and Appendix 20A.	<p>SZC Co: Agreement subject to agreement of CPMMP.</p> <p>DCO Addendum (2021) has changes for sea defence so change in MMO; but CPMMP still applies.</p> <p>MMO: The MMO have no comment to make at this stage. Further discussions required as part of the agreement of the In Principle CPMMP.</p>	<p>SZC Co: Latest version of CPMMP (Rev 2) [REP5-059] under review.</p> <p>MMO: Content for this to be green subject to agreement of CPMMP as MMO deferring to ESC on HCDF</p>	MMO to review and feedback on CPMMP by Deadline 8 Technical meeting planned before ISH11 to close out any remaining queries	Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_CGH13	The residual effects of impacts associated with the soft coastal defence feature as described in section 20.7 of Volume 2 Chapter 20 and Appendix 20A.	SZC Co: As for MDS_CGH12. MMO: Further discussions required as part of the agreement of the In Principle CPMMP	SZC Co Latest version of CPMMP (Rev 2) [REP5-059] under review. MMO: Content for this to be green subject to agreement of CPMMP as MMO deferring to ESC on HCDF	MMO to review and feedback on CPMMP by Deadline 8 Technical meeting planned before ISH11 to close out any remaining queries	Agreed
MDS_CGH14	The residual effects of impacts associated with the beach landing facility as described in section 20.8 of Volume 2 Chapter 20 and Appendix 20A.	SZC Co: Agreement subject to agreement of CPMMP. DCO Addendum (2021) has changes for permanent BLF and has additional BLF; CPMMP still applies. MMO: MMO awaits further modelling. MMO has queries in our detailed SoCG regarding the BLF in relation to the CPMMP. Further discussions required as part of the agreement of the In Principle CPMMP.	SZC Co Additional modelling provided at Procedural Deadline B [PDB-010] Latest version of CPMMP (Rev 2) [REP5-059] under review. MMO: Content for this to be green subject to agreement of CPMMP as MMO deferring to ESC on HCDF	MMO to review and feedback on CPMMP by Deadline 8 Technical meeting planned before ISH11 to close out any remaining queries	Agreed
MDS_CGH15	The residual effects of impacts associated with the nearshore outfalls as described in section 20.9 of Volume 2 Chapter 20 and Appendix 20A.	SZC Co: As for MDS_CGH9 MMO: Further discussions to take place regarding monitoring and mitigation as part of the CPMMP	Latest version of CPMMP (Rev 2) [REP5-059] under review. MMO: Content for this to be green subject to agreement of CPMMP as MMO deferring to ESC on HCDF	MMO to review and feedback on CPMMP by Deadline 8 Technical meeting planned before ISH11 to close out any remaining queries	Agreed
MDS_CGH16	The residual effects of impacts associated with the offshore cooling water infrastructure as described in section 20.10 of Volume 2 Chapter 20 and Appendix 20A.	SZC Co: As for MDS_CGH10 MMO: Further discussions to take place regarding monitoring and mitigation as part of the CPMMP	Latest version of CPMMP (Rev 2) [REP5-059] under review. MMO: Content for this to be green subject to agreement of CPMMP as MMO deferring to ESC on HCDF	MMO to review and feedback on CPMMP by Deadline 8 Technical meeting planned before ISH11 to close out any remaining queries	Agreed

Table 2.2 Position of the Parties - SZC Co. and Marine Management Organisation on Marine Water Quality and Sediments

