

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
<b>G.2 General and Cross-topic Questions</b>		
G.2.0	The Applicant	<p><b>Policy and Need</b></p> <p>Both in responding to ExQ1s and in evidence at the ISH the Applicant has reaffirmed their view that Government Policy emphasises the urgency of the need for delivery of the project by 2035. The application documentation and the information within the ES sets out a 9-12 year build programme, although the latest Implementation Plan [REP2-044] advises Unit 1 would be operational by the end of 2033, and Unit 2 by mid-2034, with an assumed start date of pre commencement works of quarter 2 (Q2)- 2022. It is understood these dates are based on assumptions that the SoS would make a positive decision on the DCO by end of Q1 2022 and a positive FID by Q3 of the same year. If the Applicant is correct that 2035 is the critical date by which the project must be up and running to meet Government objectives, please answer the following.</p> <ul style="list-style-type: none"> <li>i) What part of 2035 is the critical date 1 January 2035 or 31 December 2035?</li> <li>ii) Does Government Policy specify anywhere a precise date?</li> <li>iii) If Government Policy is not this precise, would this not allow mitigation in terms of the SSSI crossing three span bridge option, SLR, TVB, to go ahead earlier in the programme and for the project to still meet what you have identified as the critical date?</li> </ul>
	SZC Co. Response at Deadline 7	<p>In response to (i) and (ii), the Government's <i>2017 Written Ministerial Statement</i> and the <i>Response to consultation on the siting criteria and process for a new National Policy Statement</i> in July 2018 identify a new 'capable of deployment by date' of 'the end of 2035'. The purpose of setting this date through the siting criteria for the new nuclear NPS was to "<i>focus on those sites that can help meet the need for nuclear as soon as possible</i>".</p> <p>The 2018 Government Response to Consultation explained in paragraphs 2.129 and 2.130 that because of its view of the important role that nuclear has to play as the UK moves to a low-carbon economy its focus is "on those sites which could potentially deploy the soonest and <b>having a 'capable of deployment by' date of 2035 helps focus on those sites that will meet the need for nuclear as soon as possible</b>" (emphasis added) (paragraph 2.129, and see also Annex II paragraph II.1). It goes on to explain the Government's preliminary view that the sites listed in EN-6 "are likely to be those</p>

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		<p>which can deploy the soonest <b>and</b> are the only sites capable of deploying a nuclear power station by 2035" (emphasis added).</p> <p>The date has not therefore been identified as a target for meeting government objectives. 'As soon as possible' is a more informed understanding of the urgency of the need.</p> <p>That approach is consistent with extant government policy, namely that it is important that new nuclear power stations are constructed and start generating "<i>as soon as possible and significantly earlier than 2025</i>" (EN-1 para. 3.5.9) because delay increases the risk of the UK being locked into a high carbon energy mix for longer (EN-6 paragraph 2.2.3).</p> <p>As SZC Co. stated at paragraph 16 of Appendix A to the Written Submissions arising from ISH5 [REP5-117], "<i>the sites listed in EN-6 as potentially suitable for new nuclear power stations are sites which the Government considered to be capable of deployment by the end of 2025. It is apparent, however, that the failure to deploy by 2025 does not negate policy support, it increases it. The delays in deploying the new nuclear power stations that are needed have added to the urgency with which deployment should now take place</i>" and paragraph 17 "<i>NPS EN-6 is clear that deployment should take place "as soon as possible" and sets out the Government's belief that new nuclear power stations need to be developed significantly earlier than the end of 2025 (paragraph 2.2.2) with increased weight being given to any proposals than can deploy sooner (paragraph 2.2.4). In other words, the urgency is absolute and not conditional on a particular date being met</i>".</p> <p>As SZC Co. stated at paragraph 21 of Appendix A to the Written Submissions arising from ISH5 [REP5-117], "<i>the stated intention to identify 2035 as a 'cut-off' date for the applicability of the new National Policy Statement necessarily reflects the importance that the Government attaches to the public interest benefits of deployment of new nuclear power stations by at least that date, and the development of those sites which can deploy the soonest</i>".</p> <p>As with the 2025 date, therefore, it would not be right to regard 'the end of 2035' as representing either a target, or a date for deployment after which the project would no longer meet Government's objectives or benefit from Government policy support. The target for delivery is as soon as possible. Delay to delivery runs contrary to that objective.</p> <p>In response to (iii), therefore, there is no rationale for enforcing changes to the programme that would delay delivery even if that meant that delivery could still be achieved before the end of 2035. Such an approach would be consistent with the</p>

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		<p>Government's policy approach to the urgent need for the delivery of new nuclear generating capacity. As policy explains, the appropriate response to urgency is to meet the need as soon as possible.</p> <p>It is notable that neither ESC nor SCC consider it appropriate or proportionate to defer the main site construction for this or other reasons.</p>
G.2.1	The Applicant	<p><b>Policy and Need</b></p> <p>The Applicant has placed much reliance upon its interpretation of the urgency of the need. In the event that either the SoS Decision, or the subsequent FID be delayed to the extent that the project could not achieve the 2035 operational date would that not consequently place the development in conflict with that aspect of national policy?</p>
	SZC Co. Response at Deadline 7	<p>SZC Co.'s response to <b>Question G.2.0</b> provides the context to this issue. The purpose of the 2035 date, in defining siting criteria for a new nuclear NPS, was to ensure the focus was on sites that can contribute to the need for nuclear power generation as soon as possible.</p> <p>As the question acknowledges, a decision on FID would be "<i>subsequent</i>", i.e. it would only be taken after the decision on the DCO has been made by the Secretary of State. Thus any change to the date of FID post-dating the Secretary of State's decision under the Planning Act 2008 could not as a matter of principle affect the judgment that needs to be made at that time by the Secretary of State as to whether the proposed development accords with policy or not.</p> <p>It is not for this examination to second guess what the Secretary of State may do on receipt of the ExA's recommendation; that is a matter for the Secretary of State. There is (unsurprisingly) no evidence that the Secretary of State anticipates a delay to his decision beyond the date when it would otherwise fall due following receipt of the ExAR. If that were to happen, the implications would be a matter for the Secretary of State to consider having regard to the extent and significance of the delay, the reasons for it, and the wider circumstances as they exist at that time. The wider circumstances would include, for</p>

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		<p>example, the then current state of the review of the NPS (having regard to what is said in the Energy White Paper about the timing of this review, namely that the aim is to designate updated NPS "by the end of 2021"). In those circumstances, the Applicant considers that speculation about the potential policy implications of future delay by the Secretary of State is very unlikely to be of utility for the purposes of decision-making.</p>
G.2.2	The Applicant	<p><b>Policy and Need</b></p> <p>The Planning Statement Update [REP2-043] makes reference to developments in national policy since the submission of the application which have led to the up-to-date policy statement in the Energy White Paper – Powering our Net Zero Future (December 2020). It draws attention, at paragraph 2.1.33, to page 48 of the White Paper which sets out the aim to: "... bring at least one further large-scale nuclear project to the point of FID by the end of this Parliament, subject to clear value for money for both consumers and taxpayers and all relevant approvals". It explains that: "...the Government remains open to further projects, if the industry is able to reduce costs and demonstrate timely delivery." Given those caveats, what reliance should be placed at this stage upon the capability of the Sizewell C Project to contribute towards the Net Zero target?</p>
	SZC Co. Response at Deadline 7	<p>The Sizewell C project is the most advanced large new nuclear project in the UK and, therefore, the best placed to meet the Government's objective to bring a project to the point of FID this parliament. Assuming a five-year parliamentary cycle, Sizewell C will be able to take FID well within this timeframe.</p> <p>SZC Co. is confident that Sizewell C can also deliver a strong value for money case. The benefits of being a follow-on project to HPC provides significant benefits for construction cost and risk (providing cost savings and reducing cost and delivery risk). Furthermore, discussions regarding a new funding model (the RAB model) continue to progress with HMG and that model can enable a large reduction in the cost of financing Sizewell C, the benefits of which will flow to electricity consumers, providing value for money.</p>

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		<p>Beyond the outturn cost of power and reductions in construction risk, there are additional important factors which could contribute to the demonstration of consumer and taxpayer value for money – these include:</p> <ul style="list-style-type: none"><li>- Additional technology diversity in the future energy system</li><li>- UK nuclear supply chain benefits: SZC can preserve and enhance specialist skills and capacity in the UK nuclear supply chain which could benefit subsequent new nuclear projects</li><li>- Social and economic impacts: Stimulate substantial economic activity (including skills development and training) across the UK</li></ul> <p>The Secretary of State will determine whether Sizewell C represents value for money pursuant to a separate decision-making process. Value for money has not been set as a criterion for development control decision-making which this examination should consider and which the Secretary of State will need to determine for the purposes of deciding this application for development consent. That reflects the long-established market-based system, and the fact that development control decision-making is only one of a number of vehicles that helps to deliver Government energy and climate change policy (see e.g. NPS EN-1 paragraphs 2.2.4 and 3.3.24, and the Energy White Paper at pages 42-43). In any event, the Government’s public commitment to negotiations with SZC Co. on that basis demonstrates an expectation that value for money and other criteria can be satisfied. However, it is for the Secretary of State to make that judgement pursuant to that separate process.</p>
G.2.3	The Applicant	<p><b>Policy and Need</b></p> <p>The Energy White Paper, page 49, makes reference to the Regulated Asset Base (RAB) model for private investment in new nuclear and states that it will continue to explore a range of financing options with developers, including RAB.</p> <p>(i) Does that model now represent the most likely option for raising the funding required for the Sizewell C Project?</p>

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		(ii) If so, does that prospect, and any legislation required to be put in place to support that model, have any implications for the timing of the commencement of development and for any associated compulsory acquisition to take place?
	SZC Co. Response at Deadline 7	<p>The RAB model is currently considered to provide the most likely option for funding the project.</p> <p>SZC Co. is working closely with HMG to ensure that the RAB model (and any legislation required) will be established in a timeframe which is consistent with the project's intended construction schedule. Based on that joint working, SZC Co. is confident that this will be achieved, and therefore the prospect of the RAB model being used is not considered likely to affect the current anticipated timing of the commencement of development and associated compulsory acquisition.</p>
G.2.4	The Applicant	<p><b>Policy and Need</b></p> <p>The Planning Statement, paragraph 2.1.37, notes the support given by the Energy White Paper to advance nuclear innovation alongside support for large-scale nuclear projects. It is a key commitment to provide up to £385 million in an Advanced Nuclear Fund for the next generation of nuclear technology aiming by the early 2030s to develop a SMR design and to build an AMR demonstrator. Does the support and encouragement given to such technology, and the progress made in that respect, in any way diminish the need for large-scale nuclear projects and/or have any implications for the timing of such projects?</p>
	SZC Co. Response at Deadline 7	<p>Whilst SZC Co. recognises that some interested parties have suggested this is the case, their submissions to this effect can only properly be regarded as a challenge to clear up to date government policy set out in the Energy White Paper. It is the White Paper that commits to the Advanced Nuclear Fund, but it is the same White Paper (in the full knowledge of that commitment) which confirms the need for large scale new nuclear generation, and commits to an aim to bring at least one large scale nuclear project to FID by the end of the parliament. Questioning whether one part of the policy should be treated as casting doubt on the merits of another part is a quintessential example of an inappropriate and impermissible attempt to challenge the merits of that policy.</p>

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		<p>For information, SZC Co.'s view is that AMRs and SMRs are less mature than large nuclear projects. As a technology class, there are none that have yet started construction worldwide.</p> <p>In the UK, there are a number of important steps that are likely to have to be completed before construction of an SMR can begin, including:</p> <ul style="list-style-type: none"><li>- None have yet started the UK nuclear regulatory Generic Design Approval process to gain approval for use in the UK. This needs to be completed before construction begins and it has historically taken 4-5 years;</li><li>- No potential SMR / AMR projects own a nuclear site yet</li><li>- No SMR / AMR projects have yet started the DCO process (including the community engagement and consultation process prior to DCO submission)</li><li>- The supply chain to develop the projects would have to be procured</li></ul> <p>The level of maturity of the SMR/AMR pipeline means there is inevitable uncertainty about what impact they will have if and when they reach commercial deployment, or to be precise about when commercial deployment could be achieved.</p> <p>There are hundreds of operating large nuclear projects. Having a proven and established technology provides a high level of confidence that new nuclear capacity could be delivered to contribute to net zero with a well developed evidence base to inform the estimated timing and cost of these potential projects. The Energy White Paper endorses nuclear power as a "reliable source of low-carbon energy" (page 12).</p> <p>Large and small nuclear are not mutually exclusive, in fact large nuclear projects are an important enabler for small nuclear. To build small and advanced nuclear projects in the future, a vibrant UK nuclear supply chain with the required specialist skills will be needed. Progressing large nuclear projects now will support that need by preserving and enhancing the UK nuclear supply chain in the period until small and advanced nuclear are ready to begin construction. If large nuclear projects are not pursued now, the UK nuclear supply chain will have no projects to work on after Hinkley Point C completes (and capacity will reduce and skills will decay, making it more difficult for small and advanced nuclear technologies when they are ready to begin construction.</p> <p>However, it is the Government's position which is determinative.</p>

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G.2.5	The Applicant	<b>Policy and Need</b> The Planning Statement Update [REP2-043], paragraph 3.1.9, draws attention to paragraphs 66-67 of the Drax Court of Appeal judgment which addresses the approach to the weight to be given to the contribution a particular project makes to meeting need (NPS EN-1, paragraph 3.2.3). Paragraph 66 of the Drax judgment states: <i>"First, while the starting point is that "substantial weight" is to be given to "considerations of need", the weight due to those considerations in a particular case is not immutably fixed. It should be "proportionate to the anticipated extent of [the] project's actual contribution to satisfying the need" for the relevant "type of infrastructure"</i> ". Please identify all matters considered to be relevant to an assessment of what weight would be <i>"proportionate"</i> to the <i>"anticipated extent"</i> of the Sizewell C Project's <i>"actual contribution"</i> to satisfying the need for this type of infrastructure?
	SZC Co. Response at Deadline 7	<b>(i) The need for this type of infrastructure</b> Government policy as to the urgent need for large scale new nuclear plant is very clear and has been consistently maintained. The urgent need for new nuclear power generation is addressed at Section 7.2 of the Planning Statement [APP-590]. This is supplemented by the analysis in Section 2 and Appendix A to the Planning Statement Update [REP2-043]. In addition, this question is anticipated and directly addressed in Appendix A to the Written Submissions arising from ISH5 [REP5-117], and now in the summary of oral representations at ISH9. The analysis in these documents is not repeated here but should be read as a whole to understand the matters relied upon by SZC Co. as being relevant to an understanding of the need for this type of infrastructure, the urgency of that need, and to establishing the actual contribution that Sizewell C would make to meeting that need. This response highlights key elements of that analysis to assist the ExA. NPS EN-1 and EN-6 establish the urgent need for new electricity generation, including new nuclear power stations, and that it is Government policy that new nuclear power should be able to contribute as <i>'much as possible'</i> to the UK's need for new low carbon electricity generation (see Planning Statement section 3.5). NPS EN-1 also provides that it is important that new nuclear power stations are constructed and start generating as soon as possible (paragraph 3.5.9) because new nuclear <i>"will play a vital role in de-carbonisation of the electricity system"</i> (paragraph 3.5.10).

