Examining Authority's Third Written Questions

Questions for EA Response

ExQ3	Question to:	Question	EA Response
AQ.3 Air Quality			
AQ.3.2	Applicant, ESC, EA	**Medium Combustion Plant Directive and Non Mobile Machinery - Clarification** There are a series of generators that would be used through construction and operation which are covered by different regimes of control. (i) Can each party confirm the position in respect of how the different elements are controlled so that there is a clear understanding of who controls what (EA – Medium combustion Plant?) (ESC- Non Mobile Machinery up to 560Kw) and if agreed how the in combination effects of the different plant is controlled to an appropriate level. (ii) If it is not agreed, please explain what the differences are. (iii) Will plant above 560Kw be covered by controls under the Medium Combustion Plant Directive? Or through an EA permit? (iv) Please clarify what is the EA permitting threshold.	The Environment Agency is responsible for regulating the sources of air pollution under the Environmental Permitting Regulation 2016 (as amended). There are two aspects to this legal framework which requires us to look at power plant from an individual appliance perspective as well as an aggregated one. • **Individual** units are captured by the requirements of the medium combustion plant directive (MCPD). The thresholds for this is 1MWth. By that we mean the maximum net thermal fuel input that an individual appliance is designed for. This is different to 'design plates' which will generally list the electrical or thermal output from an appliance. In the UK we have also introduced the legal term 'specified generators'. These are plant, with no *de minimus* net thermal input, which are put in place to provide electricity to support the national grid or to provide electricity where a grid connection is unavailable. Although there are exclusions for mobile plant we do not consider that these should apply where a generator is in place for more than 6 months as it is deemed to be acting as a static generator. • There should be no overlap of **Non-Mobile Machinery** up to 560Kw (electrical/mechanical output). Plant will be either a specified generator or a medium combustion plant, or both. Where they are excluded then they may well be a NMMR.
Cu.3 Cumulative impact			
Cu.3.0	The Applicant, EA	**Cumulative impacts of coastal processes:** The EA's post hearing submission of oral case at ISH6 [REP5-149] states that with regard to the BLF, HCDF and SCDF it cannot scrutinise cumulative impacts at this stage because of outstanding modelling – adapted HCDF design and morphodynamics of SCDF beyond 2099 – required to inform their position. The same applies to in-combination impacts with other projects such as EA1 and 2. (i) In the light of information provided by the Applicant at DL7 can a response on cumulative impacts now be provided? (ii) If not, what further information is required? (iii) The Applicant is requested to summarise and update its position in relation to cumulative impacts in the light of the latest information that has been submitted.	(i) The information provided at DL7 extends some elements of the coastal processes and geomorphology assessment to 2140, but further work is anticipated to complete the assessment for the full range of plausible scenarios. (ii) We require additional work to consider the following in order to fully assess the risk of cumulative impacts to coastal processes: - Modelling of the Beast from the East sequence to 2140 (including for the adapted HCDF design and receded shoreline scenario) - Modelling the 1 in 10,000 year safety case event to 2140 (for the full range of scenarios) - Detailed final design information for the SCDF and HCDF
CG.3 Coastal Geomorphology			
CG.3.2	ESC, EA	**Impacts on coastal processes:** The Applicant accepts [REP5-118] that recent modelling shows during and beyond decommissioning the SCDF maintained	We are satisfied that the mitigation measures outlined in the CPMMP should be sufficient to address this risk, providing planned additional