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_ MWQ1	The overarching methodology for the assessment of impacts on marine water quality and sediments as detailed in Volume 1 Appendix 6Q and section 21.3 of Volume 2 Chapter 21 of the ES.	<p>SZC Co:</p> <p>There is no comment on the overarching methodology in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed. Methodology is unchanged in DCO 2021 ES Addendum; change in position not expected.</p> <p>MMO:</p> <p>MMO have not been able to locate Appendix 6Q. Please provide to MMO to review. This is ongoing until MMO have reviewed Appendix 6Q.</p> <p>MMO have asked for the Applicant to confirm what is meant by 'combined sources or ammonia' in section 21.3 of Chapter 21 of the ES. MMO have reviewed - '6.3 Volume 2 Main Development Site Chapter 21 Marine Water Quality and Sediments - Revision 2.0' [AS-034] but can not locate the Erratum where the Applicant states that clarity on this has been provided. Please provide the Erratum for MMO to review. (see MMO-149 in the detailed SoCG for details on this). This is ongoing until MMO have reviewed the 'Erratum' to the ES.</p>	<p>SZC Co:</p> <p>Requested information provided to MMO and under review.</p> <p>MMO:</p> <p>Some issues remain. 'Erratum' did not address all of MMO's comments. MMO requires Applicant to address outstanding comments.</p>	<p>MMO to review and feedback</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not Agreed
MDS_ MWQ2	The construction mitigation, management and monitoring measures detailed in Part B section 12 of the Code of Construction Practice .	<p>SZC Co:</p> <p>There is no comment on the CoCP in the MMO relevant representations; we assume this is agreed.</p> <p>DCO Addendum (2021) has updated CoCP, change in MMO position possible</p> <p>MMO:</p> <p>All mitigation measures still being discussed.</p>	<p>SZC Co:</p> <p>CoCP has been updated (latest version is Revision 4 as at D5 [REP5-078]).</p> <p>MMO:</p> <p>Mitigation, management and monitoring measures in relation to dredging, sampling requirements for sediments that will be disposed within the marine area, and the use of chemicals, are still to be agreed with MMO. This will be agreed/controlled via the DML conditions which are under review. MMO content with the CoCP based on this.</p>		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_ MWQ3	<p>The securing mechanisms to control impacts on marine water quality and sediments as detailed in the Mitigation Route Map including:</p> <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Deemed Marine Licence Conditions, in particular Conditions 11, 17, 18, 21, 22, 23, 25, 26, 27, 29, 35, 36, 38, 40, 41, 43, 44, 46, 48 and 49. <p>WDA (Operational) Permit</p>	<p>SZC Co:</p> <p>There is no comment on the securing mechanisms in the MMO relevant representations; we assume the means by which mitigation is agreed in principle but understand that scope and wording etc needs to be finalised (see also Table 2.4).</p> <p>DCO Addendum (2021) provides updated draft DCO (with DML) for consideration by MMO.</p> <p>MMO:</p> <p>Appropriate mitigation still to be discussed and agreed.</p>	<p>SZC Co:</p> <p>The principle of the securing mechanisms is agreed wording of conditions to be confirmed (see Table 2.4). Relevant monitoring plans to be certified</p> <p>MMO:</p> <p>MMO advise that the wording of these DML conditions should be amended, in particular to control impacts from dredging, disposal of sediments within the marine area, and use of chemicals. MMO will be working with the Applicant to update these conditions before Deadline 8.</p>		Agreed
MDS_ MWQ4	<p>The baseline environment as detailed in section 21.4 of Volume 2 Chapter 21 and Appendices 21A-21F, including:</p> <ul style="list-style-type: none"> - physical environment (incl. Appendix 21A); - temperature; - salinity (incl. Appendix 21A); - dissolved oxygen (incl. Appendix 21D); - SSC; - nutrient status; - un-ionised ammonia (incl. Appendix 21F); - Priority and other substances (incl. Appendix 21A and B); - sediment quality (incl. Appendix 21D and E); - trace metal concentrations in the water and sediment; and 	<p>SZC Co:</p> <p>There is no comment on the baseline in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed.</p> <p>DCO Addendum (2021) uses same baseline so no change in position expected.</p> <p>MMO:</p> <p>MMO have asked for clarity on the range of data to be provided (See MMO-151 in detailed SoCG). The applicant have stated this information is in the 'Erratum' to the ES. MMO have reviewed - '6.3 Volume 2 Main Development Site Chapter 21 Marine Water Quality and Sediments - Revision 2.0' [AS-034] but can not locate the Erratum. This is ongoing until MMO have reviewed the 'Erratum' to the ES. MMO has outstanding comments on Appendix 21E. See comments MMO-158-165 in detailed SoCG.</p>	<p>SZC Co:</p> <p>Requested information provided to MMO and under review.</p> <p>MMO:</p> <p>Position the same as D2</p>	Technical meeting planned before D8 to close out any remaining queries	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
	polycyclic aromatic hydrocarbons (PAH) and contaminants.				
MDS_MWQ5	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 21.5 and 21.7 of Volume 2 Chapter 21.	<p>SZC Co: There is no comment on the primary or secondary mitigation in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed. DCO Addendum (2021) uses same assumption so no change in position expected</p> <p>MMO: The MMO has no comments to make at this stage. However the appropriate mitigation is still to be discussed and agreed with the input from other stakeholders.</p>	<p>SZC Co: As at D2</p> <p>MMO: MMO are content with the majority of the mitigation methods proposed so far however the details still need to be agreed 'in principle' and secured in the DML. In particular the MMO are currently reviewing whether we require analysis of the sediment to be used for the SCDF to ensure it's suitability for the marine environment. Also details of the source of the rock protection used around the marine infrastructure must be provided to MMO to ensure it's suitability. This is mitigation not currently secured in the DML.</p>		Not agreed
MDS_MWQ6	The assessment of impacts on marine water quality and sediments from dredging activities as described in section 21.6 of Volume 2 Chapter 21.	<p>SZC Co: Agreed subject to provision of additional information on dredging at intake/outfall heads requested by MMO in relevant representations. DCO Addendum (2021) proposes revised dredging so change in position possible.</p> <p>MMO: MMO has outstanding comments on section 21.6 of Volume 2 Chapter 21. See MMO-153-157 in detailed SoCG. These comments relate to the use of ammonia, and justification for the values used for hydrazine.</p>	<p>SZC Co: Further information provided in various examination documents (responses to ExA1[REP2-100] and ExA2) questions but some minor comments remain.</p> <p>MMO: MMO requires further discussions with the Applicant to understand the impacts on marine water quality and sediments due to the disposal activities that are proposed within the marine environment (disposal of dredged material, disposal of drill arisings, disposal of sediment for SCDF).</p>	Technical meeting planned before D8 to close out any remaining queries	Not agreed
MDS_MWQ7	The assessment of impacts on marine water quality and sediments during construction of the Beach Landing Facility as described in section 21.6 of Volume 2 Chapter 21.	<p>SZC Co: There is no comment on the construction of the BLF, so assume we are agreed. DCO Addendum (2021) proposes BLF design together with a second BLF so change in position possible.</p>	<p>SZC Co: Latest version of CPMMP (Rev 2) [REP5-059] under review.</p>	Technical meeting planned before D8 to close out any remaining queries	Not agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>MMO: MMO considers the assessment of impacts on marine water quality and sediments from the construction of the BLF is appropriate. However, further discussions are required in relation to monitoring the impacts of the dredging that is required.</p>			
MDS_MWQ8	The assessment of impacts on marine water quality and sediments during construction of the Combined Drainage Outfall as described in section 21.6 of Volume 2 Chapter 21 .	<p>SZC Co: There is no comment on the construction of the CDO, so assume we are agreed. DCO Addendum (2021) makes no change to CDO construction so no change in position expected.</p> <p>MMO: The MMO advises that there a DML condition is added requiring specific authorisation from MMO for tunnelling chemicals to be used.</p>	<p>SZC Co: DML Conditions remain under review.</p> <p>Discharge would be under WDA permit that such a condition is not required –</p> <p>MMO: MMO is content that this will be managed via the WDA permit. Comment resolved. DML conditions regarding use of chemicals in the marine environment under review.</p>	Technical meeting planned before D8 to close out any remaining queries	Agreed
MDS_MWQ9	The assessment of impacts on marine water quality and sediments during construction of the Fish Recovery and Return (FRR) outfalls as described in section 21.6 of Volume 2 Chapter 21 .	<p>SZC Co: There is no comment on the construction of the FRRs, so assume we are agreed. DCO Addendum (2021) makes no change to FRRs construction so no change in position expected.</p> <p>MMO: The MMO advises that there a DML condition is added requiring specific authorisation from MMO for tunnelling chemicals to be used.</p>	<p>SZC Co: DML Conditions remain under review.</p> <p>Discharge would be under WDA permit that such a condition is not required</p> <p>MMO: MMO is content that this will be managed via the WDA permit. Comment resolved. DML conditions regarding use of chemicals in the marine environment under review.</p>	Technical meeting planned before D8 to close out any remaining queries	Agreed
MDS_MWQ10	The assessment of impacts on marine water quality and sediments during construction of the cooling water intake and outfalls as described in section 21.6 of Volume 2 Chapter 21 .	<p>SZC Co: There is no comment on the construction of the cooling water intake and outfalls per se, so assume we are agreed. However, see MDS_MWQ6 regarding dredging. DCO Addendum (2021) makes no change to the cooling water</p>	<p>SZC Co: DML Conditions remain under review.</p> <p>As the discharge would be under WDA permit that such a condition is not required</p> <p>MMO: MMO is content that this will be managed via the WDA permit. Comment resolved.</p>	Technical meeting planned before D8 to close out any remaining queries	Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>intake/outfall construction so no change in position expected.</p> <p>Discharges to the marine environment from the Tunnelling Boring Machines will be subject to a Water Discharge Activity permit from the Environment Agency. We see no reason for this to be repeated on the DML.</p> <p>MMO: The MMO advises that there a DCO/DML condition is added requiring specific authorisation of tunnelling chemicals to be used.</p>	<p>DML conditions regarding use of chemicals in the marine environment under review.</p>		
MDS_ MWQ11	The assessment of impacts on marine water quality and sediments from discharges from the CDO during construction as described in section 21.6 of Volume 2 Chapter 21 and Appendices 21E and 21F .	<p>SZC Co: There is no comment on the construction discharges from the CDO in the MMO Relevant Representations; assume agreed. DCO Addendum (2021) makes no change to the CDO discharges so no change in position expected. Discharges to the marine environment from the Tunnelling Boring Machines will be subject to a Water Discharge Activity permit from the Environment Agency. We see no reason for this to be repeated on the DML.</p> <p>MMO: The MMO advises that there is a DML condition added requiring specific authorisation from MMO for tunnelling chemicals to be used during construction of the Combined Drainage Outfall.</p>	<p>SZC Co: This Ref refers to the discharges from the CDO not its construction. Discharges will be under WDA permit.</p> <p>MMO: MMO is content that discharges will be controlled via the WDA permit. MMO has no further comments. DML conditions regarding use of chemicals in the marine environment under review.</p>		Agreed
MDS_ MW12	The assessment of impacts on marine water quality and sediments from discharges from the CDO during commissioning as described in section 21.6 of Volume 2 Chapter 21 and Appendices 21E and 21F .	<p>SZC Co: Assumed agreed subject to clarification requested on ammonia and hydrazine in Relevant Representations. DCO Addendum (2021) makes no change to the CDO discharges so no change in position expected.</p> <p>MMO:</p>	<p>SZC Co: Further information on hydrazine provided to MMO and in various examination documents (responses to ExA1[REP2-100] and ExA2)</p> <p>MMO content with the information provided in relation to hydrazine, although we find it is not referenced in a clear way in the Environmental Statement.</p>	<p>MMO to review and feedback</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		MMO has outstanding comments on the impacts on marine water quality and sediments during operation of the Combined Drainage Outfall. This relates to the use of ammonia and justification for the values used for hydrazine (see MMO-154 in detailed SoCG).	MMO has some minor comments remaining which we hope to address in a technical meeting with the applicant.		
MDS_MWQ13	The assessment of impacts on marine water quality and sediments from discharges during operations from the FRR as described in 21.6 of Volume 2 Chapter 21 .	<p>SZC Co: There is no comment on the impacts on marine water quality from discharges from the FRRs in the MMO Relevant Representations; assume agreed. DCO Addendum (2021) provides more information on FRR discharges (TR520) so change in position expected possible.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments.</p>		Agreed
MDS_MWQ14	The assessment of impacts on marine water quality and sediments from discharges during operations from the cooling water outfall as described in 21.6 of Volume 2 Chapter 21 .	<p>SZC Co: MMO makes a number of comments requesting clarification on the assessment of impacts on marine water quality and sediments from discharges during operations from the cooling water outfall but none are expected to lead to disagreement. SZC assume agreed following provision of additional information. DCO Addendum (2021) makes no change to the cooling water outfall discharges so no change in position expected.</p> <p>MMO: MMO has outstanding comments on the impacts on marine water quality and sediments during operation of the cooling water outfall. This relates to the justification for the values used for hydrazine (see MMO-157 in detailed SoCG).</p>	<p>SZC Co: Further information on hydrazine provided to MMO and in various examination documents (responses to ExA1[REP2-100] and ExA2)</p> <p>MMO: Comments resolved; no further comments.</p>	<p>MMO to review and feedback</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_ MWQ15	The residual effects from construction impacts on marine water quality and sediments as detailed in section 21.8 of Volume 2 Chapter 21	<p>SZC Co: There is no comment on the residual impacts from MMO in their relevant representations; however, given initial impacts are assumed agreed we assume so too are residual impacts. DCO Addendum (2021) proposes changing to dredging so MMO position could change.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed
MDS_ MWQ16	The residual effects from commissioning impacts on marine water quality and sediments as detailed in section 21.8 of Volume 2 Chapter 21	<p>SZC Co: There is no comment on the residual impacts from MMO in their relevant representations; however, given initial impacts are assumed agreed we assume so too are residual impacts. DCO Addendum (2021) makes no changes to commissioning discharges so no change in position expected.</p> <p>MMO:</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed
MDS_ MWQ17	The residual effects from operational impacts on marine water quality and sediments as detailed in section 21.8 of Volume 2 Chapter 21	<p>SZC Co: There is no comment on the residual impacts from MMO in their relevant representations; however, given initial impacts are assumed agreed we assume so too are residual impacts. DCO Addendum (2021) makes no changes to operational discharges so no change in position expected.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed