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		<p>The Government's 2017 Ministerial Statement confirmed the relevance and importance of the need for new nuclear power set out in EN-1 and EN-6, that new nuclear power remains key to meeting the UK's 2050 obligations, and that it is important that there is a strong pipeline of new nuclear power to contribute to the UK's future energy needs (Planning Statement sections 3.3 and 3.6, Planning Statement Update paragraph 4.1.7 and Appendix A to the Written Submissions arising from ISH5 from paragraph 22).</p> <p>The Energy White Paper explains that the need for the energy infrastructure set out in the Energy NPS remains, except in the case of coal fired generation, and that the current suite of Energy NPS remain relevant government policy and continue to provide a proper basis on which the Planning Inspectorate can examine, and the Secretary of State can make decisions on applications for development consent (page 55).</p> <p>The more recent analysis which has led to and informed the Energy White Paper confirms and underlines the scale and urgency of the need for new nuclear generating capacity (Planning Statement Update Section 2 and Appendix A).</p> <p>The Energy White Paper confirms that additional nuclear power beyond Hinkley Point C will be needed in a low-cost 2050 energy system of very low emissions, and that the Government aims to bring at least one large scale nuclear project to the point of Final Investment Decision by the end of this Parliament, subject to clear value for money and all relevant approvals (p. 48).</p> <p>The Energy NPS deliberately do not set a policy target or limit for the need for new nuclear generating capacity (and the Energy White Paper makes clear that nothing within it should be construed as setting a limit on the number of DCOs which may be granted for the types of generating infrastructure set out in the Energy NPS (page 55)).</p> <p>Whilst there is no obligation to undertake a quantitative assessment of need when assessing the contribution that an individual project would make, the analysis in Appendix A to the Planning Statement Update reports on the quantitative analyses undertaken for BEIS and by the CCC to inform the ExA's and Secretary of State's consideration of this issue.</p> <p>Appendix A demonstrates that under either the BEIS net zero high or low demand scenarios nuclear generation would only start to rise above 2020 levels by 2035 (taking into account existing plants closing and being replaced by new nuclear generation). This would involve around 8GW of nuclear capacity by 2035. Current installed generating capacity is</p>

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		<p>approximately 9.4GW but all existing nuclear power stations other than Sizewell B are due to have stopped generating by the end of 2030 (see Table A1 on page 31 of Appendix A). Sizewell B is currently scheduled to stop generating by 2035 (potentially subject to proposals to extend operation by 20 years to 2055 – see <b>Question G.2.10</b>) but capacity of Sizewell B (around 1.2GW) would be included within the total projected generating capacity at 2035 and does not affect the projected new build capacity required under these scenarios. This level of capacity cannot be achieved without at least an additional large scale new nuclear power station in addition to Hinkley Point C (see below in response to part (ii)).</p> <p>By 2050 the two net zero scenarios require 10-20GW more nuclear than the reference scenario (i.e. projections in the 2019 BEIS energy and emissions projections that are not consistent with net zero targets or the necessary increase in future electricity generation) rising to a total generation capacity of between 20-30GW. That represents a new build requirement over the next 30 years roughly two to four times greater than the UK's entire current nuclear generating capacity. Even under the lower scenario, that would be substantially more generating capacity than has ever historically been delivered in the UK. These scenarios are not Government targets or policy, but they do illustrate the scale of new 'firm' low carbon (including nuclear) generation sources that will be needed to achieve Net Zero by 2050. This is directly reflected in the Energy White Paper which:</p> <ul style="list-style-type: none"><li>- at Figure 3.2 shows that under either the lower or higher scenarios the electricity demand (575TWh and 672TWh respectively) would be around double current demand;</li><li>- confirms (at page 42) the Government's understanding that there is a requirement for a four fold increase in clean, low carbon energy to enable the net zero target to be met; and</li><li>- at Figure 3.4 provides two illustrative scenarios which would meet demand whilst reducing emissions at low cost. These two illustrative mixes show a total generation from nuclear which would double or triple current nuclear generation.</li></ul> <p><b>(ii) The Sizewell C project's contribution to satisfying that need</b></p> <p>Sizewell C's contribution to satisfying the established urgent need is addressed in section 7.2 of the Planning Statement, paragraphs 4.1.15 to 4.1.17 of the Planning Statement</p>

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		<p>Update, section e) of Appendix A to the Planning Statement Update, and the note on New Nuclear: Need and Urgency at Appendix A to document [<a href="#">REP5-117</a>].</p> <p>The proposed Sizewell C nuclear power station would comprise two UK EPR™ units, with an expected net electrical output of approximately 1,670 megawatts per unit, giving a total site capacity of approximately 3,340MW. It would be capable of generating enough low carbon electricity to supply approximately six million (or 20%) of homes in the UK each year.</p> <p>As summarised above, the vast majority of the UK's existing nuclear power generating capacity is due to close by 2030, with Sizewell B currently scheduled to close in 2035 (subject to the potential for further extension, although a decision is yet to be taken – see the response to <b>Question G.2.10</b>). The only additional capacity currently consented is Hinkley Point C, which will deliver 3,260MW by 2026.</p> <p>The combination of Hinkley Point C and Sizewell C would deliver around 6.6GW of capacity. Additional capacity would be required by 2035 to achieve the 8GW of capacity relied upon in the BEIS modelling – and three or four times more than that combined capacity would be required to deliver the potential scale of capacity identified in the BEIS 2050 projections of 20-30GW.</p> <p>There are no current applications for development consent for any of the sites identified in NPS EN-6, apart from Sizewell C. That is of considerable importance when judging what weight ought to be attached to the contribution that Sizewell C would make to meeting the established urgent need for large scale new nuclear generating capacity. Indeed, if consent is not granted for Sizewell C the scale of new electricity generation (and specifically 'firm' low carbon generation, including nuclear) required by 2035 to achieve net zero targets is very unlikely to be met.</p> <p>The Sizewell C project represents the only realistic option to meet the Government's aim in the Energy White Paper for at least one large scale new nuclear power station reaching FID by the end of 2024.</p> <p>In making a judgment about the weight that should attach to the Sizewell C project's significant contribution to meeting the Government's net zero target it is, of course, necessary to have regard to the scale of its contribution and to the underlying issue which those targets are intended to address – namely the urgent problem of reducing global emissions to tackle climate change. This is one of the most significant and urgent</p>

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G.2.6	The Applicant	<p><b>Policy and Need</b></p> <p>The Planning Statement Update [REP2-043], paragraph 4.1.3, comments that the subsequent judgments in the Drax case have implications for the approach set out in sections 3.6 and 3.8 of the Planning Statement [APP-590] in relation to whether there has been any “<i>change in circumstances</i>” since the designation of the NPS. It states that the Drax judgments clarified that any material change in circumstances relating to matters affecting the weight to be attached to the NPS, or the need case which it sets out, are matters not for this Examination but for a review of this NPS pursuant to section 6 of the PA 2008. However, the original Planning Statement was considering the phrase “<i>relevant change in circumstances</i>”, as utilised in the 2017 Ministerial Statement in relation to the question of whether, “... <i>it is likely that significant weight would be given to the policy in EN-1 and EN-6</i>”. That is in the context of EN-1 and EN-6 not having been suspended or revoked and appears to be directed to the manner in which the Secretary of State should approach any decision under section 105 PA 2008 without a review of the NPSs having taken place. Does that represent a different context compared to the assessment made by the Drax ExA in relation to the merits of policy in a section 104 case where the NPS was in effect and has that any bearing on the relevance of the clarification provided by the Drax judgement to the particular situation in this case?</p>
	SZC Co. Response at Deadline 7	<p>The Drax judgments have helpfully clarified that any material change in circumstances relating to matters affecting the weight to be attached to the NPS, or the need case which it sets out, are matters not for this examination but for a review of the NPS pursuant to sections 6, 87(3), 94(8) and 106(1) of the PA 2008. This is addressed in detail in <b>SZC Co.’s response to Examining Authority’s First Written Questions (ExQ1) ExQ1</b></p>

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		<p><b>Question G.1.5</b> <a href="#">[REP2-100]</a> Part 1 Chapter 2 at pages 5 to 7, and in the summary of oral submissions at ISH9.</p> <p>Whilst the underlying decision in the Drax case concerned an application that fell to be determined under section 104 of the PA 2008, the principle that it establishes applies equally to decision-making under section 105 (see Planning Statement Update paragraph 4.1.14). This is because the reasoning is based on the application of sections 6, 87(3), 94(8) and 106(1) of the PA 2008 and the implications of the exclusive procedure for reviewing the merits of policy under section 6 of the PA 2008. Those provisions are not limited in their scope to decision-making under section 104; they are of general application and represent an essential and central feature of the overall statutory framework. That is reflected in what Holgate J said at paragraph 38 of his Judgment in the Drax case:</p> <p><i>"Thus the 2008 Act proceeds on the legal principle that significant changes in circumstances affecting the basis for, or content of, a policy may only be taken into account through the statutory process of review under s.6"</i></p> <p>See the Applicant's response to <b>ExQ1 Question G.1.5</b> at pages 5 to 7 for more detail.</p> <p>The NPS remain Government policy unless and until withdrawn and revoked, and for the reasons set out in the Drax judgments the merits of that policy are not matters for the decision-making process on individual DCO applications. Parliament clearly did not intend to create a situation in which the merits of policy in an extant NPS (including whether the policy remains up to date in light of changing circumstances) could be questioned in some examinations but not others. A system in which that approach could be taken would be likely to lead to inconsistent decision-making and absurd results.</p> <p>The identification of a need for a particular type of development in an extant NPS does not disappear (or change in any material way) simply because an individual application is being considered pursuant to section 105 rather than section 104. The existence of the need is settled by extant Government policy, and the statutory provisions identified above and considered in response to <b>ExQ1 G.1.5</b> make clear that the Secretary of State may disregard representations which go to the merits of policy set out in a NPS.</p> <p>As the Planning Statement Update notes at paragraph 3.1.26, the Examining Authority in the Wylfa case appears to have taken a similar approach to the Court in the Drax case, recognising that it was not the role of an individual examination to decide whether the NPSs are up to date having regard to subsequent changes of circumstance. As the Examining</p>

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		<p>Authority's Report said: <i>"It is not the ExA's role to make policy, its role is to make recommendations within the context of existing policy"</i> (EXR paragraph 5.5.9).</p> <p>Hence the Planning Statement Update is right to conclude that the judgments in the Drax case have implications for the approach set out in sections 3.6 and 3.8 of the Planning Statement [<a href="#">APP-590</a>], which address whether there has been any "change in circumstances" since the designation of the NPS of relevance to this application.</p>
<p>G.2.7 Appendix A, paragraph A.1.20, refers to the Modelling 2050</p>	<p>The Applicant</p>	<p><b>Policy and Need</b></p> <p>The CCC 6<sup>th</sup> Carbon Budget (December 2020) recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. Thus, bringing forward the UK's previous target by nearly 15 years. The Carbon Budget Order 2021 secures the carbon budget for 2033-2037 (the Sixth Carbon Budget). If the ExA should reach the conclusion that the Sizewell C Project is unlikely to be operational by 2035, for example because additional controls on implementation and/or mitigation that would delay the scheme are justified, does that consequently reduce the urgency of the need case and have any implications for the weight to be afforded to it?</p>
	<p>SZC Co. Response at Deadline 7</p>	<p>SZC Co.'s responses to <b>Questions G.2.0</b> and <b>G.2.1</b> provides the context to this issue. The imposition of controls that would have the effect of delaying delivery would not – and could not - diminish the urgency with which the project is needed. The urgency of the need for the infrastructure is a freestanding matter, and something that is plainly relevant when considering additional controls on implementation that might delay delivery.</p> <p>A delay to the delivery of the Sizewell C project would not – and could not – remove or dilute the need for it or reduce its urgency. It would simply mean that its substantial benefits would be deferred and that meeting the urgent need takes longer, with clear and substantial adverse consequences for the vitally important public interest objectives which underlie the Government's identification of urgency.</p> <p>Any delay would make meeting net zero targets more difficult and defer meeting up to date government policy objectives. The perceived benefits of any delay should be considered in the context of the urgency expressed in Government policy.</p>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
G.2.8	The Applicant	<p><b>Policy and Need</b></p> <p>The Planning Statement Update [REP2-043], Appendix A, paragraph A.1.6, states that the Government specifically confirmed in a press release published alongside the Energy White Paper that negotiations were being progressed with EDF in relation to the Sizewell C Project. Please indicate whether those negotiations are still ongoing and being progressed, and that the Applicant remains unaware of any similar discussions taking place in relation to any other large-scale new nuclear proposal at this time?</p>
	SZC Co. Response at Deadline 7	<p>Constructive discussions between SZC Co. and HMG are ongoing and progressing well. This includes discussions with respect to a potential HMG equity stake in SZC Co.</p> <p>SZC Co. does not have visibility on discussions between Government and other large projects, and considers that a public announcement of discussions between Government and other projects would likely be a decision for the Government and/or the other project.</p> <p>SZC Co. is aware that there is only one other large nuclear project in pre-construction development, CGN's Bradwell Plant which is currently undertaking the Generic Design Assessment (GDA) process which must be completed for a power station to be constructed and operated in the UK.</p>
G.2.9	The Applicant	<p><b>Policy and Need</b></p> <p>The Planning Statement Update [REP2-043], Appendix A, paragraph A.1.20, refers to the Modelling 2050 – electricity system analysis (BEIS December 2020) and identifies key conclusions on system costs and decarbonisation trends. This concludes that moderate levels of low-carbon hydrogen could replace unabated gas-fired generation and reduce the requirement for new nuclear and gas CCUS in low carbon systems. Furthermore, it is technically possible for higher levels of hydrogen-fired generation to also replace nuclear and gas CCUS, but this is dependent on the quantity and cost of hydrogen available for generating electricity. It is noted that there remain uncertainties over the timing of this technology. However, given these findings, has hydrogen-fired generation the potential to reduce or eliminate the need for new nuclear to ensure security of supply and, if so, what implications does that have for the 'need' case generally and, in particular, for the timing of the project?</p>
	SZC Co. Response at Deadline 7	<p>SZC Co. believes that this question raises similar issues to <b>Question G.2.4</b> because the issue that it raises is whether the Government's modelling ought to have led it to</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>conclusions other than those it has reached and articulated clearly in the Energy White Paper as to the urgent need for large-scale new nuclear generating capacity. In short, it involves a challenge to the merits of government policy.</p> <p>The Energy White Paper contains 129 references to hydrogen and explains the Government's commitment to funding research into hydrogen technologies and supporting the development of energy from hydrogen as part of its Energy Innovative Programme – but, in the full knowledge of its potential contribution, sets out clear policy support for large scale new nuclear. The recently published Hydrogen Strategy is consistent with the Government's Ten Point Plan and with the Energy White Paper (page 17) in its aim to secure 5GW of hydrogen capacity by 2030.</p> <p>For information, SZC Co.'s view is that hydrogen is likely to be an important future contributor to the UK's net zero trajectory. New nuclear can play a supportive role in this future development by providing low carbon electricity and possibly low carbon heat for the production of hydrogen. This role is directly recognised in the Hydrogen Strategy (at page 10).</p> <p>However, there are a number of uncertainties about hydrogen as a future power generation technology including timing, cost and the scale it could be delivered at. Given these uncertainties it is impossible to know with confidence what implications the possible future development of hydrogen has for the future energy system (including nuclear and other power generation technologies).</p> <p>More generally, uncertainties about future technology development and the evolution of the energy system means that new nuclear has a substantial diversity benefit for the system, increasing certainty that net zero can be achieved.</p> <p>SZC Co. therefore does not consider that the potential for hydrogen power to develop diminishes the 'need' case for nuclear or the optimal timing of the project.</p> <p>However, it is the Government's view as expressed in policy which is determinative.</p>
G.2.10	The Applicant	<p><b>Policy and Need</b></p> <p>The Planning Statement Update [REP2-043], Appendix A, paragraph A.1.29, states that Sizewell B is currently scheduled to close in 2035. However, it is noted that it is potentially subject to proposals to extend operation by 20 years to 2055. Please provide any further information that is available regarding the potential for the operational life of Sizewell B to be extended and any timeline for such a decision to be made?</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	<p>The potential for the extension of Sizewell B’s lifetime is a matter for discussion between EDF Energy and the regulator and will be made public when appropriate – the publicly available position is as follows:  <a href="https://www.edfenergy.com/sites/default/files/szb_report_january_15.pdf">https://www.edfenergy.com/sites/default/files/szb_report_january_15.pdf</a>) flags that: <i>“the industry regulator confirmed Sizewell B meets its safety case to continue delivering low carbon power to over 2million customers until 2025 and the station is already working on the case for the next ten years to ensure operation to at least 2035. This is the station’s current stated lifetime ... EDF Energy expressed its aim to extend its life for 20 years beyond that to 2055”</i>.</p> <p>As explained in the <b>Planning Statement Update</b> [REP2-043] (at paragraph A.1.32) and in <b>Appendix A</b> to the <b>Written Submissions arising from ISH5</b> [REP5-117] (at paragraph 23), both the CCC and BEIS modelling scenarios referenced assume 8GW of new nuclear generating capacity in 2035 and around 10GW in total. With HPC and Sizewell C operating by that time, Sizewell B would also need to be operating to meet that total requirement.</p>
G.2.11	The Applicant	<p><b>Policy and Need</b></p> <p>The written submission of Alison Downes on behalf of Stop Sizewell C [PDB-098] submits that in the absence of an agreed funding mechanism for the project, the Applicant’s claim of urgency is not reasonable. She makes reference to EDF’s 2020 financial report which states: <i>“EDF’s ability to make a final investment decision on Sizewell C may depend on the operational control of the Hinkley Point C project, the definition of an appropriate regulatory and financing framework and the existence of sufficient investors and financiers interested in the project. None of these conditions is assured at this time”</i>. Please indicate whether the situation has changed as regards any of the conditions referred to in that report?</p>
	SZC Co. Response at Deadline 7	<p>EDF is committed to retaining a strategic minority equity investment in Sizewell C post financial close. The majority of the equity will be provided by third parties (who will make their own investment decisions).</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>Discussions with Government to establish a funding model (the RAB model) which would provide the regulatory and financing framework which would make it possible to secure the Project's financing requirement are ongoing and progressing well.</p> <p>Discussions with HMG regarding a potential HMG equity stake in the project alongside private investors are also ongoing.</p>
G.2.12	The Applicant	<p><b>Policy and Need</b></p> <p>The Stop Sizewell C Deadline (DL) 3 comments [REP3-] makes reference to a report by Energy Systems Catapult and Good Energy "Renewable Nation; Pathways to a Zero Carbon Britain" which states: "<i>A separate reason for excluding nuclear power is the difficulty in balancing the technology with renewables. The energy system in the modelling needs greater flexibility without adding further inflexible capacity to the mix. A recent example of this was the unusual case of National Grid paying a nuclear plant, Sizewell B, to reduce its output during a period of low demand and high renewable generation</i>". Please comment on the perceived difficulty of managing new nuclear alongside such a large fleet of renewables and whether adding both more nuclear power and more renewables would be likely to lead to higher costs for consumers and much higher levels of constraints for wind generators?</p>
	SZC Co. Response at Deadline 7	<p>SZC Co. believes that this question raises similar issues to <b>Questions G.2.4 and G.2.9</b> because the issue that it raises is whether these issues ought to have led the Government to conclusions other than those it has reached and articulated clearly in the Energy White Paper as to the urgent need for large-scale new nuclear generating capacity and as to the continued use of the current suite of Energy NPS. In short, it involves a challenge to the merits of government policy.</p> <p>Nevertheless, and in order to provide a direct answer to the ExA's question, new nuclear will provide benefits for system management and is likely to reduce system costs and constraints for wind generators. By virtue of its non-weather dependent generation profile new nuclear helps reduce deficits and surpluses of power which can occur in systems with a large penetration of renewables (paragraph 3.3.4 of NPS EN-1 recognises that "<i>many renewable technologies provide intermittent generation</i>" and "<i>nuclear power is a proven technology that is able to provide continuous low carbon generation</i>"). This is confirmed as an up to date part of the Government's current rationale at page 43 of the Energy White Paper.</p>

## ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p>For example, and in simple terms, comparing a counterfactual where a nuclear station is replaced with the energy equivalent of solar and wind would mean:</p> <ul style="list-style-type: none"><li>- At times when there was too little power (because it was not sunny or windy) the system with less nuclear and more renewables will produce less power and the power deficit would be higher.</li><li>- At times where there is too much power (because it was very sunny or windy) the system with less nuclear and more renewables would produce more power and the excess (which could lead to constraints) would be greater.</li></ul> <p>Further, modern nuclear plants have a level of flexibility built into them (with the EPR™ capable of ramping quickly to lower or higher output) which is regularly demonstrated by nuclear plant in Germany (which has a high penetration of intermittent renewables) and in France (where the nuclear fleet provides 70-80% of electricity demand and therefore the nuclear fleet has to provide a large proportion of the flexibility required by the system).</p> <p>In 2020, the Department for Business, Energy and Industry Strategy Electricity Generation Costs 2020<sup>1</sup>, provided analysis of the differences in total system costs associated with different generation technologies. Total system costs include wider system impacts like constraints (or wasted energy), the costs of storing energy and the cost of reserves for periods of low generation. The wider system costs are presented relative to nuclear power, i.e. these are the difference in system costs relative to a nuclear plant. As the report shows and explains, wider system costs are estimated to be higher for weather dependent generation technologies than nuclear.</p> <p>Energy System Catapult's own modelling demonstrates the strong and complementary roles for nuclear and renewables in the future electricity generation mix –provided within the Innovating to Net Zero: UK Net Zero Report<sup>2</sup>. In this report the ESC models two</p>

<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/911817/electricity-generation-cost-report-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/911817/electricity-generation-cost-report-2020.pdf) [Accessed 20 August 2021]

<sup>2</sup> <https://es.catapult.org.uk/reports/innovating-to-net-zero/>

## ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p>scenarios for net zero, in which nuclear provides 23% (c160TWh) of 2050 electricity supplied in its 'Clockwork' scenario and 50% of electricity supplied in its 'Patchwork' scenario (c260TWh)<sup>3</sup> (total 2050 UK electricity supplied is forecast to be 524TWh in 'Clockwork' and 700TWh in 'Patchwork'). This would require around 16GW of new nuclear after HPC (around five times SZC's capacity) in Patchwork and around 28GW of new nuclear after HPC (just under nine times SZC's capacity) in Clockwork<sup>4</sup>.</p> <p>In 2020, the ESC also produced a techno-economic assessment of the potential roles and contribution of nuclear energy to a range of decarbonisation pathways modelled for the UK to achieve net zero by 2050 <i>Nuclear Energy for Net Zero</i><sup>5</sup>. A key policy recommendation in this report was that the UK commits <u>now</u> to 10GW of additional large new nuclear projects (equivalent to three Sizewell C's), stating (with respect to building new nuclear capacity): <i>'The decision for large Gen III+ reactors is not when to start, but when to stop.'</i></p> <p>In this context, the BEIS modelling that informed the Energy White Paper is explained in Appendix A of the Planning Statement Update [REP2-043]. Paragraph A.1.20 and the footnote there explain the conclusion that "...the additional renewable capacity required to replace unabated gas generation during periods of low renewable output ...increases system costs more than using additional nuclear and or gas/ CCUS to do the same thing." Consequently, the work identifies that relying solely on renewables would limit decarbonisation and increase system costs.</p> <p>For reference, the constraint of Sizewell B in 2020 was required due to a temporary technical issue with the electricity network that is currently being addressed.</p>

<sup>3</sup> The TWh values were not provided directly in the ESC report, and have been calculated by SZC Co. by multiplying values provided in the report for the nuclear share of total supply and the total electricity supplied.

<sup>4</sup> The additional capacities are calculated by SZC Co. assuming all nuclear plant achieve a capacity factor of 91%

<sup>5</sup> [Nuclear Energy for Net Zero - Energy Systems Catapult](#)

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
G.2.13	The Applicant	<p><b>Policy and Need</b></p> <p>The Stop Sizewell C DL3 comments [REP3-133] are critical of the LCA and submits that it has presented a case based on the best possible scenario, with negligible margin for error over a period of 60 years.</p> <p>(i) Please comment on whether the LCA utilises figures are over-optimistic and whether a more realistic case should be presented as proposed by Stop Sizewell C?</p> <p>(ii) Please also respond to the construction emissions inconsistencies referred to in justifying the figures used and explain any revisions in the figures compared to those used by the ES.</p> <p>(iii) Does the Applicant accept that the carbon cost of uranium extraction and preparation may rise in the future under a scenario in which global nuclear generating capacity increases, and how would that affect the upstream emissions calculation?</p>
	SZC Co. Response at Deadline 7	<p>(i) The Stop Sizewell C DL3 comments [<a href="#">REP3-133</a>] refer to potential optimism bias with respect to the expected lifetime electricity generation of Sizewell C. For the reasons set out below, SZC Co. does not consider that there is optimism bias in the expected lifetime electricity generation and therefore does not agree that the case is unrealistic:</p> <ul style="list-style-type: none"> <li>- For noting: The lifetime availability assumption is c. 91% rather than 92% as presented by Stop Sizewell C. This difference can be explained by rounding (not calculation error) – the gross output numbers were calculated using a 3.54GWe gross capacity based on expected turbine capacity for each EPR™ unit.<sup>6</sup></li> <li>- Stop Sizewell C has noted that <i>'the figure for gross generation is more than 100% of the maximum possible if the plant capacity is taken as 3.2GWe, as EDF has stated elsewhere rather than the 3.5 GWe stated in the LCA'</i>: This can be explained by whether the capacity of the plant is stated on a <i>'gross'</i> basis or on a <i>'net'</i> basis. Gross capacity is the total electricity capacity of the power station, net capacity is the capacity of the power station net of the electricity that it self-consumes (for example to power on site equipment such as pumps that are required for operation). It is more common to state capacity on a net basis because this determines the amount of power available for export to the grid. The LCA states</li> </ul>

<sup>6</sup> <https://www.ge.com/steam-power/resources/case-studies/hpc>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>the capacity is provided in the report on a gross basis 3.5GWe (gross); when Sizewell C capacity is stated as 3.2 GWe it is being provided on a net basis.</p> <ul style="list-style-type: none"><li>- Stop Sizewell C refers to the lower load factor achieved by the operating UK fleet relative to the assumption at SZC as evidence that the LCA contains optimism bias:<ul style="list-style-type: none"><li>o The historical operating UK nuclear fleet comprises 14 'Advanced Gas Reactors' (AGRs, though in July 2021 EDF announced that Dungeness B had ended operation) and one 'Pressurised Water Reactor' (PWR) at Sizewell B. Sizewell C is a PWR which is a different technology to the AGRs, but the same as Sizewell B.</li><li>o As a fundamentally different technology to the majority of the UK fleet (the AGRs), the comparability of outturn AGR availability with Sizewell C is limited. Furthermore, the UK AGRs were originally designed to operate for 25 years and are now operating significantly beyond that – technical operational issues associated with their age relative to their original design life act to reduce outturn availability. In contrast to the AGRs, SZC is designed to operate for 60 years – consistent with the assumption in the LCA.</li><li>o As a PWR Sizewell B is a more relevant comparator for Sizewell C. Sizewell B has historically achieved a lower load factor (around 85%) than expected at Sizewell C. This can partly be explained by the design of Sizewell B which gives rise to longer planned outages than will be required at Sizewell.</li><li>o SZC Co. is confident that its availability assumption is achievable. It is based on detailed operational planning (with HPC) to assess expected planned and unplanned outage durations. SZC Co. has also undertaken a benchmarking exercise with PWRs in international markets. This extended the comparison beyond the single PWR at Sizewell B to a large number of international PWRs, built after 1985, in a number of countries with comparable commercial environments – this provided around 1,000 reactor years of data. The median achieved availability for this set of comparators was close to the Sizewell C assumed output with a large number of reactors achieving higher outputs.</li></ul></li><li>- Stop Sizewell C suggests the assumption that Sizewell C will operate for 60 years is optimistic given that no generating facility has operated for more than 60 years.</li></ul>