Table 2.3 Position of the Parties - SZC Co. and Marine Management Organisation on Marine Ecology and Fisheries

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_MEF1	The overarching methodology for the assessment of impacts on marine ecology and fisheries as detailed in Volume 1 Appendix 6R and section 22.3 of Volume 2 Chapter 22 of the ES.	<p>SZC Co: There is no comment on the overarching methodology in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed.</p> <p>MMO: MMO does not require any changes to the overarching methodology for the assessment of impacts. MMO considers the methodology used is reasonable. However, in relation to the impacts to fisheries, MMO advises that a further sensitivity analysis should be carried out for demersal fish assuming zero effectiveness of the Low Velocity Side Entry (LVSE) design and Fish Return and Recovery (FRR) system. This will help to clarify uncertainties concerning potential local impact on demersal fish and their role in the local ecosystem. See our comments on the methodology for assessing impacts to fisheries in the detailed SoCG.</p>	<p>SZC Co: Additional information requested provided at D6:</p> <p>Quantifying Uncertainty in Entrapment Predictions for Sizewell C – (Revision 1) [REP6-028]</p> <p>In particular, assessment now assumes no benefit from LVSE</p> <p>MMO: Currently reviewing the following applicant submissions and will provide comment at Deadline 8:</p> <ul style="list-style-type: none"> Acoustic Fish Deterrent Report [REP5-123] Underwater Noise Report [REP5-124] Quantifying Uncertainty in Entrapment Predictions for Sizewell C [REP6-028] Environmental Statement Addendum – Chapter 2 Marine Ecology and Fisheries – Appendix 2.17.A – Revision 2 (Fish Sensitivity Analysis) [REP6-016] 	<p>MMO to review and feedback.</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not Agreed
MDS_MEF2	The construction mitigation, management and monitoring measures detailed in Part B section 12 of the Code of Construction Practice .	<p>SZC Co: There is no comment on the CoCP in the MMO relevant representations; we assume this is agreed.</p> <p>MMO: It is noted that the CoCP contains the following mitigation:</p> <ul style="list-style-type: none"> Use of a hydrohammer piling technique where feasible for installation of the marine piles of the two BLFs to suppress underwater noise. 	<p>SZC Co: All requests agreed:</p> <p>UXO removed from CoCP SIP provided in HRA Addendum</p> <p>MMO: D2 comments not addressed in CoCP [REP5-079]. Although, these comments still stand and MMO advise that they are actioned in future updates to the CoCP and</p>	<p>MMO to review and feedback.</p> <p>Wording of DML to be confirmed (see Table 2.4)</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>• Piling for construction of the two BLFs not to occur between 01 May and 31 August in any year.</p> <p>The Code of Construction Practice (CoCP) is secured as a requirement however this mitigation should be secured on the DML as well as it is within MMO jurisdiction.</p> <p>Reference to Unexploded Ordinance (UXO) detonation can be removed completely from CoCP.</p> <p>A Southern North Sea Special Area of Conservation (SAC) Site Integrity Plan (SIP) should be referenced as mitigation for the underwater noise created by piling.</p> <p>All mitigation measures still to be reviewed and agreed</p>	<p>DML, MMO agrees that the principle mitigation methods are appropriate. The details of the mitigation will be agreed separately via the monitoring and mitigation plans:</p> <p>Marine Mammal Mitigation Plan; Southern North Sea SAC Site Integrity Plan; Sabellaria Monitoring and Mitigation Plan; Fish Monitoring Plan</p> <p>All of these plans are yet to be agreed.</p>		
MDS_MEF3	<p>The securing mechanisms to control impacts on marine ecology and fisheries as detailed in the Mitigation Route Map including:</p> <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Deemed Marine Licence Conditions, in particular Conditions 11, 17, 18, 21, 24, 35, 39, 40, 44, 45, 4, 49 and 50. <p>WDA (Operational) Permit</p>	<p>SZC Co:</p> <p>There is no comment on the securing mechanisms in the MMO relevant representations; we assume the means by which mitigation is agreed in principle but understand that scope and wording etc needs to be finalised (see also Table 2.4).</p> <p>DCO Addendum (2021) provides updated draft DCO (with DML) for consideration by MMO.</p> <p>MMO:</p> <p>The Offshore Written Scheme of Investigation (WSI), Marine Mammal Mitigation Protocol (MMMP), Southern North Sea SAC SIP, and Sabellaria Monitoring Plan are not included in the Mitigation Route Map. MMO advises that all mitigation should be included here. The MMMP and SIP are also not secured via DML conditions.</p>	<p>SZC Co:</p> <p>The principle of the securing mechanisms is agreed wording of conditions to be confirmed (see Table 2.4). Relevant monitoring plans to be certified</p> <p>MMO:</p> <p>Changes required to the DML conditions to control impacts on marine ecology and fisheries. Wording of DML conditions currently under review with the Applicant.</p>	<p>Wording of DML to be confirmed (see Table 2.4)</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not agreed
MDS_MEF4	<p>The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in</p>	<p>SZC Co:</p> <p>MMO suggest review to include any missing pathways raised in RRs. We assume agreed subject to this.</p>	<p>SZC Co:</p> <p>The principle of the mitigation measures is agreed (the proposed methods will mitigate impacts) but the details to be confirmed.</p>	<p>Technical meeting planned before D8 to close out any remaining queries</p>	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
	<p>section 22.5 of Volume 2 Chapter 22 and referenced appendices.</p> <p>In particular the Marine Mammal Mitigation Plan (Appendix 22N of the ES), <i>Sabellaria</i> monitoring plan (ML Condition 45) and fish monitoring plan (ML Condition 50).</p>	<p>DCO Addendum (2021) provides updated draft DCO (with DML) for consideration by MMO.</p> <p>MMO: Further discussions required with Applicant and NE to agree the in principle MMMP and Sabellaria monitoring plan.</p> <p>MMO also requires a Southern North Sea SAC SIP to be implemented as mitigation to ensure that the Project, either alone or in combination with other plans or projects, will not exceed the noise thresholds for the Southern North Sea SAC.</p> <p>The MMO seek clarification around the fish monitoring plan as MMO do not believe that we have had sight of this and can not see it secured on the DML version 3.</p> <p>Additionally MMO requires further consideration of the Acoustic Fish Deterrent (AFD) options prior to excluding them as a form of mitigation.</p>	<p>Monitoring plans to be certified as part of the DCO.</p> <p>Monitoring plans submitted during examination include: MMMP (Rev 2) – D3 - <u>REP3-019</u> <i>Sabellaria</i> Management Plan (Rev 1) – D7 – Doc Ref: 9.90 Fish Monitoring Plan (Rev 1) – D7 – Doc Ref 9.89</p> <p>MMO: Outline mitigation measures still need to be agreed via the above 3 plans. Additionally the Southern North Sea Special Area of Conservation (“SAC”) Site Integrity Plan is still to be agreed.</p> <p>MMO is currently reviewing the Acoustic Fish Deterrent Report [REP5-123] and will provide comment on this at Deadline 8:</p>		
MDS_ MEF5	<p>The baseline for <i>plankton</i> as detailed in sections 22.6b) of Volume 2 Chapter 22 and Appendices 22A (phytoplankton) and 22B (zooplankton) of the ES.</p>	<p>SZC Co: There is no comment on the baseline in the MMO relevant representations. Based on this, we assume this is agreed.</p> <p>DCO Addendum (2021) uses same baseline so no change in position expected.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed
MDS7_ MEF6	<p>The assessment of impacts on <i>plankton</i> as detailed in section 22.6 c) and d) of Volume 2 Chapter 22 and Appendix 22G of the ES.</p>	<p>SZC Co: There is no comment on the plankton assessment in the MMO relevant representations. Based on this, and</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		considerable pre-application engagement, we assume this is agreed. DCO Addendum (2021) provides updated assessment for plankton; change in MMO position possible. MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.			
MDS_MEF7	The proposed mitigation measures and monitoring to mitigate impacts on <i>plankton</i> as detailed in section 22.12 of Volume 2 Chapter 22 .	SZC Co: There is no comment on the mitigation measures and monitoring in the MMO relevant representations. Based on this, we assume this is agreed. DCO Addendum (2021) provides updated assessment for plankton; change in MMO position possible. MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.	SZC Co: As at D2 MMO: No comments		Agreed