**ExQ2: 03 August 2021**

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ExQ2	Question to:	Question:
		<p>The absence of 60 year old stations is partly a reflection of the fact that for a reactor to have operated for 60 years by now it would have had to started operating before 1961. Most reactors built before then are classed as 'Generation I' – a class that reflects the prototype nature of reactors built then which had relatively short technical expected lifetimes. As reactor technology has matured technical expected lifetimes have increased. The EPRs at Sizewell C are 'Generation III' and designed from the outset for a 60 year expected lifetime. However, evidence suggests, this may turn out to be conservative, with life extensions beyond this possible (sometime in the future). For example, in America, the nuclear regulator has approved life extensions of three PWR plant from 60 years to 80 years.<sup>7</sup> SZC Co. is confident that the 60 year operating lifetime can be achieved with potential for extension beyond that.</p> <p>in respects other than electricity generation, the LCA does not present a 'best possible scenario', rather it provides a conservative estimate of total carbon emissions produced in a number of areas. For example: for the purposes of the calculation, conservative uplifts to the estimated volumes of materials use during construction were made; energy use during the construction phase was calculated without including any impact for future decarbonisation of the electricity grid over the construction period; no impact for decarbonisation of transport from today's level was included. The significant conservatism embedded in the analysis means that if a 'more realistic' calculation of carbon emissions was done it would be likely to produce a lower number.</p> <p>(ii) The difference in calculated construction phase emissions in the Environmental Statement (ES) with those calculated in the LCA arise because of differences in the factors described below (these factors also affect estimates of operating and decommissioning phase carbon emissions):</p> <ul style="list-style-type: none"><li>a) input data for the volumes/amounts of materials, energy and transport used during construction (for example the tonnes of steel used during construction) – in particular the data input collection for the LCA was more detailed and granular (see below);</li></ul>

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<sup>7</sup> <https://world-nuclear-news.org/Articles/Surry-units-cleared-for-80-year-operation>

**ExQ2: 03 August 2021**

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ExQ2	Question to:	Question:
		<p>b) different sources for life cycle impacts of the materials, energy and transport used during construction (for example the carbon footprint of a tonne of a type of steel): The ES calculation used a number of sources; while the LCA exclusively used a specialist life cycle impact (LCI) database which is considered the leading and most consistent LCI database in the market (ecoinvent v3.7);</p> <p>c) the LCA calculation was undertaken using a specialist LCA software package (SimaPro); the ES calculation was done using a Microsoft Office tool (Excel).</p> <p>The LCA was done as a standalone exercise from first principles (i.e. was not an evolution of the ES) and therefore diverged from the ES as set out above. In particular, the LCA was undertaken in line with requirements of the International EPD System's (IES) Product Category Rules (PCR, see reference for a generic description<sup>8</sup>), by a specialist LCA consultancy and in line with the best practice for producing a through life LCA.</p> <p>In practical terms there were a number of important differences between the LCA calculation and the ES:</p> <ul style="list-style-type: none"><li>- Following the PCR meant a more granular approach to the data collection for the LCA, with many inputs requiring bespoke detailed work and estimating.</li><li>- The LCA exercise was conducted in conjunction with Hinkley Point C in order to assimilate detailed data that was relevant to both projects (in particular where the design of the plant is the same).</li><li>- As the data inputs for the LCA were collected after the ES there was more information available on construction methodology and a more mature design</li></ul> <p>The underlying estimate of materials use (steel, concrete, etc) for construction is particularly important for the difference in construction emissions. For the LCA, the data was collected through an extensive exercise with HPC taking several months to generate data inputs that were not available at the time of the ES. As a result of the detailed work that was undertaken and the benefits of collaboration with the HPC project, SZC Co. is confident that certain materials inputs used for the LCA calculation represent a more accurate estimate than those available for the earlier ES calculation.</p>

<sup>8</sup> <https://www.environdec.com/product-category-rules-pcr/the-pcr>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>It should be noted that for Sizewell C specific construction work (where the material inputs would be different to HPC – for example earthworks), the estimated materials inputs were very similar for the ES and LCA as the same sources were largely used. The large numbers of differences in input data and methodological approaches set out above means that it is not possible to precisely quantify the causes of the differences in carbon emissions between the January documents and the LCA. However, it is possible to identify key drivers of the difference, which are responsible for the majority of the divergence:</p> <ul style="list-style-type: none"><li>- Lower volumes of some materials (in particular steel): The detailed materials input assessment for the LCA found lower estimated amounts of certain construction materials than had been available for the ES calculation (in particular significantly lower amounts of steel and bitumen). Steel is a carbon intensive material and forms the majority of the carbon associated with materials use (around 60% in the LCA). This means the reduction in its estimated usage gives rise to significant reduction in total estimated construction emissions.</li><li>- The lower updated bitumen estimate also reduced carbon emissions, but had a smaller impact than steel.</li><li>- More accurate steel carbon intensity assumptions: Collection of more accurate data with respect to steel use for the LCA also allowed a more accurate assessment of the types of steel that would be used at the plant. For example, splitting the estimated total steel use into categories such as reinforcement bar and equipment. Different types of steel have different carbon intensities (kg of carbon per kg of steel). To the example above, reinforcement bar typically has a lower carbon intensity per kg than steel used in equipment. With data available on different types of steel for the LCA, it was possible to apply different carbon intensities for the different categories of steel (for instance applying a lower carbon intensity for steel reinforcement bar and a higher carbon intensity for the steel used for equipment). A detailed breakdown in types of steel use was not available at the time of the ES. In light of this and in order to be conservative, the ES applied a uniform and relatively high steel carbon intensity to all steel. The net impact of being able to use different carbon intensities for different types of steel in the LCA is a further reduction in construction carbon emissions associated with steel use.</li></ul>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<ul style="list-style-type: none"><li>- Carbon intensity of 'other' materials in the ES: The 'other' category of materials in the ES is assumed to mostly comprise aggregates. Review of the ES calculation has identified a spreadsheet error which resulted in the carbon intensity factor (kg carbon per kg material) applied to 'other materials' being too high in the ES. This error increased construction carbon emissions in the ES.</li><li>- Higher energy use in the LCA: The LCA has a higher energy consumption during construction than the ES, mainly driven by the assumed electricity use. This increases estimated construction emissions in the LCA partly offsetting the impacts above. It should be noted that, following further work with HPC, the Sizewell C electricity consumption assumption used for the LCA is considered an overestimate, is currently being updated and will be incorporated in the EPD style document discussed in <b>Question CC.2.7</b>, but the LCA carbon impact of energy use is expected to remain higher than the ES estimate.</li></ul> <p>(iii) The future trajectory of carbon emissions from uranium mining is speculative and there are credible factors that could either increase or reduce this factor. For example, consistent with the global need to decarbonise, mining industries (not specific to uranium) might be expected to become lower carbon in the future due to, for example, lower carbon energy being used in the processes (for example low carbon power or fuel) and other environmental improvements. If these trends materialised in uranium mining, then the upstream carbon emissions associated with Sizewell C would reduce over time (all else being equal). The LCA calculation includes no impact for any improvement in mining industry carbon emissions. Any attempt to project future carbon emissions from uranium mining would need to take into account all potential changes including possible reduction in mining industry carbon emissions – and the projection as well as the directional change (increase or decrease) would be speculative and uncertain.</p> <p>Furthermore (as described in the LCA) SZC Co. is investigating ways that it could reduce the amount of virgin uranium it requires (including use of reprocessed fuel and enriching depleted uranium tails) – this would be expected to reduce the carbon footprint associated with nuclear fuel, but has not been included in the LCA.</p> <p>It should also be noted that although the carbon impact of uranium mining is a relevant environmental consideration, as it occurs outside the UK's national boundaries it does not</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		currently have an impact on the UK's carbon budgets (which are generally for emissions produced within the UK).
G.2.14	The Applicant, SCC, ESC	<p><b>Policy and Need</b></p> <p>The ExA's ExQ1 G.1.12 questioned whether the Planning Statement [APP-590], paragraph 3.9.2, was correct to state that it was appropriate to treat EN-1 and EN-6 as providing the primary policies relevant to the determination of the application. The responses to that ExQ1 from the Applicant, ESC and SCC together with the Applicant's comments on the responses received from ESC and SCC are noted [REP3-046]. In the decision dated 19 February 2021 relating to the application for the Wheelabrator Kemsley K3 Generating Station and Wheelabrator Kemsley North Waste-To-Energy Facility Order the Secretary of State for Business, Energy and Industrial Strategy, at paragraph 6.3, states: "<i>As set out above, sections 104 and 105 of the Planning Act 2008 set out the procedures to be followed by the Secretary of State in determining applications for development consent where National Policy Statements have and do not have effect. In both cases, the Secretary of State has to have regard to a range of policy considerations including the relevant National Policy Statements and development plans and local impact reports prepared by local planning authorities in coming to a decision. However, for applications determined under section 104, the primary consideration is the policy set out in the National Policy Statements, while for applications that fall to be determined under section 105, it is local policies which are specifically referenced although the National Policy Statements can be taken into account as 'important and relevant considerations'.</i>" It is recognised that there are obvious differences on the facts between that particular case and the Sizewell C Project application. Nevertheless, further comments are sought on the principle of the approach to the primacy of policy in a s105 case, as expressed by the Secretary of State in that decision.</p>
	SZC Co. Response at Deadline 7	<p>SZC Co. has considered the Secretary of State's decision letter ("DL") and the related Examining Authority Report ("EXR") in the Wheelabrator case, neither of which affect the position as set out in its answer to <b>EXQ1 G.1.12</b> or its comments on the answers to that question provided by ESC and SCC.</p> <p>In order to understand the comment made in paragraph 6.3 of the Wheelabrator DL, and its relevance (if any) to this Examination it is necessary briefly to consider the specific circumstances in that case.</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>The Wheelabrator application was for two related developments, one of which (known as 'Project K3') was a NSIP as defined in the PA 2008, the other (known as 'Project WKN') was not. Project WKN was below the threshold for national significance set by the PA 2008 and would therefore have fallen to be determined by the local planning authority under the TCPA 1990 if it had not been 'directed in' pursuant to s.35 PA 2008. That is essential context, because it means that the key considerations to which reference was made in SZC Co's response to <b>EXQ1 G.1.12</b> would not have applied to Project WKN in the way that they plainly do to the proposed Sizewell C new nuclear power station here.</p> <p>There is no explanation in the DL of what is meant by the statement in paragraph 6.3 that for applications that fall to be determined under section 105 "<i>it is local policies which are specifically referenced</i>" (emphasis added). Given that there is no 'specific reference' to local policies in section 105 itself, or in any relevant policy document, it is not possible to discern to what this is referring.</p> <p>The EXR concluded that development plan policies should take precedence for Project WKN (EXR paragraphs 4.6.4 and 4.7.4). The reason for the approach taken in the EXR can be seen in EXR paragraphs 6.2.1 to 6.2.5 and in particular paragraph 6.2.4 which stated: "<i>Indeed, whatever the reason behind the lack of definitive statutory or judicial clarity over the issue [of which policies should take precedence], it would be sensible in my view to apply the statutorily adopted development plan as the primary consideration to <u>a project that, but for the s35 Direction, would have fallen to be considered on that basis</u></i>" (emphasis added).</p> <p>So far as SZC Co. is aware, that is the only substantive explanation to be found in the Wheelabrator decision-making documents for the approach to policy precedence adopted to the determination of the WKN Project in that case. Whilst the Examining Authority's stated rationale for the approach taken to the WKN Project is understandable on the specific facts of that case, it plainly has no application to the proposed development of the Sizewell C new nuclear power station which is and always has been nationally significant. Moreover, for the same reason it does not affect any of the points made on behalf of SZC Co. in response to <b>ExQ1 G.1.12</b>.</p>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>In the Energy White Paper the Government has plain made its position on the continued suitability of the NPSs in providing “a proper basis on which the Planning Inspectorate can examine, and the Secretary of State can make decisions on, applications for development consent” pending review of the NPS (page 55). It has done so in the full knowledge and understanding of its stated position that any such decision would fall to be made under section 105. Had the Government thought that local plan policies and/or the NPPF should instead have primacy in such decisions, it would surely have said so. The position that it has in fact adopted is entirely consistent with the position of the Applicant in this case, and is entirely unsurprising having regard to the factors identified in response to <b>ExQ1 G.1.12</b>. Finally, it should be noted that the Wheelabrator decision is the subject of an application for judicial review which was heard by Dove J in mid-July. The grounds of challenge are not understood to relate to this specific point. Judgment is awaited.</p>
G.2.15	TASC	<p><b>Policy and Need</b></p> <p>At DL1 TASC submitted a letter addressed to the Secretary of State for BEIS and Secretary of State for HCLG [REP1-187] requesting a response by 2 June 2021. Please submit to the Examination a copy of any response received by you from the Secretary of State’s to that letter?</p>
	SZC Co. Response at Deadline 7	No response is required from SZC Co.
G.2.16	ONR	<p><b>Policy and Need</b></p> <p>In relation to the identification of Sizewell as a strategically suitable site within the NPS EN-6, the initial SoCG between the ONR and the Applicant [REP2-078], refers to ONRs written representation [REP2-160] which provides details of the Nuclear Site Licensing assessment procedure. ONR indicates that it is currently assessing this application and expects to be able to grant a licence, subject to the successful completion of our assessment, by mid-2022.</p> <p>(i) Please can ONR provide an update on its position on matters which are noted in the NPS?</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>(ii) In particular, has the ONR now received the JSSR and the SDSR from the Applicant?</p> <p>(iii) Please provide an update as regards the progress of the site suitability work including in relation to Government siting policy, flood risk, and non-seismic ground conditions.</p> <p>(iv) Since the submission of written representations to the Examination, has the ONR identified any shortcomings that might prevent the grant of a nuclear site licence to the Applicant in due course, or to subsequently permit the commencement of nuclear construction?</p> <p>(v) Does the ONR still expect to be able to grant a licence, subject to the successful completion of the assessment, by mid-2022?</p>
	SZC Co. Response at Deadline 7	No response is required from SZC Co.
G.2.17	The Applicant	<p><b>Policy and Need</b></p> <p>The Applicant's response to ExQ1 G.1.5 [REP2-100] makes reference to the Energy White Paper which states: "<i>Whilst the review is undertaken, the current suite of NPS remain government policy and have effect for the purposes of the Planning Act 2008</i>". The 2017 Ministerial Statement confirmed that: "<i>...Government continues to give its strong in principle support to project proposals at those sites currently listed in EN-6. Even if EN-6 is considered not to have effect under section 104 of the Act for such a project, section 105 of the Act would apply to the decision on whether or not to grant development consent for the project</i>". Since the 2017 Ministerial Statement has not been withdrawn, is it agreed that for the purposes of this application the only NPS which has effect for the purposes of the PA 2008 is EN-1 and not EN-6?</p>
	SZC Co. Response at Deadline 7	<p>Section 3.3 of the Planning Statement [<a href="#">APP-590</a>] summarises the approach to decision-making in this case by reference to the 2017 Ministerial Statement and the 2018 Government response to consultation. Having regard to what was said in those documents, paragraph 3.3.8 of the Planning Statement states that "<i>... the Government considers that <u>neither NPS EN-1 nor NPS EN-6</u> "has effect" for the Sizewell C DCO application</i>" (emphasis added).</p> <p>In order to assist the ExA in its consideration of this matter, the reasoning behind SZC Co.'s understanding of the Government's stated position is set out below.</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>S.105 PA 2008 only applies "<i>if section 104 does not apply</i>" (s.105(1)). S.104 applies in relation to an application "<i>if a national policy statement has effect in relation to development of the description to which the application relates</i>" (emphasis added) (s.104(1)). Hence, if EN-1 has effect in relation to the Sizewell C application then the requirements of s.104(1) would be met and s.104 would apply to the determination of the application (whether or not EN-6 also had effect).</p> <p>The two NPS contain statements as to the applications for which they have effect for these purposes:</p> <ul style="list-style-type: none"><li>• NPS EN-1 explains at paragraph 1.4.5 that "<i>Insofar as this NPS relates to the development of new nuclear power stations, it only has effect in relation to applications for the development of new nuclear power stations on the sites listed in EN-6.</i>"</li><li>• NPS EN-6 explains at paragraph 1.9.1 that "<i>This NPS has effect in relation to nuclear power generation with a capacity of more than 50 megawatts (MW) on a site listed within this NPS ...</i>".</li></ul> <p>These statements are consistent. The two NPS were clearly drafted with the intention that they should be read and applied together for the purposes of decision-making, and do not appear to anticipate a situation in which only one of the two NPSs would 'have effect' in relation to an application to develop a new nuclear power station on a site listed in EN-6.</p> <p>As paragraphs 3.3.3 to 3.3.5 of the Planning Statement explain, the 2017 Ministerial Statement set out the Government's view that: (a) EN-6 only "<i>has effect</i>" for the purposes of s.104 for development which forms part of a project able to demonstrate expected deployment by the end of 2025; (b) s.105 would apply to a project where EN-6 is considered not to have effect; and (c) under s.105(2)(c) of the PA 2008 the Secretary of State would be required to have regard "<i>to the content of EN-1 and EN-6</i>" (emphasis added).</p> <p>That is reflected in the content of the 2017 Consultation on Siting Criteria, paragraph 1.23 of which states: "<i>The owners of such sites [i.e. sites listed in EN-6 on which a new nuclear power station is anticipated to deploy after 2025] are able to make development consent applications, and a decision on whether to grant consent will be made under section 105 of the Act</i>". The same formulation appears in paragraph 3.11 of the Government's 2018 Response to Consultation</p>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>The Government's position is therefore that a decision on an application such as this will be determined under s.105, with neither EN-1 nor EN-6 'having effect', but both being regarded as important and relevant for those purposes with the listed sites retaining "<i>strong government support</i>" (2018 Government Response paragraphs 3.10 and 3.11).</p> <p>The Government's stated position as to how it intends to make the decision has been reflected in the approach that SZC Co. has taken in preparing and pursuing its application.</p>
<b>Ag.2 Agriculture and soils</b>		
Ag.2.0	The Applicant	<p><b>ALC Surveys</b></p> <p>In comments made to the response by NE to ExQ1 Ag.1.0 [REP3-046], and following discussions with the NFU, areas where the data is oldest are to be resurveyed along with those areas where surveys were not initially undertaken.</p> <p>i) Please confirm whether the survey work is to occur in autumn 2021?</p> <p>ii) Noting the close of examination is 14 October 2021, is it proposed to submit the survey findings into the examination?</p>
	SZC Co. Response at Deadline 7	<p>SZC Co. confirms that surveys will be carried out in Autumn 2021. The surveys will re-measure areas where data is oldest, at request of the National Farmer Union, as well as the survey areas that have not been surveyed to date.</p> <p>SZC Co. does not intend to submit the surveys into examination but will instead support the development of the Soil Management Plan and the Farm Packs.</p> <p>SZC Co. notes that the soil and agriculture assessment relies on ALC data which assesses the physical characteristics of the soils which are unlikely to have changed and it is not considered that the re-surveys and new surveys will alter the overall assessment outcome.</p>
Ag.2.1	The Applicant	<p><b>Rail Route Survey Data</b></p> <p>In comments made to the response by NE to ExQ1 Ag.1.0 [REP3-046] checks were to be undertaken on the rail route data as it was identified that a mis-recording of the data points associated with the laboratory analysis may have occurred.</p> <p>i) Please confirm whether a mis-recording has occurred?</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	<p>ii) If so, what impact does this have on the impact assessment and is it necessary to submit additional information?</p> <p>(i) SZC Co. notes that the proposed checks on the two laboratory analysed samples presented in <b>Volume 9, Chapter 10, Appendix 10A</b> of the <b>ES</b> (Green Rail Route: Agricultural Land Classification) [<a href="#">APP-564</a>] have been undertaken. SZC Co. notes that the data presented in the auger logs have been used to assign ALC grades and note that it aligns with the soil types present within this area.</p> <p>(ii) SZC Co. notes that this would not affect the assessment outcome. The assessment recognises that best and most versatile (BMV) land is present (Grade 3a) but as the land will only be required on a temporary basis and will be restored at the end of the construction phase, the overall conclusion of a minor adverse and <b>not significant, remains valid.</b></p>
Ag.2.2	The Applicant, Natural England	<p><b>Outline Soil Management Plan (OSMP)</b></p> <p>Applicant - In comments made to the response by NE to Ag.1.10 [REP3-046] please signpost where in the updated OSMP [REP3-018] where additional clarity regarding the use of bulldozers and stockpile height limitations is located. Further information on wet weather working was also to be included within the OSMP, please signpost to this additional detail.</p> <p>Natural England – Noting the earlier comments made regarding the OSMP at [REP2-152] and [REP3-153] are you satisfied with the content of the revised OSMP [REP3-018]?</p>
	SZC Co. Response at Deadline 7	<p>The Outline Soil Management Plan (OSMP) [<a href="#">REP3-018</a>] includes the following sections:</p> <ul style="list-style-type: none"> <li>• Section 5.3, which includes a statement on wet weather working requiring criteria for cessation of works due to poor weather conditions to be agreed with relevant stakeholders.</li> <li>• Section 6.5, which refers to soil stripping being undertaken by either hydraulic excavator or tracked dozer, with dozers only being used where soil condition (texture and plasticity) is such that the soil resource is resilient to significant damage as far as is practicable.</li> <li>• Section 6.6, which includes reference to where stockpile heights will be limited, including reference to maximum heights being based on soil textures and resilience to</li> </ul>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>structural damage. Final maximum heights are committed to being set out in the final SMP.</p> <p>The OSMP commits to more detail being provided in the final SMP as it will be important to ensure the appointed contractor(s) have input in defining the detail of workable approaches to soil handling.</p>
Ag.2.3	<p>The Applicant, Clarke&amp; Simpson on behalf of Ms Dyball, Ms Hall and SR Whitehall &amp; Co</p> <p>SZC Co. Response at Deadline 7</p>	<p><b>Pakenham – Grazing Implications</b></p> <p>Noting the statements made in [REP3-005] and [REP3-049] please provide an update of discussions in respect of queries relating to the continued use of the land for grazing following the establishment of the proposed fen meadow.</p> <p>Following submissions at Deadline 5 detailing the Fen Meadow Establishment Plan [<a href="#">REP6-026</a>] and a meeting held on 11<sup>th</sup> August between The Applicant, a representative of the affected party, and their agent Sally Watts, SZC Co. believes the affected party understands the detail of the establishment and future management of the Fen Meadow and Wet Woodland area. The affected party will be able to continue to graze the land established as Fen Meadow, albeit at potentially a lower stocking rate and a reduced seasonal window. The parties are currently discussing terms that would provide remuneration for any loss associated with the reduced stocking intensity. In addition, to further reduce the impact on grazing, the Applicant has sought to reduce the area of the Pakenham site significantly as a result of further engagement with landowners and due to the results of hydrological studies. Within <b>Appendix A of the Written Submissions arising from the CAH Part 1</b> (Doc Ref. 9.76) the Applicant has provided further information detailing the reduced land at Pakenham.</p>
Ag.2.4	Clarke& Simpson on behalf of Ms Dyball, Ms Hall and SR Whitehall & Co	<p><b>Pakenham – Additional Information</b></p> <p>Further to the submission made at [REP3-118] please provide a more clearly annotated map(s) to illustrate the following:</p> <ul style="list-style-type: none"> <li>iii) Landownership boundaries</li> <li>iv) Location of arable land and meadows</li> <li>v) Location of Manor Farmhouse</li> <li>vi) Location of the cattle shed at Manor farmyard</li> <li>vii) Location of the summer access tracks to the meadows</li> </ul>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		viii) Location of the central soak ditch ix) Location of any public footpaths/access within the ownership
	SZC Co. Response at Deadline 7	No response is required from SZC Co.
Ag.2.5	The Applicant, David and Belinda Grant	<b>Access Improvements</b> In response to Written Representation [REP2-252], the Applicant confirmed that further engagement in respect of access improvements was to be undertaken [REP3-042]. Please can both parties provide an update regarding the discussions and confirm whether discussions have also included consideration of access to the water supply required for sprayers.
	SZC Co. Response at Deadline 7	SZC Co. has confirmed previously that access to land to the north of the Sizewell link road (from the farmstead to the south of the Sizewell Link Road) would be maintained through the existing and proposed public highway. Notwithstanding this, SZC Co. is working with the owners of that land to investigate the feasibility and appropriateness of a proposal to construct a 2.8m high underpass under the Sizewell link road, which would give an additional access to the land without the need to access the public highway. A meeting with the owners is currently being arranged for early September 2021 to discuss this in more detail. In the event that it is concluded that such an underpass should be provided, this would not necessitate any change to the Application and consent could be sought pursuant to Requirement 22 of the DCO. Separately, the owners of that land have raised the possibility of installing a water tank on their retained holding (outside the Order Limits) to assist with providing water for spraying. Upon receipt of further information from the owners, SZC Co. will investigate the feasibility and appropriateness of this proposal. These works, if agreed, would be captured in the Option Agreement currently being drafted by the parties' respective solicitors. The Option Agreement also incorporates the ability for the landowner to bring forward further claims for other additional 'heads,' such as injurious affection and severance, where these impacts cannot be (completely) mitigated. An update on the status of this engagement will be provided at Deadline 8.
<b>AQ.2</b>	<b>Air Quality</b>	

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
AQ.2.0	The Applicant	<p><b>Electric Charging Points</b></p> <p>(i) With the Government set to ban the sale of new petrol and diesel cars and vans from 2030, should the proportion of parking spaces within both the permanent and temporary car parks with electric charging points be increased to facilitate and support a cleaner fleet of vehicles through both the constructional and operational phases of the development.</p> <p>(ii) Please explain the current rationale for the proportion of electric charging points proposed, both for the temporary and permanent car parks.</p>
	SZC Co. Response at Deadline 7	<p>SZC Co. is committed to provide electric vehicle charging bays. For the main development site permanent car park, at least 20% of car parking spaces will have active electric vehicle charging, with a further 20% capacity for passive provision. The demand for the permanent development site electric vehicle charging shall be reviewed in line with the Operational Travel Plan.</p> <p>During the construction phase, temporary car parking on the main development site, the northern park and ride and the southern park and ride sites will have capacity for up to 40% to be provided, with an initial 5% active electric vehicle charging provided on first occupation. The <b>CWTP</b> is being updated to provide for monitoring of the use of the electric charging points by the transport co-ordinator, which would be reported to the Transport Review Group (TRG) in the quarterly transport monitoring reports. Based on the monitoring the TRG can then direct SZC Co. to convert passive to active spaces. Based on discussions with SCC since ISH8 a trigger of 80% utilisation of the active vehicle charging spaces is proposed for the conversion of further passive spaces to active, which will be incorporated into the updated <b>CWTP</b>.</p> <p>The <b>Associated Development Design Principles</b> have been updated at Deadline 7 to reflect the commitments for electric vehicle charging points.</p>
AQ.2.1	SCC, ESC	<p><b>Electric Charging Points</b></p> <p>(i) What policies do SCC and ESC rely upon to encourage or require electric charging point provision?</p> <p>(ii) Is the number currently proposed policy compliant?</p>
	SZC Co. Response at Deadline 7	No response is required from SZC Co. See our response to <b>Question AQ2.0</b> .