MDS_MEF8	The residual effects for <i>plankton</i> as detailed in section 22.13 of Volume 2 Chapter 22	SZC Co: Given response at MDS_MEF5 we assume this is agreed (noting MMO relevant representation comment on Table 22.155). DCO Addendum (2021) provides updated assessment for plankton; change in MMO position possible. MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.	SZC Co: As at D2 MMO: No comments		Agreed
MDS_MEF9	The baseline for <i>benthic ecology</i> as detailed in section 22.7 b) Volume 2 Chapter 22 and Appendix 22C of the ES.	SZC Co: There MMO requests a consideration of the baseline INNS in its relevant representations. Assume agreed subject to further information on INNS.	As at D2 MMO: No comments		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		DCO Addendum (2021) uses the same baseline so no change in position expected MMO: Resolved via detailed SoCG.			
MDS_MEF10	The assessment of impacts on <i>benthic ecology</i> as detailed in section 22.7 c) and d) of Volume 2 Chapter 22 and Appendix 22I of the ES.	SZC Co: There is no comment on the benthic ecology assessment in the MMO relevant representations. Based on this, and considerable pre-application engagement, we assume this is agreed. DCO Addendum (2021) provides updated assessment for benthic ecology; change in MMO position possible. MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.	As at D2 MMO: No comments		Agreed
MDS_MEF11	The proposed mitigation measures and monitoring to mitigate impacts on <i>benthic ecology</i> as detailed in section 22.12 of Volume 2 Chapter 22 of the ES.	SZC Co: There is no comment on the mitigation measures and monitoring in the MMO relevant representations. Based on this, we assume this is agreed. DCO Addendum (2021) provides updated assessment for benthic ecology; change in MMO position possible. MMO: Sabellaria Monitoring Plan still to be discussed and agreed. NE should be involved in discussions to agree the appropriate mitigation for Sabellaria.	SZC Co: Sabellaria Management and Monitoring Plan (Rev 1) to be submitted at D7 (Doc Ref: 9.90) and certified during examination period.	MMO to review and feedback. Technical meeting planned before D8 to close out any remaining queries	Not agreed
MDS_MEF12	The residual effects for <i>benthic ecology</i> as detailed in section 22.13 of Volume 2 Chapter 22	SZC Co: Given response at MDS_MEF10 we assume this is agreed (noting MMO relevant representation comment on Table 22.155). DCO Addendum (2021) provides updated assessment for benthic ecology; change in MMO position possible.	SZC Co: As at D2 MMO: No comments		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>			
MDS_MEF13	The baseline for <i>fish</i> as detailed in section 22.8 b) of Volume 2 Chapter 22 and Appendix 22D of the ES.	<p>SZC Co: There is no comment on the baseline in the MMO relevant representations. Based on this, we assume this is agreed. DCO Addendum (2021) uses same baseline so no change in position expected.</p> <p>MMO: The MMO have no comments to make at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed
MDS_MEF14	The assessment of impacts on <i>fish</i> as detailed in section 22.8c) and d) of Volume 2 Chapter 22 and Appendices 22I and 22L of the ES.	<p>SZC Co: The MMO provides detailed narrative on the fish assessments which is helpful. Assume agreed subject to differing views on perceived benefit, or otherwise, of the of the LVSE head (and comments on Appendix 22G). DCO Addendum (2021) provides updated fish assessment reports for consideration by MMO.</p> <p>MMO: MMO consider that there are some remaining uncertainties relating to the fish impact assessment, and in some areas, a more conservative approach could have been adopted. Overall, MMO do not consider that these issues materially affect the conclusions of the assessment. MMO advises that a further sensitivity analysis should be carried out for demersal fish assuming zero effectiveness of the LVSE design and FRR system. This will help to clarify uncertainties concerning potential local</p>	<p>SZC Co: Additional information provided at D6: Quantifying Uncertainty in Entrapment Predictions for Sizewell C (Revision 1) [REP6-028] In particular, assessment now assumes no benefit from LVSE</p> <p>MMO: Currently reviewing the following applicant submissions regarding impacts on fish and will provide comment at Deadline 8:</p> <ul style="list-style-type: none"> Acoustic Fish Deterrent Report [REP5-123] Underwater Noise Report [REP5-124] Quantifying Uncertainty in Entrapment Predictions for Sizewell C [REP6-028] Environmental Statement Addendum – Chapter 2 Marine Ecology and Fisheries 		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		impact on demersal fish and their role in the local ecosystem. See detailed comments in our detailed SoCG for the Applicant to address.	– Appendix 2.17.A – Revision 2 (Fish Sensitivity Analysis) [REP6-016]		
MDS_MEF15	The proposed mitigation measures and monitoring to mitigate impacts on <i>fish</i> as detailed in section 22.12 of Volume 2 Chapter 22 of the ES.	<p>SZC Co: MMO has requested SZC specific assessment of AFD feasibility. SZC Co considers infeasible; report to be provided. DCO Addendum (2021) provides updated fish assessment reports for consideration by MMO.</p> <p>MMO: MMO would like to see further consideration of the AFD options prior to excluding them as a form of mitigation. MMO advises that a detailed Comprehensive Impingement Monitoring Programme (CIMP) should be provided and agreed. This could be required via a condition on the DML.</p>	<p>SZC Co: Additional information requested provided at D6: Acoustic Fish Deterrent Report (Revision 1) [REP5-123] Fish Monitoring Plan (Rev 1) to be submitted at D7 (Doc Ref: 9.89) had certified during examination period. DML 50 secures the Fish Monitoring Plan (wording to be confirmed; see Table 2.4) MMO: Currently reviewing the above</p>	<p>MMO to review and feedback. Technical meeting planned before D8 to close out any remaining queries</p>	Not agreed
MDS_MEF16	The residual effects for <i>fish</i> as detailed in section 22.13 of Volume 2 Chapter 22	<p>SZC Co: There is no comment on the residual impacts from MMO in their relevant representations; however, based on MDS_MEF14 we assume so residual impacts to be confirmed. DCO Addendum (2021) provides updated fish assessment reports for consideration by MMO.</p> <p>MMO: See MMO comment on MDS_MEF14.</p>	<p>SZC Co: See D7 response at MDS-MEF_14</p>		Not Agreed
MDS_MEF17	The baseline for <i>marine mammals</i> as detailed in section 22.9 b) of Volume 2 Chapter 22 and Appendix 22E of the ES.	<p>SZC Co: The MMO makes reference to further information that could inform the baseline but doesn't state the baseline is inadequate. Assume agreed based on pre-application discussions. DCO Addendum (2021) uses same baseline so no change in position expected.</p>	<p>SZC Co: As at D2</p>		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		MMO: MMO is content with the baseline for marine mammals at this stage.			
MDS_MEF18	The assessment of impacts on <i>marine mammals</i> as detailed in section 22.9c) and d) of Volume 2 Chapter 22 and Appendix 22L of the ES.	SZC Co: The MMO states the underwater noise assessment is comprehensive and adequate. Assume agreed subject to confirmation of minor evidence gaps (potential toxicity of discharges and comments on Appendix 22L). DCO Addendum (2021) provides updated assessment for noise etc based on proposal of additional BLF; change in MMO position possible. MMO: MMO note that some evidence gaps remain but MMO concurs that these uncertainties do not undermine the assessment that has been made. However MMO requests that you provide clarity as per our comments below. The outputs of the assessment of the impact magnitude of underwater noise from percussive piling on marine mammals, found in sections 2.17.41-2.17.46 of ES Addendum (Vol 1.), Chapter 2 [AS-181], are clearly presented. However, there are no details of the specific model or input parameters that have been used. These are assumed to be the same as in Appendix L of the original ES (Doc Ref. 6.3) [APP-329]) but it would be helpful for the applicant to confirm this. Also please see our comments on the Underwater Noise Assessment in relation to the changes to the BLF in comments MMO-365 – 368 in our detailed SoCG.	SZC Co: Underwater noise technical report provided at D5 [REP5-124] MMO: Currently reviewing the report and will provide comment at Deadline 8. Also still reviewing the Southern North Sea SAC Site integrity Plan [Appendix 9a; AS-178] which assesses the underwater noise impacts on the harbour porpoise feature of the SAC. The 'in principle' site integrity plan is still to be agreed.	MMO to review and feedback. Technical meeting planned before D8 to close out any remaining queries	Not agreed