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
AQ.2.2	Applicant, ESC, SCC	<p><b>Air Quality Management Areas (AQMAs)</b></p> <p>There does not yet appear to be an agreed position in respect of the likely effects in terms of emissions from construction traffic on the air quality standards within the two AQMAs at Woodbridge and Stratford St Andrew.</p> <p>(i) Please advise the ExA of the latest position and what controls may be put in place to ensure the air quality in both areas is maintained at suitable levels throughout the construction programme.</p> <p>(ii) The ExA understand a commitment has been made by Scottish Power to limit the number or proportion of HGVs which do not meet the highest emissions standards. If this is correct, in light of the higher number of vehicles associated with this development is it not reasonable to expect a similar restriction for this development, or an even higher standard in light of the higher numbers of vehicles?</p> <p>(iii) In the event a commitment is made to ensure a proportion of the 'cleanest' vehicles is made, how would this be secured, monitored, and managed throughout the construction programme?</p>
	SZC Co. Response at Deadline 7	<p>(i) There is agreement between the Applicant, ESC and SCC that no significant adverse effect on air quality is predicted at the Woodbridge AQMA or the Stratford St Andrew AQMA and that the proposed development would improve air quality in the Stratford St Andrew AQMA after the two village bypass is operational.</p> <p>(ii) Through ongoing discussions with the Councils, commitments have been agreed to limit the number of HGVs which do not meet the Euro VI emissions standards.</p> <p>An updated Statement of Common Ground between the Applicant, ESC and SCC is to be submitted at Deadline 8 reflecting progress of discussions between the parties, including details of the agreement referred to in (i) and (ii).</p> <p>(iii) Use of Euro VI compliant vehicles will be managed through a registration scheme secured via the Construction Traffic Management Plan (CTMP) and reporting will be through the Transport Working Group. The CTMP is being updated to include this provision. The Deadline 5 version of the CoCP Part B and Part C [<a href="#">REP5-078</a>], Table 4.1 states that <i>'Any exempt vehicle must meet Euro V standards where possible, and where not achieved additional information will be provided to the ESC and the Environmental Review Group providing justification and how the impact of emissions from this vehicle will be mitigated. The totality of the exemptions will account for no more than 8% of</i></p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p><i>individual vehicles on an annual basis. A registration scheme will be established requiring HDVs to be registered prior to being allowed access to the project sites, with reporting of the registration scheme performance to the Transport Working Group on an annual basis.'</i> This is secured by Schedule 2, requirement 2 of the <b>Draft DCO</b> (Doc Ref. 3.1(G)).</p>
AQ.2.3	Applicant, ESC	<p><b>Non Mobile plant</b></p> <p>(i) It is noted from the evidence submitted that discussions are ongoing about the proportion of non-mobile plant that may be prescribed to be at the highest emissions standards.</p> <p>Is there an agreed position as to the standard that needs to be achieved or the proportion of equipment this should apply to?</p> <p>(ii) If the position is not agreed can each party clearly set out their bottom line as to the standard they consider should be achieved and why?</p> <p><b>(iii)</b> Is it expected these standards would apply across the whole development, or are different standards expected at the different sites?</p>
	SZC Co. Response at Deadline 7	<p>(i, ii) For the avoidance of doubt, Non Mobile Plant is assumed to refer to diesel generators and the like that are used to provide site power during construction. Non Road Mobile Machinery (NRMM) are discussed in <b>Question AQ.2.5</b> below, and for those a commitment has been agreed with the Local Authorities on the emissions performance standards to be met (Stage IV compliant engines) and how compliance with that commitment will be managed.</p> <p>It is agreed that combustion plant generators for site power will be minimised through the provision of site electrical power and use of alternative supply sources where possible. Generators will also be located away from site boundaries where possible.</p> <p>Generators will be aggregated and where applicable an environmental permit will be required from the Environment Agency for their use, which will specify emissions performance, monitoring requirements and emissions control measures to be applied. In order to obtain an Environmental Permit for the construction generators, the Applicant will need to demonstrate to the Environment Agency that Best Available Techniques (BAT) will</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>be used; this covers emissions performance standards to be met as well as plant operation and maintenance.</p> <p>(iii) Common standards would apply across the whole development. The CoCP Part B secures the commitment for the main development site, with Part C securing the same commitment for the offsite associated developments (Doc Ref. 8.11 (D)).</p>
AQ.2.4	Applicant, ESC, SCC	<p><b>CoCP</b></p> <p>As currently drafted, there is an exemption for 'community/local suppliers' in the standard of vehicle that may be allowed.</p> <p>(i) How is the community/local supplier defined?</p> <p>(ii) Do the mechanisms for monitoring ensure that these operators can be clearly identified?</p> <p>(iii) In seeking to support local suppliers in this way can the air quality standards that need to be achieved still be met?</p>
	SZC Co. Response at Deadline 7	<p>(i) The definition will be agreed with ESC and the Environmental Review Group, along with justification and how the impact of emissions from this vehicle will be mitigated (secured via the <b>CoCP</b> (Doc Ref. 8.11 (D)) and the <b>CTMP</b> [REP2-054] to be used for vehicles delivering to site. The <b>CoCP</b> (Doc Ref. 8.11 (D)) states that the totality of the exemptions will account for no more than 8% of individual vehicles on an annual basis. A registration scheme will be established requiring HDVs to be registered prior to being allowed access to the project sites, with reporting of the registration scheme performance to the Transport Working Group on an annual basis.</p> <p>(ii) Yes, the mechanism to be used is a registration scheme requiring vehicles to be registered prior to being allowed access to the project sites, with reporting of the registration scheme performance to the Transport Working Group.</p> <p>(iii) Yes. The ongoing achievement of air quality standards is not dependent upon the proposed limit on the number of HGVs which do not meet the highest emissions standards (Euro VI), since the assessment undertaken as part of the ES did not rely on these standards being achieved. The assessment presented in the ES utilised an HGV fleet mix for development vehicles that was based on the current composition of the baseline fleet</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>mix in the UK and is conservative, and even using this assumption no significant air quality effects were identified.</p>
AQ.2.5	Applicant, ESC	<p><b>CoCP Non Road Mobile Machinery (NRMM)</b></p> <p>(i) Does an annual basis for calculating the 15% of NRMM which could be non Stage IV plant achieve a suitable degree of control? Will this for example be a rolling twelve month period or annually by a specific date?</p> <p>(ii) If a high proportion of non-stage IV plant was used during a particular period how would this knock on to construction for the rest of the reporting period if limited amounts of Stage IV plant were available?</p> <p>(iii) In the event the 15% could not be reached what would be the consequence?</p>
	SZC Co. Response at Deadline 7	<p>(i) The calculation would be undertaken on an annual basis to align with the output of the Environmental Review Group, who would have oversight of the process. An updated Statement of Common Ground between the Applicant, ESC and SCC is to be submitted at Deadline 8 (Doc Ref. 9.10.12(A)) reflecting progress of discussions between the parties on this matter. However, the use of an annual basis for the calculation is considered to be robust and appropriate and has been successfully applied on other infrastructure schemes.</p> <p>(ii) The availability of stage V compliant plant in the market place has improved greatly in the last 5 years and for widely used items supply is unlikely to be a constraint. Stage V compliant plant are already entering the marketplace for many items of new NRMM as regulatory deadlines for the sale of Stage V NRMM will feed in during the construction period for the proposed development. The exemptions process is aimed primarily at the occasional use of small numbers of specialised plant or the temporary use of replacement plant due to a breakdown. In the unlikely event of the limited number of exempted plant being used early in a reporting period, an approach to managing NRMM use, based on the risk of significant effects at sensitive receptors, would be proposed to the Environmental Review Group in a timely manner.</p> <p>(iii) The conclusion that construction phase effects on amenity or local air quality will be not significant is not dependent upon the achievement of the proposed exemptions limit for NRMM. They represent the application of good practice to managing emissions, rather than mitigation for a specific identified impact. The assessment presented in the ES was conservative and did not assume a set performance level of achieving Stage IV compliant</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		plant. Use of predominantly Stage IV compliant plant will therefore further reduce the predicted air quality effects from NRMM from those presented in the ES and no significant effects were identified within the ES assessment.
<b>AI.3 Alternatives</b>		
AI.2.0	The Applicant, SCC	<p><b>Strategic alternatives for the movement of freight</b></p> <p>The Applicant, in comments on the response by SCC to ExQ1 AI.1.10 [REP3-046] states that the constraints at Sizewell compared to the situation at Wylfa do not make the scale of marine intervention proposed at Wylfa practical. The Applicant has also provided its comments on the LIR [REP3-044] in relation to the Councils' position that SZC Co. has not fully explored the maximisation of delivery of materials by modes other than road and is not matching the aspirations of other nuclear projects.</p> <p>(i) Does SCC now accept that the increased proportion of sea-borne transport set out in the change to the application represents the upper limit that could reasonably be achieved?</p> <p>(ii) Should and, if so, how would the increase proportion of sea-borne transport set out in the change to the application be secured by the DCO?</p> <p>(iii) Please clarify and update the position in relation to the deliverability and timing of the additional train movements and the timing of the construction of the second BLF.</p> <p>(iv) Please specify how the mitigation of adverse impacts of the transport strategy would be monitored and controlled by the DCO requirements.</p> <p>(v) The Applicant's LIR comments indicate that for the permanent BLF weather conditions would impact the ability to use such a facility to the extent that during the winter months the deck of the facility is demobilised thereby removing the ability to use it for circa 5 months of the year. What would be the percentage material transported by road for this five month period?</p> <p>(vi) The Applicant also indicates that in relation to the temporary marine bulk import facility (MBIF) for the delivery of bulk materials during the construction phase, weather conditions have the potential to impact the ability to use such a facility all year around. Taking account of weather conditions what percentage of materials can reliably be transported using the marine option facilities?</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
	SZC Co. Response at Deadline 7	<p>Part (i) is for SCC. SZC Co. has no further comment.</p> <p>Part ii) – the securing mechanism is the limit on HGV numbers enforceable through the <b>CTMP</b>. That limit cannot be met without the anticipated contribution from both rail and marine transport. This is explained further in Appendix A to <b>Written Submissions Responding to Actions Arising from ISH2: Traffic and Transport Part 1 (7 July 2021)</b> [<a href="#">REP5-114</a>] (Material Imports and Modal Split), which demonstrates that rail and road capacity cannot meet the materials requirements. That approach is considered appropriate to meet the requirement in NPS EN-1 to prefer sustainable transport modes whilst retaining some limited flexibility between those modes to respond to opportunities in the procurement of materials.</p> <p><b>SCC has suggested [REP6-049] at electronic page 8 that</b> <i>"SCC accepts that there are practical reasons why greater use of marine could not be made into a 'hard control' but sees no reason why the FMS should not commit to maximising the use of marine where practicable."</i> SZC Co. would be pleased to explore that issue further with SCC and through the examination more generally. There are, however, some points to be made at this stage, including:</p> <ul style="list-style-type: none"><li>- none of the freight transport options are without impact. The ExA for example, has rightly examined the impact of vessel movements. Night time trains have effects, as do HGV movements;</li><li>- with the SLR and two village bypass in place, it is not necessarily obvious that maximising marine movements would always be the right solution;</li><li>- as SZC co. explained at ISH1, it is important to retain some practical and competitive tension between procurement options in order to optimise the efficient project delivery and maintain options for instance over the quality, guaranteed availability and price of materials.</li></ul>

**ExQ2: 03 August 2021**

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>Were it to be agreed that an objective to maximise marine transport was appropriate, it would then be necessary to understand how that objective would operate and whether SCC or others wished to have control over how it was exercised.</p> <p>Part (iii) – the up to date position on delivering train capacity is set out in the second Statement of Common Ground with Network Rail [<a href="#">REP5-095</a>]. The parties are working to a programme to deliver 2 trains per day by October 2023 and 4 trains per day from March 2024. The Material Imports and Modal Split paper submitted at Deadline 5 (Appendix A to <b>Written Submissions Responding to Actions Arising from ISH2: Traffic and Transport Part 1 (7 July 2021)</b> [<a href="#">REP5-114</a>]) explains that the Marine Bulk Importation Facility is planned to be operational from Q2 2025.</p> <p>Part (iv) - multiple measures are proposed to monitor and control the mitigation of adverse effects arising from the transport strategy. These include:</p> <ul style="list-style-type: none"><li>- The <b>Coastal Processes Monitoring and Mitigation Plan (CPMMP)</b> submitted in draft at [<a href="#">REP5-059</a>]</li><li>- Monitoring of dust impacts through the provisions of the <b>CoCP</b> (Doc Ref. 8.11 (D));</li><li>- Monitoring of rail and road noise through the <b>Noise Monitoring and Mitigation Scheme</b> secured by the CoCP (Doc Ref. 8.11 (D)), along with the <b>Noise Mitigation Scheme</b> (Doc Ref. 6.3 11H(C));</li><li>- Monitoring of transport effects through the <b>CTMP</b> (Doc Ref. 8.7(B)) and <b>CWTP</b> (Doc Ref. 8.8(B)) enforced through the provisions of Schedule 16 of the <b>draft Deed of Obligation</b> (Doc Ref. 8.17(F))</li></ul> <p>Part (v) With reference to LIR [<a href="#">REP3-044</a>] item 15.7.15, there are no plans to import materials via the Permanent BLF, this is solely used for the import of AIL. There is no need to import AILs during the winter period as the AIL schedule allows for AILs to be imported to site in the season prior to their requirement and stored on site until required. There is, therefore, not change to the model split during this period. The</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>The MBIF's main period of utilisation is during the Phase 2 Bulk earthworks for the import of backfill, the required quantity of backfill is split between marine import during the summer and year-round rail imports. The proportions of marine and rail import of fill is shown in Figure 5 – Rail and Marine import of permanent works backfill, of <b>the Material Imports and Modal Split paper, Appendix A [REP5-114]</b>. The import profiles and onsite stockpiling of material has been developed so that no additional road import of fill materials is required in the winter period when the MBIF is not in operation.</p> <p>Notwithstanding the above and referring only to latter part of the question, for year 5, in which deliveries are typical of all the construction phase years, 1,9473 deliveries are made by road in 5 winter months out of an annual total of 46,807 deliveries, which is 42%.</p> <p>Part (vi) For the temporary marine bulk import facility (MBIF) there is a reliable annual capability to receive 765,000 tons of material annually (assuming an appropriately graded and semi dry material). This reliable annual capacity is 60% of the facility's theoretical maximum annual capacity and has been adopted following allowance being made based on operational experience at HPC, the exposed North Sea location and the efficiency of end-to-end logistics operations.</p> <p>The MBIF is available for imports from 2025 and its utilisation in the first two years is 87% of this reliable maximum capacity.</p>
Al.2.1	The Applicant	<p><b>Site specific assessment – the Main Development Site</b></p> <p>The Applicant's response to G.1.10 [REP2-100] sets out a summary of, and justification for, the differences between the proposed order limits for the main development site and the originally nominated site with reference to overlay plans. Figure 2.1 reveals material differences between the extent of the nominated site area and the application site boundary for the Main Development Site. It is noted that the majority of the land within the application site boundary for the MDS but outside the nomination site boundary is required for construction. The contents of NPS EN-6, paragraph 2.3.3 are also noted. Nevertheless, please indicate whether and, if so, what alternatives have been considered for the siting and extent of those construction areas outside the nominated site with particular regard to the impact upon nationally designated landscapes.</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
	SZC Co. Response at Deadline 7	<p>The siting and extent of construction areas outside of the nominated site boundary have been the subject of consideration by the Applicant. Details are set out in Section 6.6 of <b>Volume 2, Chapter 6: Alternatives and Design Evolution</b> of the ES [<a href="#">APP-190</a>] and Section 3.6 of the <b>Site Selection Report</b> [<a href="#">APP-591</a>].</p> <p>The decision to locate the majority of the temporary construction area within the Suffolk Coast and Heaths AONB has been taken with particular regard to its impact on the AONB. The following construction-related activities at the main development site are proposed outside of the AONB in the light of the AONB's national designation, owing to the nature of the activities and their relationship with the main construction area:</p> <ul style="list-style-type: none"><li>- Accommodation Campus and caravan park.</li><li>- Site Entrance Hub and associated temporary parking.</li><li>- Other ancillary construction-related activities located at Land East of Eastlands Industrial Estate.</li></ul> <p>The siting and extent of the temporary construction area has been driven by the need to strike an appropriate balance between project practicality, efficiency, programme, and environmental constraints. The following factors were considerations in the siting and extent of the temporary construction area:</p> <ul style="list-style-type: none"><li>- Locating construction activities with the potential to cause disturbance away from where people live, as far as reasonably practicable.</li><li>- Minimising land take from within Sizewell Marshes SSSI.</li><li>- Avoiding the most sensitive landscapes within the AONB.</li><li>- Limiting disturbance in relation to deciduous woodlands, significant, and/or important hedgerows and tree belts.</li><li>- Minimising visibility, taking into account the screening effect of topography and retained woodland.</li><li>- Limiting visual interaction with the RSPB reserve at Minsmere.</li><li>- Avoiding the non-essential use of land along the foreshore (i.e. in front of Sizewell C) that forms part of the AONB and Suffolk Heritage Coast.</li></ul>

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ExQ2	Question to:	Question:
		<ul style="list-style-type: none"><li>- Remaining as close as reasonably practicable to the main platform, to minimise the environmental, logistical and safety challenges of moving workers and construction materials, storing and backfilling spoil material and supporting construction activity.</li><li>- Locating construction areas near to the proposed access road and avoiding the need to use the existing access to the Sizewell B and Sizewell A power stations where possible.</li><li>- Using flat and well-drained land, where practicable, to avoid substantial re-grading.</li><li>- Limiting disturbance to retained and newly created habitats.</li><li>- Minimising disturbance to designated habitats, including: Minsmere to Walberswick Special Protection Area (SPA) and Ramsar; Minsmere to Walberswick Heaths and Marshes Special Area of Conservation (SAC) and SSSI; Outer Thames SPA; Sizewell Marshes SSSI; and, Leiston-Aldeburgh SSSI.</li><li>- Maintaining access to recreation and amenity areas including rights of way where practicable.</li><li>- Having regard to the setting of heritage assets.</li></ul> <p>Further details on why individual parts of the construction site are located close to the Main Platform, within the AONB and not in alternative locations, are set out below.</p> <p><u>Pre-fabrication area</u></p> <p>This area will be where very large components of the power station are constructed, such as the reactor domes. It is considered essential that they are constructed as close to their destination as possible due to the logistical difficulties in transporting them and the implications on the project programme if they suffer damage.</p> <p><u>Concrete Batching Plant</u></p> <p>There will be a high-volume of demand for concrete during the construction period and the seamless movement of materials between the batching plant and both the Main Platform and the pre-fabrication area is very important to the overall success of the build.</p>

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ExQ2	Question to:	Question:
		<p>This plant is sited north-west of the SSSI Crossing to facilitate a smooth transfer between the sites.</p> <p><u>Main Development Site Railway and Rail Terminal</u></p> <p>To minimise the movement of freight by road, a temporary rail link into the site is necessary. Locating the rail terminal near to the batching plant provides for the efficient delivery of concrete aggregates directly into dedicated aggregate stores adjacent to the batching plant. It also brings other bulk materials directly into the heart of the construction site to minimise disruption to surrounding sensitive receptors.</p> <p><u>Attenuation ponds</u></p> <p>Water management features will be located to manage surface water run-off from construction-related development, which requires basins to be located in the AONB.</p> <p><u>Main stockpile area</u></p> <p>The main stockpile area contains large quantities of bulk materials and will be up to 35m tall. Locating it outside of the AONB would cause greater disruption to other landowners, much greater disruption to the local road network as materials are transported back and forth, and would bring the stockpiles closer both to where people live and to Leiston Abbey (Second Site) (Grade I Listed).</p> <p><u>Contractor compounds and common user facilities</u></p> <p>The large number of construction workers at Sizewell C will require compound space for their work and shared facilities to support it. This includes a variety of facilities such as workshops, storage buildings, hardstandings, equipment maintenance, prefabrication zones, laboratories, office and welfare provisions. Activity in this area will need to continually feed supplies to the workface on the Main Platform throughout the working day. It is not considered feasible to locate them outside of the AONB where they would create inefficiencies for users and bring greater disruption to landowners, public, the local road network and to heritage assets. In addition, large items such as prefabricated reinforcement cages that need to be fabricated outside of the Main Platform will need to</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>be transported from this area to the workface through specialist slow moving transporter units. By being close to the Main Platform, they reduce impacts on the wider area.</p> <p><u>Borrow pits</u></p> <p>The location of the borrow pits was driven by the availability of sufficient quantity and quality of suitable material, located above the water table, to substantially reduce the need to import aggregate from off-site locations and export excavated material.</p> <p>The chosen area has sufficient depth above the water table to minimise the borrow pit footprint required. Locating the borrow pits outside of the AONB would have caused greater disruption to other landowners, greater disruption to the local road network and moved the borrow pits closer to where people live.</p> <p><u>Water resource storage area</u></p> <p>This facility will be located close to the borrow pits and main stockpile areas in the AONB to be close to the intended point of use of non-potable water for dust suppression.</p> <p><u>Flood mitigation area</u></p> <p>This area needs to be located where it connects into the existing floodplain, hence its location in the AONB.</p>
Al.2.2	The Applicant, FERN	<p><b>Site specific assessment – Two Village Bypass</b></p> <p>The Applicant’s response to ExQ1 Al.1.18 [REP2-100], indicates that the average journey time for the Parish Council’s alternative route would be some 20 seconds longer than the DCO route.</p> <p>(i) Please explain why that difference would have any impact upon journey choice?</p> <p>(ii) Given the anticipated congestion at the Farnham Bend is the Parish Council alternative alignment not likely to be attractive to the majority of drivers notwithstanding the additional 18 seconds of average travel time compared to the existing A12 route?</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
	SZC Co. Response at Deadline 7	<p>In considering alternatives to the two village bypass DCO route, it is first important to note that journey times, and consequently journey choice, are one consideration for likely users. SZC Co. has worked closely with the local stakeholders as part of the evolution of the design and preferred alignment of the two village bypass. The proposed two village bypass has been routed as far away from residential properties as practical, whilst providing an effective bypass and minimising environmental impacts. Chapter 16 of the Local Impact Report (LIR) [REP1-045] sets out Suffolk County Council and East Suffolk Council's position on the two village bypass. At paragraph 16.54 of the LIR [REP1-045] it states that "the Councils consider that the route proposed by the Applicant is the least worst option when considering impacts on Foxburrow Wood and its position is subject to satisfactory detailed design of the bypass."</p> <p>(i) The Parish Council alternative alignment is almost half a kilometre longer than the DCO route and would divert traffic well into the countryside. A comparison of the journey times has been set out in response to <b>ExQ1 AI.1.18</b> [REP2-100]. This longer diversion will naturally make it less attractive for drivers to use and is likely to impact upon journey choice, with drivers likely to choose the shortest route. Whilst Sizewell C construction traffic would be instructed to use the bypass and avoid the two villages, Sizewell C traffic represents only approximately 7% of A12 traffic (based on Location AB – Marlesford, which is just to the south of Farnham – Table 8.7 of the <b>Consolidated Transport Assessment</b> [REP2-045]) and the majority of other vehicles using the A12 would be less likely to divert onto a bypass which offers no benefit in journey time.</p> <p>(ii) As set out in <b>ExQ1 AI.18</b> [REP2-100], the journey time is estimated at 1 minute 50 seconds for staying on the existing A12, without taking into consideration congestion.</p> <p>The journey time for the DCO proposed two village bypass is estimated at 1 minute 48 seconds; whilst the journey time for the revised alternative Parish Council alignment is estimated at 2 minutes 8 seconds.</p> <p>Therefore, the Parish Council alignment would be slower than the DCO proposal and slower than staying on the existing A12.</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>As noted above in part (i), drivers are likely to choose the quickest and shortest route. The Parish council alternative would be appreciably and perceptibly longer – i.e. an obvious diversion off route into open countryside. Regular users would be aware of and likely to use the existing faster route.</p>
Al.2.3	The Applicant, FERN	<p><b>Site specific assessment – Two Village Bypass</b></p> <p>The DL5 submission of FERN, rebuts the suggestion that the gap between Foxburrow Wood and Palant’s Grove is not wide enough to accommodate the alternative route being over 100m wide. The Applicant has provided a detailed response to ExQ1 Al.1.16 and Al.1.22 in relation to the criticism of the selected route for the Two Village Bypass. Please respond/comment further in relation to the width of the required corridor; the impact that impinging on the 15m buffer to Foxburrow Wood and Palant’s Grove ancient woodland would have upon those trees; and any implications arising from the fragmentation of the CWS.</p>
	SZC Co. Response at Deadline 7	<p><b><u>Width of the required corridor</u></b></p> <p>The gap between Foxburrow Wood and the eastern section of Palant’s Grove is approximately is 110m. When taking into account the 15m buffers for both of these ancient woodlands, the gap between Foxburrow Wood and the eastern section of Palant’s Grove is 80m.</p> <p>As set out in the response to <b>ExQ1 Al.1.22</b> [<a href="#">REP2-100</a>], the alternative alignment proposed by the Parish Council is not compliant with geometric standards. However, SZC Co. prepared a revised alternative, comparable to the Parish Council’s alignment, so that it is broadly compliant with geometric standards (referred to as the revised alternative Parish Council alignment). This revised alternative Parish Council alignment has been prepared at a high-level to help understand the potential impacts of an alignment to the east of Foxburrow Wood, however it has not been designed in detail, for example in relation to the likely extent of earthworks required. The DCO alignment and the revised alternative Parish Council alignment is shown on Figure 1.1.</p>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>A 50m wide road, plus a 14m to 20m corridor (to facilitate construction and operation of the road, including the accommodation of haul routes, drainage, PRow changes) would have a total width of 64 to 70m and would fit between the northern area of both woodlands, however, the alignment needs to curve in accordance with highway design standards to avoid Walk Farm Barn to the south. With this curve, the Parish Council alternative alignment would impact on the south east corner of the Foxburrow Wood Ancient Woodland buffer by between 6.4m and 12.4m (depending on the width of the required 14 to 20m corridor). This would reduce the 15m buffer to a buffer of between 8.6m and 2.6m.</p> <p>As explained in SZC Co.'s response to <b>ExQ1 AI.1.22</b> [<a href="#">REP2-100</a>], the gap between Foxburrow Wood and the eastern section of Palant's Grove is a County Wildlife Site (CWS). Therefore, in addition to impacting on the Ancient Woodland buffer, the revised alternative Parish Council alignment would result in the direct loss of approximately 1,834sqm of CWS.</p> <p><b><u>The impact of impinging on the 15m buffer to Foxburrow Wood and Palant's Grove ancient woodland would have upon those trees</u></b></p> <p>Natural England guidance<sup>9</sup> indicates that a buffer zone of at least 15m should be provided from ancient woodland to avoid root damage to trees on the edge of the woodland. Impinging on this 15m buffer could result in root damage that could result in trees becoming unstable or damaged to the extent that they die off, resulting in direct damage to the ancient woodland.</p> <p><b><u>Implications arising from the fragmentation of the CWS</u></b></p> <p>The CWS designation is recognition of a site's high wildlife value within the County context and is typically made by the local planning authorities. Site selection criteria vary but in</p>

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<sup>9</sup> Natural England. Ancient woodland, ancient trees and veteran trees: protecting them from development. 2018. Available at: <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#use-of-buffer-zones>.

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>general, these sites support important or threatened species and habitats that are local and national priorities for conservation including the habitat types listed on Section 41 of the NERC Act.</p> <p>CWSs are not protected by legislation, but their importance is recognised by local authorities when considering any relevant planning applications and there is a presumption against granting permission for development that would have an adverse impact on a site<sup>10</sup>. Suffolk County Council stated in its Deadline 3 "Responses to any further information requested by the ExA" [REP3-081] that this woodland linking Foxburrow Wood with Palant's Grove is defined as CWS and that this CWS woodland that joins the larger parts of the Ancient woodlands either side "remains important for its ecological functioning" (electronics page 2).</p> <p>The removal of this central neck of Foxburrow Wood CWS would therefore fragment the CWS and sever the ecological connectivity of the ancient woodlands on either side, resulting in direct avoidable harm to the biodiversity of the CWS and indirect wider harm.</p> <p>No tree surveys of the section of woodland that would be impacted have been undertaken and therefore the potential for bat roosts is not known, however, historical records and bat transect surveys undertaken in May and July 2019 recorded evidence of bat activity (Common pipistrelle <i>Pipistrellus pipistrellus</i>) and the Parish Council alternative route would result in loss of woodland that is likely to provide suitable foraging, commuting and roosting habitat.</p>
Al.2.4	The Applicant	<p><b>Site specific assessment – Two Village Bypass</b></p> <p>The DL5 Bioscan UK Ltd Comments on Ecology on behalf of FERN, points out that the Applicant has confirmed that the Nuttery Belt has not been visited directly [REP3-042]. Please explain how an assessment based upon absent field survey information for features</p>

<sup>10</sup> East Suffolk Council (ESC) (2020). Local Plan <https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Suffolk-CoastalLocal-Plan/Adopted-Suffolk-Coastal-Local-Plan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf>