MDS_MEF19	The proposed mitigation measures and monitoring to mitigate impacts on <i>marine</i>	SZC Co: The Marine Mammal Mitigation Protocol (MMMP) is still being developed but the	SZC Co:	MMO to review and feedback.	Not agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
	<i>mammals</i> as detailed in section 22.12 of Volume 2 Chapter 22 of the ES.	<p>MMO has provided some useful information to include in the next version. DCO Addendum (2021) provides updated assessment for noise etc based on proposal of additional BLF; change in MMO position possible.</p> <p>MMO:</p> <p>There are further discussions required to agree the in principle MMMP. There is no DML condition requiring a MMMP, this should be added to the DML.</p> <p>There is no DML condition requiring a Southern North Sea SAC SIP. This should be added to the DML, see comment MMO-237 in detailed SoCG.</p> <p>A DML condition should be added relating to specific authorisation from the MMO for tunnelling chemicals to be used. See comment MMO-191 in the detailed SoCG.</p>	<p>MMMP submitted at D3 [REP3-019] and secured under DML Condition 40 (wording to be confirmed; see Table 2.4)</p> <p>SIP submitted with ES Addendum [Appendix 9a; AS-178] and secured under DML Condition 40 (wording to be confirmed; see Table 2.4)</p> <p>MMO:</p> <p>MMO is reviewing these plans currently and yet to agree the 'in principle' versions of the plans. MMO also still to agree DML condition wording regarding the plans.</p>	Technical meeting planned before D8 to close out any remaining queries	
MDS_MEF20	The residual effects for <i>marine mammals</i> as detailed in section 22.13 of Volume 2 Chapter 22	<p>SZC Co:</p> <p>As for MDS_MEF18</p> <p>MMO:</p> <p>See MMO comment on MDS_MEF18</p>	<p>SZC Co:</p> <p>See D7 response at MDS-MEF_18</p>	<p>MMO to review and feedback.</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not agreed
MDS_MEF21	The method for assessing impacts on <i>food-webs</i> as detailed in section 22.10b) of Volume 2 Chapter 22 of the ES	<p>SZC Co:</p> <p>There is no comment on the method in the MMO Relevant Representations so assume agreed.</p> <p>DCO Addendum (2021) does not further assess food webs; change in position not expected.</p> <p>MMO:</p> <p>The MMO has no comments at this stage. The MMO reserves the right to comment on this in the future should any issues arise</p>	<p>SZC Co:</p> <p>As at D2</p> <p>MMO:</p> <p>No comment</p>		Agreed
MDS_MEF22	The baseline <i>food-web</i> as detailed in section 22.10c) of Volume 2 Chapter 22 of the ES	<p>SZC Co:</p> <p>There is no comment on the baseline in the MMO Relevant Representations but there is reference to the inclusion on</p>	<p>SZC Co:</p> <p>As at D2</p> <p>MMO:</p>		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>entrainment effects, so assume agreed subject to that confirmation. DCO Addendum (2021) does not further assess food webs; change in position not expected.</p> <p>MMO: The MMO has no comments at this stage. The MMO reserves the right to comment on this in the future should any issues arise</p>	No comment		
MDS_ MEF23	The assessment of impacts on <i>indirect effects and food-webs</i> as detailed in section 22.10d) of Volume 2 Chapter 22 of the ES	<p>SZC Co: There is no comment on the impacts in the MMO Relevant Representations but there is reference to the inclusion on entrainment effects, so assume agreed subject to that confirmation. DCO Addendum (2021) does not further assess food webs; change in position not expected.</p> <p>MMO: The MMO has no comments at this stage. The MMO reserves the right to comment on this in the future should any issues arise</p>	<p>SZC Co: As at D2</p> <p>MMO: No comment</p>		Agreed
MDS_ MEF24	The baseline for <i>commercial and recreational fisheries</i> as detailed in section 22.11 b) of Volume 2 Chapter 22 and Appendix 22F of the ES.	<p>SZC Co: The MMO query the inclusion of a paper by Walmsley and the robustness of the recreational angling baseline in its relevant Representation. SZC Co to provide further information. The Walsmely paper (for Defra) remains unavailable however SZC Co is of the view that the data are sufficient to define the EIA baseline, although economic value was not attainable. DCO Addendum (2021) provides an update assessment of commercial and recreational fisheries based on additional BLF; change in MMO position possible.</p> <p>MMO: [Cell blank in D2 submission]</p>	<p>MMO: No comment</p>		Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_ MEF25	The assessment of impacts on <i>commercial and recreational fisheries</i> as detailed in section 22.11c) and d) of Volume 2 Chapter 22 and Appendices 22I and 22L of the ES.	<p>SZC Co: Baseline queries notwithstanding, the MMO did not comment on the assessment of impacts; assume agreed. DCO Addendum (2021) provides and update assessment of commercial and recreational fisheries based on additional BLF; change in MMO position possible.</p> <p>MMO: MMO awaits further information from Applicant. See our comments MMO-204 and 205 in detailed SoCG which ask for clarification regarding potential exclusion zones and potting for whelks. See comments MMO- 349-353 in the detailed SoCG regarding a further sensitivity analysis for demersal fish assuming zero effectiveness of LVSE design and FRR system. Also see comment MMO-222 in detailed SoCG. The current text in TR406 is not considered adequate. MMO requires further consideration of the Acoustic Fish Deterrent (AFD) options prior to excluding them as a form of mitigation. Also see our comments MMO-216-218 in the detailed SoCG.</p>	<p>SZC Co: Quantifying Uncertainty in Entrapment Predictions for Sizewell C (Revision 1) [REP6-028]</p> <p>In particular, assessment now assumes no benefit from LVSE.</p> <p>Acoustic Fish Deterrent Report (Revision 1) [REP5-123] submitted at Deadline 5</p> <p>MMO: MMO is reviewing the above two reports and will provide comment at Deadline 8.</p>	<p>MMO to review and feedback.</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not agreed
MDS_ MEF26	The proposed mitigation measures and monitoring to mitigate impacts on <i>commercial and recreational fisheries</i> as detailed in section 22.12 of Volume 2 Chapter 22 of the ES.	<p>SZC Co: Mitigation by means of liaison officer and forum and Notification to Mariners assumed agreed (minor MMO comment in Relevant Representation on lack of inclusion in parts of ES). Draft Section 106 agreement to be shared with MMO to agree wording. DCO Addendum (2021) provides an updated assessment of commercial and recreational fisheries based on additional BLF but same mitigation applies. Change in MMO position not expected.</p> <p>MMO:</p>	<p>SZC Co: SoCG with MCA partially agreed: Revision 1 [REP5-102]; Revision 2 submitted at D7 (Doc Ref:9.10.36(A)) now fully agreed</p> <p>MMO: MMO agrees with the mitigation measures presented in principle however still need to agree on DML condition wording to secure details of the mitigation.</p>	<p>MMO to review and feedback.</p>	Not agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>Ongoing. Mitigation still to be discussed and agreed. MMO requires discussions with stakeholders such as Maritime and Coastguard Authority (MCA) and Trinity House (TH) regarding appropriate mitigation to be secured on DML to minimise impacts to navigation. For example the frequency of the Notifications to Mariners throughout construction and operation. See our comment MMO-206 in the detailed SoCG.</p> <p>As above MMO requires further consideration of the AFD options prior to excluding them as a form of mitigation for impacts to fish.</p> <p>MMO welcomes the proposals for a Fisheries Liaison and Co-existence Plan and an appointed Fisheries Liaison Officer.</p>			
MDS_MEF27	The residual effects for <i>commercial and recreational fisheries</i> as detailed in section 22.13 of Volume 2 Chapter 22	<p>SZC Co: As for MDS_MEF25</p> <p>MMO: See MMO comment on MDS_MEF25</p>	<p>SZC Co: See D7 response at MDS-MEF_25</p>	<p>MMO to review and feedback.</p> <p>Technical meeting planned before D8 to close out any remaining queries</p>	Not agreed

Table 2.4 Position of the Parties - SZC Co. and Marine Management Organisation on the Marine Licence¹

Ref.	Matter	Position of the parties		Further Action / Comments	Status
		D2	D7		
MDS_ML1	The Introduction as defined in Schedule 20 of the draft DCO	<p>SZC Co: MMO comments on Version 1 addressed in Version 4 precise wording to be confirmed.</p> <p>MMO:</p>	<p>SZC Co: Introduction updated in response to feedback from MMO.</p> <p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>	MMO to propose revisions to wording. Meeting to be held before ISH14	Not agreed
MDS_ML2	The Licensed Activities and details as defined in Schedule 20 of the draft DCO	<p>SZC Co: The MMO made several comments on the licensible activities in its Relevant Representations. These have been addressed in the revised version submitted as part of the DCO Addendum (2021), most noticeable UXO detonation is now not included in the list of licensible activities. DCO Addendum (2021) includes revised and new descriptions for the MMO to consider.</p> <p>MMO: Normally the DCO in Schedule 1 would describe the works packages in detail and then the DML would repeat what those descriptions are in this section for the marine licensable works. However, the descriptions in schedule 1 are quite vague. MMO need to be sure that the descriptions in the DML, in this expanded format, don't go beyond what is to be authorised under the main order. The MMO request a break down of this so MMO can be clear that the descriptions in the DML are in line with the works packages authorised by the main order.</p>	<p>SZC Co: Licensed Activity definitions updated in response to feedback from MMO.</p> <p>Outstanding Issues from MMO: Dredge areas and volumes to be specified; More information required on disposal locations;</p> <p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>	<p>MMO to propose revisions to wording. Meeting to be held before ISH14</p> <p>SZC Co to provide dredge volumes SZC Co to confirm disposal volumes SZC Co to confirm disposal locations</p>	Not agreed
MDS_ML3	The General Conditions as defined in Part 3 (8) and (9) of Schedule 20 of the draft DCO	<p>SZC Co:</p>	<p>SZC Co: Level of detail still to be confirmed.</p>	MMO to propose revisions to wording. Meeting to be held before ISH14	Not agreed

¹ NOTE – MMO comments at D2 based on DCO Version 3 (January 2021) [AS-055] not Version 4 submitted at D2 [REP2-015]

Ref.	Matter	Position of the parties		Further Action / Comments	Status
		D2	D7		
		<p>The MMO did not comment on the General Conditions in its Relevant Representations so assume agreed.</p> <p>MMO: MMO require discussions with stakeholders to agree that the level of detail provided in the DML conditions is adequate. MMO will be contacting stakeholders to discuss this and will feed back in future responses. Also see out comments in the detailed SoCG.</p>	<p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>		
MDS_ML4	The Pre-Construction Conditions as defined in Part 3 (10) to (20) of Schedule 20 of the draft DCO	<p>SZC Co. The MMO made several comments on pre-construction Conditions in its Relevant Representations. These have been addressed as much as possible and revised as required due to the changes proposed in the DCO Addendum (2021). DCO Addendum (2021) includes revised and new descriptions for the MMO to consider.</p> <p>We feel that 6 months lead time for submission of Marine Licence returns is disproportionately long, given that the MMO's own KPI for full licence determination is only 13 weeks. Regardless, 6 months would provide several challenges to SZC:</p> <p>(i) the necessary detailed information is sometimes not available, as contractors 'cycle' in and out of site in an orchestrated manner as and when work areas become available (for example detailed method statements can often only be fully defined much closer to the start of works);</p> <p>(ii) pre-submission consultation typically takes place with the Marine Technical Forum (MTF) so in light of (i) 6 months lead time means even longer if meaningful pre-application consultation can take place. Pre-application with</p>	<p>SZC Co: Submission periods resolved; In principle monitoring plans provided:</p> <ul style="list-style-type: none"> • Marine Mammal Mitigation Protocol; • <i>Sabellaria</i> Management and Monitoring Plan *Doc Ref. 9.90.); • Fish Monitoring Plan (Doc Ref 9.89) • Coastal Processes Monitoring and Mitigation Plan (CPMMP) <p>to be reviewed and certified as part of DCO</p> <p>Outstanding Issues: Minor issues re wording Determination deadlines 'deemed discharge' of CPMMP when East Suffolk Council approve the plan</p> <p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>	<p>MMO to propose revisions to wording. Meeting to be held before ISH14</p> <p>Comment: Much has been resolved but parties remain not agreed on the need for determination deadlines. This is unlikely to be resolved during the Examination.</p> <p>For this reason alone this line remains Red</p>	Not agreed

Ref.	Matter	Position of the parties		Further Action / Comments	Status
		D2	D7		
		<p>the MTF also means that determination time by the MMO should be considerably shortened.</p> <p>SZC Co feels determination deadlines are essential for a large infrastructure project like Sizewell C where delays can add significant costs (£millions) to the project. Judicial Review requires very well defined criteria to be met and SZC Co feels that JR would not be the suitable route for appeal. Similarly, SZC Co feels that an independent route of appeal should be available and that the MMO internal complaints system is not suitable for a large infrastructure project such as Sizewell C.</p> <p>MMO: MMO require discussions with stakeholders to agree that the level of detail provided in the DML conditions is adequate. MMO will be contacting stakeholders to discuss this and will feed back in future responses.</p> <p>There are outstanding issues with the proposed timeframes for submission of documents stated in the conditions. MMO advises that a 6 month lead period (prior to the commencement of activities) is more appropriate and a realistic timeframe for MMO to approve detailed plans. MMO strongly disagrees with the inclusion of 'determination dates after which the undertaker may submit an appeal for non-determination' in the conditions. MMO should not have set determination periods in which to approve plans and protocols etc. This is for the MMO to approve the finer details before the works start, which the applicant can't provide during the application and examination process, so it's necessary for us to have enough time to properly scrutinise those documents. How long that takes us will depend on factors such as the quality of the plans submitted in the first instance, the MMO</p>			