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<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
	SZC Co. Response at Deadline 7	<p>such as established woodland that would be subject to direct impact can be regarded as robust?</p> <p>As explained in SZC Co.'s <b>Comments on Written Representations</b> [<a href="#">REP3-042</a>] (pages 67-69) <b>Volume 5, Chapter 7</b> of the <b>ES</b> [<a href="#">APP-425</a>], updated by <b>Volume 1, Chapter 5</b> of the <b>First ES Addendum</b> [<a href="#">AS-184</a>], as well as supplementary baseline information (as summarised in the <b>ES Signposting Document</b> (Doc Ref. PDB-2(B)), provided information on the ecology baseline for the two village bypass site and an assessment of Important Ecological features, in accordance with CIEEM guidance. Baseline conditions were determined through a combination of a desk study and field surveys, which included:</p> <ul style="list-style-type: none"><li>• review of designated sites (statutory and non-statutory) within 5km of the site boundary, and local nature reserves and county wildlife sites within 2km of the site;</li><li>• review of Suffolk Biodiversity Information Service and the Joint Nature Conservation Committee records;</li><li>• review of the ancient woodland inventory information (AWI) held on the MultiAgency Geographic Information for the Countryside website; and</li><li>• review of the Suffolk BAP, Suffolk's Priority Species and Habitats List, and the listed under section 41 of the Natural Environment and Rural Communities Act 2006</li></ul> <p>The two village bypass site has been subject to a Phase 1 Habitat survey [<a href="#">APP-426</a>], including external views of Nuttery Belt, which enabled it to be mapped as broadleaf woodland. Nuttery Belt was not directly visited during the Phase 1 Habitat survey. An additional survey was undertaken in June 2021 [<a href="#">REP4-006</a>] where Nuttery Belt was directly visited and surveyed. In June 2021 Nuttery Belt was recorded to support mature and semi-mature ash and oak with dense groundflora dominated by cow parsley, nettle and ground ivy. This does not undermine the baseline for the route corridor, as long as route corridor survey coverage is generally high, as in this case, and given that the baseline is supplemented by desk study data. The woodland is not considered to be ancient as explained at [<a href="#">REP6-002</a>] (page 8 and 9) and more extensive access to the woodland would not have changed the evaluation of this feature in the ES or the conclusions of the ES in relation to woodland. SZC Co. considers that the assessments presented in the ES and ES Addenda are robust.</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
Al.2.5	The Applicant, English Heritage Trust (EHT)	<p><b>Site specific assessment – Sizewell Link Road</b></p> <p>The Applicant in its comments on the EHT response to ExQ1 Al.1.28 and Al.1.34 [REP3-046] in relation to the potential effect of increased traffic on the B1122 close to Leiston Abbey on the significance of the Leiston Abbey Group indicates that detailed discussions with EHT regarding measures to be included in the Draft Deed of Obligation are ongoing. Please state whether that particular matter has now been resolved and any necessary mitigation secured?</p>
	SZC Co. Response at Deadline 7	<p>Detailed discussions on mitigation which will address the effects on the setting of Leiston Abbey are progressing very well and SZC Co. and EHT are close to agreeing the specific amounts and measures to be included in the <b>Draft Deed of Obligation</b>. The <b>Draft Deed of Obligation</b> submitted at Deadline 7 (Doc Ref. 8.17(F)) has been updated to reflect the progress that has been made since the response to the Examining Authority's First Written Questions.</p> <p>SZC Co. has provided clarification to EHT and Historic England on how their existing legal right of access to Leiston Abbey from the B1122 will be maintained. The need to provide improvements to the junction of this access with the B1122 to ensure safe access to Leiston Abbey (second site) will be considered at the detailed design stage: Requirement 6A [REP6-006] requires SZC Co. to submit a right of way implementation plan to Suffolk County Council for their approval in their capacity as Highway Authority. This must be in general accordance with the <b>Public Rights of Way Strategy</b> [REP3-013] which includes the need "<i>to minimise road crossing points and, where unavoidable, to carry out relevant road safety audits and implement recommendations to ensure user safety</i>". Therefore safety of both motorised and non-motorised users will need to be considered and any appropriate safety measures incorporated in order to discharge the requirement.</p>
<p><b>AR.2 Amenity and recreation</b></p>		
	The Applicant, SCC (point ii and v)	<p><b>PROW</b></p> <p>(i) [REP3-013] The Rights of Way Access Strategy provides plans at a very large scale of the existing and proposed coastal path routes, however, the Access and Rights of Way Plans [REP2-007] at a scale of 1:2,500 show greater clarity is it correct to assume the plans shown in [REP2-007] take precedence?</p>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>(ii) Do SCC seek more detailed plans than those shown in [REP2-007] for the alignment of the coastal path, if so, what scale would you anticipate being appropriate?</p> <p>(iii) In light of the ongoing concerns raised by SCC and supported by ESC in the LIR [REP1-044] and in answer to FWQ AR1.7 what is the current situation with regard to the proposed route of the coastal path and the consequential future maintenance of this important route?</p> <p>(iv) It would appear a further iteration of the Rights of Way and Access Strategy is to be provided to address the concerns raised in the responses to FWQ AR1.7, while a revised version has been received [REP3-013] this does not appear to respond to the points referred to by SCC and responded to in the WR response from the Applicant. When is this proposed to be submitted to the Examination?</p> <p>(v) Has clarification been provided from SCC regarding "<i>the changes proposed for the management of access to the coast</i>" in their response to AR1.7?</p>
	SZC Co. Response at Deadline 7	<p>(i) The Access and Rights of Way Plans submitted at Deadline 2 [REP2-007] have been superseded by the Access and Rights of Way Plans Revision 6 [REP5-008] submitted at Deadline 5. The Access and Rights of Way Plans Revision 6 [REP5-008] are submitted 'For Approval' and therefore take precedence over the plans in the Rights of Way Access Strategy [REP3-013]. The Access and Rights of Way Plans Revision 6 [REP5-008] only show definitive Public Rights of Way and Highways. The plans in the Rights of Way Access Strategy [REP3-013] show definitive Public Rights of Way, and also show other recreational routes such as long distance walking routes, cycle routes and permissive footpaths, and accessible landscapes such as Open Access land and Common Land, but do not show Highways.</p> <p>(ii) This is a matter for SCC.</p> <p>(iii) The coastal path is a natural feature intended to replicate the existing. It is also adjacent to the soft coast defence feature and will be maintained as a part of this. The numerical modelling indicates that the soft coast defence would not be eroded back to the path under even extreme storm conditions. Maintenance of the soft coast defence feature will include regrading of the design profile to the lines and levels shown within the application, and this will include the coastal path, if required.</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>(iv) The Rights of Way and Access Strategy submitted at Deadline 3 [REP3-013] is the same as the revised Rights of Way and Access Strategy submitted at Deadline 2 [REP2-035], but with plans (Figures) included which were inadvertently omitted from the document submitted at Deadline 2. SCC has made further comments on the Rights of Way and Access Strategy in their Written Response at Deadline 3 [REP3-079] (paragraphs 44 to 49) and Deadline 5 [REP5-172] (paragraphs 49 to 59). The Rights of Way and Access Strategy has been reviewed in light of SCC's comments submitted at Deadlines 3 and 5, and an updated revision is submitted at Deadline 7 (Doc Ref. 6.3 15I(C)).</p> <p>(v) SCC to provide further clarification.</p>
AR.2.1	Applicant, SCC	<p><b>Footpath Implementation Plan (FIP)</b></p> <p>(i) SCC suggest in response to AR1.7 that the current FIP process is not appropriate. Has progress been made in resolving the differences in how and through what mechanism the FIP should be secured? Please advise of the latest position.</p> <p>(ii) If SCC remain of the view this should be a revised requirement, has a proposed wording been prepared, please provide this to the Examination.</p>
	SZC Co. Response at Deadline 7	<p>Schedule 2, Requirement 6A has now been included in the <b>Draft DCO</b>, the latest draft of which is submitted at Deadline 7 (Doc Ref. 3.1(G)), which requires a Public Rights of Way implementation plan to be submitted and approved by SCC before any new or diverted public right of way listed in Schedule 11 may be commenced. This provides SCC with appropriate control over the timing, details and delivery of the PRow diversions within the main development site. It is understood that SCC are content with this approach.</p>
AR.2.2	Applicant, ESC, SCC	<p><b>Leiston Sports Facilities</b></p> <p>Within the Deed of Obligation [REP5-083] page 60 para 2.2.6 reads  <i>"If all requisite consents for the Leiston Sports Facilities cannot be obtained, East Suffolk Council shall repay the remainder of the Sports Facilities Works Contribution to SZC Co and enter into discussions in good faith about the appropriate provision of alternative facilities."</i></p> <p>(i) What additional consents are required?</p> <p>(ii) In the event they are not granted how would the recreational provision be provided?</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	<p>(iii) The wording suggests there remains some doubt as to the provision of the facility, yet it has been included as primary mitigation in the ES assessment [Section 15.5 APP-267]. Please clarify the situation</p> <p>(i) Permission for the construction of the Leiston Sports Facilities is provided by the Development Consent Order, subject to the satisfaction of Schedule 2, Requirement 12A which secures the details of the layout, scale and appearance of the sports facilities. The DCO includes illustrative details of the sports facilities which have been based on ongoing discussions with ESC. ESC agree that these details are appropriate, and they demonstrate that there is no impediment to the subsequent details from being granted by ESC.</p> <p>The land upon which the Leiston Sports Facilities is to be built is within the Order Limits of the Development Consent Order. SZC Co. will not rely on compulsory powers to acquire an interest in the land, ESC will engage with SCC to seek the rights required to construction the Sports Facilities.</p> <p>(ii) and (iii) SZC Co is not aware of any reason why the Leiston Sports Facilities would not be provided. However, this wording allows SZC Co. and ESC to explore alternative locations for this provision in the very unlikely event that the sports facilities cannot be built here.</p>
AR.2.3	Applicant, ESC, SCC	<p><b>Public Sector Equality Duty</b></p> <p>In response to FWQ AR1.27 ESC identified that concerns remained over whether all potential impacts had been properly identified for people with protected characteristics and consequently whether mitigation appropriate to those individuals/groups had been identified. Additionally, SCC did not consider there had been a comprehensive assessment in relation to community safety or community cohesion.</p> <p>(i) Can each party please provide an update on your positions to inform the ExA as to the suitability of the assessments, the conclusions reached, and the mitigation offered.</p> <p>(ii) Please advise on the latest positions in the discussions on the establishment of the Public Service Resilience Fund and Community Funds and whether these now have elements within them to address the concerns identified for people with protected characteristics?</p>

**ExQ2: 03 August 2021****Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
	SZC Co. Response at Deadline 7	<p><u>Response to Part (i)</u></p> <p>As set out in SZC Co.'s Deadline 3 response to ESC and SCC's response to <b>ExQ1 AR.1.27</b> (which also references <b>HW.1.17</b>) [<a href="#">REP3-046</a>], SZC Co. does not agree that inadequate regard has been made to people with protected characteristics in identifying impacts and subsequently setting out appropriate mitigation. Consideration has been given to how mitigation measures can and will support and protect people with protected characteristics.</p> <p>SZC Co. notes that the Equality Statement [<a href="#">APP-158</a>] did not include details of specific mitigation that had yet to be formally agreed between parties at the time of finalisation and submission of the DCO application (for example that to be secured in the <b>Deed of Obligation</b>).</p> <p>As such, SZC Co. proposes to submit an addendum to the Equality Statement at Deadline 9 which – where practicable – will provide additional detail on proposals that have subsequently been developed and in most cases agreed with the Councils and other parties through the <b>Draft Development Consent Order</b> (Doc Ref. 3.1(G)) and <b>Deed of Obligation</b> (Doc Ref. 8.17(F)), where they are relevant to the potential for differential or disproportionate effects on people with protected characteristics.</p> <p>As per section 1.2 a) (Legislative context) of the Equality Statement [<a href="#">APP-158</a>], its purpose is to guide the Examining Authority and Secretary of State to where equalities impacts may be relevant in terms of development of mitigation, and demonstrate that they have been considered, in order to inform the DCO decision-making process.</p> <p>In some cases, where mitigation is not already defined and its equality effects inherently considered, specific equality impact assessments may be needed to consider any differential or disproportionate effect on people with protected characteristics. In most cases, the Public Sector Equality Duty would sit with the Local Authorities in this instance – for example where funding is provided to the Councils to deliver the Housing Fund, Public Sector Resilience Fund, or Tourism Fund, for example. In most cases, those bodies would have pre-existing Equality Impact frameworks for the delivery of services. SZC Co. would work with the relevant authorities in its capacity as members of governance groups for these funds to support the delivery and provide any information relevant.</p> <p>SZC Co. has continued to liaise with SCC on the transport mitigation package, including mitigation in relation to transport environmental effects, including severance, pedestrian</p>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>delay, amenity and fear and intimidation. Additional mitigation has been proposed as part of the <b>Deed of Obligation</b>, the latest draft of which is submitted at Deadline 7 (Doc Ref. 8.17(F)), and SZC Co. is close to agreeing the package of transport mitigation as part of the Statement of Common Ground between SZC Co. and the local authorities.</p> <p><u>Response to Part (ii)</u></p> <p>SZC Co. welcomes the positive engagement with ESC and SCC in developing a Public Services Resilience Fund to reduce the risk of effects on groups that may be differentially or disproportionately affected as a result of their protected characteristics, and may be more vulnerable to the effects of the Project, and in developing a Community Fund to fund schemes, measures and projects to help mitigate intangible, residual in-combination effects. The Community Fund would be used to mitigate intangible and residual effects on local communities as a result of combined environmental effects, both perceived and real of the Sizewell C Project via grants for schemes, measures and projects which promote economic, social and environmental well-being and improvements to quality of life.</p> <p>SZC Co. has agreed to provide funding towards public service and community safety measures that target the most vulnerable members of the community, bolstering activities of the Housing Fund and other embedded and additional measures. This will include, as set out in the <b>Draft Deed of Obligation</b> (Doc Ref. 8.7(F)) at Schedule 5, the following measures, which have been developed through collaboration with SCC and ESC:</p> <ul style="list-style-type: none"><li>a) A contribution towards SCC's home care and safeguarding services within SCC's Adult Community Services and safeguarding and health visitor services in SCC's Children and Young Peoples service, which may be used to support existing vulnerable residents through at-home support.</li><li>b) Contributions towards SCC's community safety and domestic abuse programmes including:<ul style="list-style-type: none"><li>i) Provision for training resources linked to criminal exploitation;</li><li>ii) Domestic Abuse Outreach Service including 24/7 helpline;</li><li>iii) Safe Accommodation (providing safe, temporary, emergency bedspaces for people experiencing domestic abuse); and</li><li>iv) Sanctuary Scheme (providing home security measures, which are available for high-risk domestic abuse victims and their children to remain safe in their own homes).</li></ul></li></ul>

**ExQ2: 03 August 2021**

**Responses due by Deadline 7: 03 September 2021**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>c) A contribution towards the extension of existing community safety programmes currently run by East Suffolk Council and Community Safety Partnerships including resource to deliver programmes related to criminal exploitation, vulnerability to abuse, families at risk of crisis, community liaison and training.</p> <p>d) A contribution towards support for resilience in early years settings and schools including Personal, Social and Health provision and English as an Additional Language provision, and support for Special Educational Needs.</p> <p>As set out in SZC Co's response to <b>Question CI.2.3</b>, the Housing Fund is also developed with vulnerable people in-mind, and is adaptable, proactive and reactive to reduce the risks of housing need and homelessness for those particularly vulnerable to change. This also includes provision funding for SCC in the event that information provided by Suffolk County Council (that the Accommodation Working Group agrees) shows closure of Council-provided residential care homes directly as a result of the Sizewell C Project.</p> <p>In addition, Schedule 14, Paragraph 2.4.11 of the updated <b>draft Deed of Obligation</b> (Doc Ref. 8.17(F)) requires the Suffolk Community Foundation, as part of the administration of the Community Fund, to support people with and projects supporting those with protected characteristics in applying for grants.</p>