Ref.	Matter	Position of the parties		Further Action / Comments	Status
		D2	D7		
		resource available at the time these documents come in for approval, how much consultation is required, and how long any consultees need to respond in a meaningful way. MMO does not delay determinations without necessity. If MMO delay unduly then there are existing routes to challenge this via our internal complaints system or via judicial review. MMO don't set determination timescales in condition sign offs within stand alone marine licences and DMLs should be as consistent as possible with standalone Marine Licences. See our comments on the Appeals procedure in MDS_DCO6.			
MDS_ML5	The Construction, Operation and Maintenance Conditions as defined in Part 3 (21) to (50) of Schedule 20 of the draft DCO	<p>SZC Co: The MMO made several comments on Construction, Operation and Maintenance Conditions in its Relevant Representations. These have been addressed as much as possible and revised as required due to the changes proposed in the DCO Addendum (2021). DCO Addendum (2021) includes revised and new descriptions for the MMO to consider. See response at MDS_ML4 in relation to timelines</p> <p>MMO: MMO require discussions with stakeholders to agree that the level of detail provided in the DML conditions is adequate. MMO will be contacting stakeholders to discuss this and will feed back in future responses. Our comment in MDS_ML5 and MDS_DCO6 regarding timeframes, 'determination dates' and the enhanced Appeals procedure also apply here. Also see comments in detailed SoCG</p>	<p>SZC Co: Submission periods resolved;</p> <p>Outstanding Issues: Minor issues re wording Determination deadlines</p> <p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>	<p>MMO to propose revisions to wording. Meeting to be held before ISH14</p> <p>Comment: Much has been resolved but parties remain not agreed on the need for determination deadlines. This is unlikely to be resolved during the Examination.</p> <p>For this reason alone this line remains Red</p>	Not agreed
MDS_ML6	The Co-ordinates as detailed in Part 4 of Schedule 20 of the draft DCO	<p>SZC Co: The MMO did not comment on the co-ordinates submitted so assume agreed. DCO Addendum (2021) includes revised coordinates for the MMO to consider.</p>	<p>SZC Co: Coordinates updated as Requested</p> <p>MMO: Currently reviewing coordinates</p>	<p>MMO to propose revisions to wording. Meeting to be held before ISH14</p>	Agreed

NOT PROTECTIVELY MARKED

Ref.	Matter	Position of the parties		Further Action / Comments	Status
		D2	D7		
		MMO: MMO advises that co-ordinates should be stated in WGS84 or as requested by navigational bodies.MO:			

NOT PROTECTIVELY MARKED

Table 2.5 Position of the Parties - SZC Co. and Marine Management Organisation on the Harbours Order and Powers

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_HO1	Incorporation / Application of the: Harbours, Docks and Piers Clauses Act 1847 as defined at Part 6 (46) of the draft DCO ; Pilotage Act 1987 as defined at Part 6 (50) of the draft DCO ; and, Marine and Coastal Access Act 2009 as defined at Part 6 (52) of the draft DCO	<p>SZC Co: Inclusion and application of the Harbours, Docks and Piers Clauses Act 1847 is considered agreed. Inclusion and application of Pilotage Act, and creation of CHA by means of DCO, contested by MMO. SZC to engage further with MMO on this. Inclusion and application of the Marine and Coastal Access Act 2009 is not appropriate and has been removed from the DCO 2021 Addendum version. DCO Addendum (2021) includes a revised version of Section 6 Harbour Powers for the MMO to consider. Further engagement necessary.</p> <p>MMO: Ongoing, further information is required see comments MMO-28 -32 and MMO-437 in detailed SoCG. Clarification is required as to who is intended to be appointed as the harbour authority, and therefore become the body responsible for the harbour. Further information is required regarding the charging of rates and fines. Clarification is required regarding the application of the Marine and Coastal Access Act 2009 (MACAA) within a provision in the harbour order.</p>	<p>SZC Co: Harbour Powers has been updated to reflect MMO advice. DfT consulted by deferred to Maritime And Coastguard Agency (MCA) for SoCG [REP5-102]</p> <p>Detailed comments provided by MMO to SZC Co on 26th August remain applicable.</p> <p>MMO requests further clarity where previous advice has not been followed.</p> <p>MMO: Issues remain. MMO will be providing updated comments on the Harbour Powers at Deadline 7 based on the most recent DCO [REP6-006]</p>	<p>MMO to review SZC Co response to MMO previous comments which should explain why changes have been made/not made.</p> <p>Meeting to be held before ISH14</p>	Not Agreed
MDS_HO2	Harbour authority as defined at Part 6 (48) of the draft DCO	<p>SZC Co: The MMO makes no reference to Article 48 in its Relevant Representations so assume agreed. DCO Addendum (2021) includes a revised version of Section 6 Harbour Powers for the MMO to consider.</p> <p>MMO: Ongoing see detailed SoCG. Clarification is required as to who is intended to be appointed as the harbour</p>	<p>SZC Co: Harbour Powers has been updated to reflect MMO advice.</p> <p>Detailed comments provided by MMO to SZC Co on 26th August remain applicable.</p> <p>MMO requests further clarity where previous advice has not been followed.</p> <p>MMO: Issues remain. MMO will be providing updated comments on the Harbour Powers</p>	<p>MMO to review SZC Co response to MMO previous comments which should explain why changes have been made/not made.</p> <p>Meeting to be held before ISH14</p>	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2 authority, and therefore become the body responsible for the harbour? Currently the “undertaker” appears in the interpretation section at the start of the DCO: “undertaker” means NNB Generation Company (SZC) Limited (company number 09284825) or any person who has the benefit of this Order in accordance with articles 8 (Benefit of Order) and 9 (Consent to transfer benefit of Order). Can it be confirmed if you seek the requisite powers to be conferred as a harbour authority – or is it intended that these be conferred on a designated person or a body corporate? Clarification is required regarding what constitutes the “harbour” over which the newly constituted harbour authority will exercise jurisdiction. – eg clarify the specific works which relate to the construction of a “harbour”. Is the “harbour” to be temporary or permanent? Is it proposed that any temporary structures be dismantled after completion of the project?	D7 at Deadline 7 based on the most recent DCO [REP6-006]		
MDS_HO3	Limits of Harbour as defined at Part 6 (51) and Schedule 19 of the draft DCO	SZC Co: The MMO makes no reference to Article 51 (other than a typo) in its Relevant Representations so assume agreed. DCO Addendum (2021) includes a revised version of Section 6 Harbour Powers for the MMO to consider. MMO: Ongoing see detailed SoCG. The limits of the harbour should be very clear. The instrument should stipulate over which area the newly constituted harbour authority will have jurisdiction to enable the harbour authority to exercise their powers of general direction and byelaws.	SZC Co: Harbour Powers has been updated to reflect MMO advice. Detailed comments provided by MMO to SZC Co on 26 th August remain applicable. MMO requests further clarity where previous advice has not been followed. MMO: Issues remain. MMO will be providing updated comments on the Harbour Powers at Deadline 7 based on the most recent DCO [REP6-006]	MMO to review SZC Co response to MMO previous comments which should explain why changes have been made/not made. Meeting to be held before ISH14	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_HO4	Proposed clauses under Harbour Powers as defined in Part 6 (46) to (75) of the draft DCO	<p>SZC Co: The MMO makes detailed comments on Harbour Powers clauses in its Relevant Representations, including 46, 50, 51, 55, 62, 64, 65, 66, 67, 71 and 75. DCO Addendum (2021) includes a revised version of Section 6 Harbour Powers for the MMO to consider. Further engagement necessary.</p> <p>MMO: Ongoing see detailed SoCG.</p>	<p>SZC Co: Harbour Powers has been updated to reflect MMO advice: Fines/ forfeitures removed</p> <p>Detailed comments provided by MMO to SZC Co on 26th August remain applicable.</p> <p>MMO requests further clarity where previous advice has not been followed. This includes, but not limited to:</p> <p>SoCG D2 comments; Changes to the Explanatory Memorandum; Byelaws; General directions; Powers of entry</p> <p>MMO: Issues remain. MMO will be providing updated comments on the Harbour Powers at Deadline 7 based on the most recent DCO [REP6-006]</p>	<p>MMO to review SZC Co response to MMO previous comments which should explain why changes have been made/not made.</p> <p>Meeting to be held before ISH14</p>	Not Agreed
MDS_HO5	The statement of need as outlined in Regulation 6 – Additonal Information (Part 3) of the draft DCO	<p>SZC Co: The MMO makes no reference to Regulation 6 Additional Information (Part 3) in its Relevant Representations so assume agreed.</p> <p>MMO: See detailed SoCG for further clarifications required regarding the statement of need. Although the decision on the harbour powers sought in the DCO will be a matter for The Planning Inspectorate (PINS), to best support your application, it would be helpful if you could clarify which objects in Section 16 to the Harbours Act 1964 are to be achieved and how these objects meet the ‘tests’</p>	<p>SZC Co: Harbour Powers has been updated to reflect MMO advice.</p> <p>Detailed comments provided by MMO to SZC Co on 26th August remain applicable.</p> <p>MMO requests further clarity where previous advice has not been followed.</p> <p>MMO: Issues remain. MMO will be providing updated comments on the Harbour Powers at Deadline 7 based on the most recent DCO [REP6-006]</p>	<p>MMO to review SZC Co response to MMO previous comments which should explain why changes have been made/not made.</p> <p>Meeting to be held before ISH14</p>	Not Agreed



SIZEWELL C PROJECT – STATEMENT OF COMMON GROUND
MARINE MANAGEMENT ORGANISATION

NOT PROTECTIVELY MARKED

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		or requirements in S16(5) of the HA 1964.			

NOT PROTECTIVELY MARKED

Table 2.6 Position of the Parties - SZC Co. and Marine Management Organisation on the draft Development Consent Order

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
MDS_DCO1	The General Provisions as defined in Part 1 of the DCO	<p>SZC Co: The MMO requested further definitions in Article 1. DCO Addendum (2021) includes a revised draft DCO for the MMO to consider, however, the specific changes requested have not yet been made. Further discussion required.</p> <p>MMO: Ongoing see comments MMO-09 and 10 in detailed SoCG . Further discussions required around the definitions of 'commence' and 'offshore'.</p>	<p>SZC Co: DCO wording updated.</p> <p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>		Not Agreed
MDS_DCO2	Principal Powers as defined in Part 2 of the DCO	<p>SZC Co: The MMO requested further information be added in Article 2. DCO Addendum (2021) includes a revised draft DCO for the MMO to consider, however, the specific changes requested have not yet been made. Further discussion required.</p> <p>MMO: Ongoing. There should be maximum limits on horizontal and vertical deviations and this should be stated on the DCO. This can be the "worst-case" scenario deviations. See MMO-11 in detailed SoCG.</p>	<p>SZC Co: Article 86 removed from DCO Jurisdiction for activities between MHWS and MLW agreed between ESC, MMO and SZC Co (noting SC position regarding wording of Requirements)</p> <p>Outstanding MMO requires clarity on amendments to Harbour Powers (see Table 2.5)</p> <p>MMO: Issues remain. Article 86 is still in the DCO [REP6-006]. Jurisdiction is still being discussed. MMO is preparing a response on this matter for the Applicant and East Suffolk Council. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>		Not Agreed
MDS_DCO3	The numbered works as defined in Schedule 1 (Authorised Development) - Part 1, inasmuch as they relate to licensed activities included in the Marine Licence	<p>SZC Co: The MMO made comments on Schedule 1 Part 1 (and Part 2). DCO Addendum (2021) includes a revised draft DCO for the MMO to consider, however, the specific changes requested have not yet been made. Further discussion required.</p> <p>MMO: Normally the DCO in Schedule 1 would describe the works packages in detail and then the DML would repeat what those</p>	<p>MMO: Issues remain. MMO and Applicant currently revising the DML wording together [REP6-006] to seek agreement.</p>		Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		descriptions are in this section for the marine licensable works. However, the descriptions in schedule 1 are quite vague. MMO need to be sure that the descriptions in the DML, in this expanded format, don't go beyond what is to be authorised under the main order. Can you break this down to the MMO so we can be clear that the descriptions in the DML are in line with the works packages authorised by the main order.			
MDS_DCO4	Schedule 2 (Requirements) insofar as they relate to licensed activities included in the Marine Licence	<p>SZC Co: The MMO stated key mitigation documents should be included in the DCO requirements. The DCO Addendum (2021) includes a revised draft DCO for the MMO to consider.</p> <p>MMO: Ongoing discussions required regarding the key mitigation documents to be captured within Schedule 2.</p>	<p>SZC Co: Requirements 7A relates to licensed activities included in the Marine Licence – CPMMP. Discussions ongoing relating to precise wording</p>		Not Agreed
MDS_DCO5	Schedule 4 (Works Plans) insofar as they relate to licensed activities included in the Marine Licence	<p>SZC Co: The MMO makes no comment on Schedule 4 in its relevant representations. Assume agreed. The DCO Addendum (2021) includes a revised draft DCO for the MMO to consider. In light of additional BLF and changes to the sea defence MMO position may change.</p> <p>MMO: MMO has no comments to make on the Works Plans at present. The MMO reserves the right to make comments in the future should any issues arise.</p>	<p>SZC Co: As at D2</p> <p>MMO: No comments</p>		Agreed
MDS_DCO6	Schedule 20A (Appeals procedure in relation to deemed marine licence)	<p>SZC Co: SZC Co feels determination deadlines are essential for a large infrastructure project like Sizewell C where delays can add significant costs (£millions) to the project. Judicial Review requires very well defined criteria to be met and SZC Co feels that JR would not be the suitable route for appeal. Similarly, SZC Co feels that an independent route of appeal should be available and that the MMO internal complaints system is not</p>	No further progress. Both parties retain their position from D2	None	Not Agreed

Ref.	Matter	Position of the parties		Further Action	Status
		D2	D7		
		<p>suitable for a large infrastructure project such as Sizewell C.</p> <p>MMO: MMO strongly disagree with the Appeals Procedure described in Schedule 20A and require it to be removed from the DCO. Appeals are already available to the Applicant in the form of an escalated internal procedure and judicial review (JR), and therefore including any additional appeal mechanism for the MMO in the order is unnecessary. The Marine Licensing (Licence Application Appeals) Regulations 2011 apply a statutory appeal process to the decisions the MMO takes regarding whether to grant or refuse a licence or conditions which are to be applied to the licence. However, they do not include an appeal process to any decisions the MMO is required to give in response to an application to discharge any conditions of a marine licence issued directly by us. Therefore, if the DCO were to be granted with the proposed appeal process included, this would not be an appeal procedure broadly consistent with the existing statutory processes. This amendment would be introducing and making available to this specific Applicant a new and enhanced appeal process which is not available to other marine licence holders, which would create an unlevel playing field across the regulated community. The scale and complexity of Nationally Significant Infrastructure Projects creates no exception in this regard. See our detailed SoCG for further information.</p>			

APPENDIX A: ENGAGEMENT ON THE SOCG

A.1. Appendix Level 1

- A.1.1. The preparation of this SoCG has been informed by a programme of discussions between SZC Co. and the Marine Management Organisation following submission of the DCO application. The relevant meetings are summarised in **Table 2.2** and **Table 2.3**.

Table A.1 SOCG meetings held between SZC Co. and Marine Management Organisation

Date	Details of the Meeting
15 June 2020	Regular DCO Progress and SoCG Meetings
19 August 2020	
02 September 2020	
16 September 2020	
30 September 2020	
14 October 2020	
28 October 2020	
11 November 2020	
25 November 2020	
09 December 2020	
11 January 2021	
20 January 2021	
03 February 2021	
17 February 2021	
03 March 2021	
17 March 2021	
31 March 2021	
19 April 2021	
28 April 2021	
12 May 2021	
26 May 2021	
09 June 2021	
23 June 2021	
07 July 2021	

Date	Details of the Meeting
21 July 2021 04 August 2021 264 August 2021	
26 October 2020	SZC DCO Change Submission – BLF Options
30 November	Joint Defra SoCG Meeting

Table A.2 Technical meetings held between SCZ Co. and Marine Management Organisation

Date	Attendees	Details of the Meeting
23 September 2020	SZC Co Environment Agency ESC Natural England RSPB	Marine Technical Forum – Coastal Processes To discuss the Coastal Processes Monitoring and Mitigation Plan (CPMMP)
23 September 2020	SZC Co Environment Agency Natural England EIFCA	Marine Technical Forum – Marine Ecology To discuss fish assessments
14 October	MMO	Meeting to discuss MMO Section 56 Response on Marine Ecology
19 October 2020	MMO	Meeting to discuss MMO Section 56 Response on Coastal Processes
19 October 2020	MMO	Meeting to discuss MMO Section 56 Response on Marine Water Quality and Sediments

Date	Attendees	Details of the Meeting
01 March 2021	SZC Co Environment Agency ESC RSPB	Marine Technical Forum – Coastal Geomorphology Discussion of the modelling for the enhanced BLF and temporary BLF