		coast could become a foreland and even though it is releasing sediment, the SCDF may begin to disrupt longshore sediment transport. It states that this matter is in hand as it has the right monitoring to detect whether there has been a blockage and three mitigation methods for beach maintenance are planned to correct that. A section in the CPMMP [REP5-059] has been added to more explicitly reflect this point. Please confirm that it is agreed that the CPMMP revision achieves that objective and that the monitoring, mitigation methods and triggers set out in section 7 are satisfactory and agreed?	modelling work continues to show that coastal change risk remains at a manageable level. We retain some minor concerns relating to the potential preferential use of coarser particle sizes when designing the SCDF and beach recharge compositions (as outlined in section 7.5.3 of the CPMMP), as this could have adverse environmental impacts and alter the geomorphology of the Sizewell frontage, even if by simply skewing the mean size towards the coarser end of the natural distribution. However, we note from recent discussions with the applicant that this concern has been recognised, and that use of a particle size distribution which mimics the native conditions is expected to be viable from an engineering perspective, which is welcome. We anticipate further discussion around this point as work to develop the CPMMP (particularly mitigation options) and SCDF design continues. We also note that discussions remain ongoing regarding the governance and enforcement arrangements for the CPMMP. We consider it critical that all parties agree a robust approach to these matters in order to avoid future uncertainty or conflict, and ensure the CPMMP provides a viable and deliverable adaptive management plan.
CG.3.14	The Applicant, ESC, EA	**Impacts on coastal processes:** In the event that Change Request 19 is accepted by the ExA, please explain how the primary mitigation proposed to minimise impacts on coastal geomorphology and hydrodynamics from the proposed temporary desalination plant would be secured by the draft DCO? Is it agreed that Requirement 8 would be sufficient to serve that purpose and are any further drafting changes or additional Requirements or safeguards sought?	Procedural questions regarding coastal geomorphology such as these are best answered by the Applicant and ESC.
DCO.3 Draft Development Consent Order (DCO) Please answer the following question in the event the change request for the desalination plant is accepted			
DCO.3.5	MMO, Natural England, Environment Agency	Are the MMO, Natural England and Environment Agency satisfied that the co-ordinates for the location of the works and their construction are given correctly in the ninth revision of the dDCO?	The Environment Agency has no concerns however, the MMO may be better placed to answer this question.
R.3 Radiological considerations			
R.3.0	The Applicant, ONR, Environment Agency	**Permits and Licences** In the event that the latest change request were to be accepted; (i) Please provide an update on the latest position regarding the progress of the respective permits and licences required to construct and operate the proposed development. (ii) Please advise on the likely timeline for concluding the consideration of these licences and permits. (iii) Is there anything at this stage that you consider may prevent the issuing of such licences or permits?	(i) We are in the process of determining three environmental permit applications made on 27 May 2020 (a radioactive substances activity permit, a combustion activity permit and a water discharge activity permit). We consulted our statutory consultees and the public on these applications between 6 July 2020 and 2 October 2020 and will undertake a further consultation once we have reached a ‘minded to’ decision. (ii) The current best estimate for reaching a ‘minded to’ decision on all three permits is around May 2022. We are engaging with the company to try to enable delivery of information that may allow us to arrive at a ‘minded to’ decision at an earlier point in time. Timescales could be affected if there are further changes to the project proposals, or work to resolve issues, means that

			additional information is required and further review necessary. We will consult with statutory consultees and the public on the 'minded to' decision over a period of three months and we would then expect to arrive at a final decision up to four months later. (iii) We cannot state whether we believe there is likely to be any impediment to the granting of these permits until we have reached a 'minded to' decision for each permit, consulted with statutory consultees and the public, and considered any consultation responses that we have received. The assessment upon which we will base our decision has taken longer than expected because of the need to review the necessary information provided by the company through a number of additional requests.
R.3.2	Applicant, ONR, EA	**Radiological Safety** TASC at [REP6-076] identify a series of concerns with regard to radiological safety during operation and post operation. Can the ONR and EA advise in respect of these concerns and confirm if any of the matters raised will not be safeguarded by the licensing/permitting regime	We have reviewed TASC's comments in their submission (REP6-076) and consider that our current determination of NNB GenCo (SZC)'s RSR permit application will cover the issues raised that fall within the Environment Agency's regulatory remit.
R.3.3	ONR, EA	**EPR Safety** IPs including TASC have raised safety concerns in light of information regarding ongoing issues at other EPR reactor sites around the world. Please confirm that the safety concerns are covered by the licensing/permitting regime. If there are any outstanding matters which you regard as being more appropriately dealt with through the DCO process advise what these are.	Our current determination of NNB GenCo (SZC)'s RSR permit application will consider the issues raised that fall within the EA's regulatory remit. The potential for leaks of radionuclides from nuclear fuel are accounted for in the discharge limits that NNB GenCo (SZC) have requested in their RSR permit application. This issue has also been previously assessed during the Generic Design Assessment of the EPR reactor undertaken by both EA and ONR.
R.3.4	The Applicant, ONR, EA	**Radioactive waste** The Deadline 5 submission of Professor Blowers [REP5-189], submits that the potential suitability of the site for the management of radioactive waste during operations and far beyond into the future is a matter for the Examination and its scope should not be limited by relying on the evidence of the ONR and the EA. In addition, his Deadline 7 submission states that the recent report of the IPCC has a direct bearing on the development of a nuclear power station such as Sizewell C on a coastal location and is relevant to the viability of the site, threatening the decommissioning process and the long-term management of radioactive waste. Please respond and set out your view as to the appropriate process for the consideration of the long-term management of radioactive waste and whether you have any concerns in that respect at this stage?	Storage of radioactive waste on a nuclear site and external hazards to such a site, such as flooding/sea level rise inundation are regulated through the nuclear site licence by the Office for Nuclear Regulation. The Environment Agency provides advice to ONR in this area and the EA and ONR have published joint guidance regarding how flood and coastal erosion risk issues should be taken into account when considering proposals for new build developments: https://www.onr.org.uk/documents/2017/principles-for-flood-and-coastal-erosion-risk-management.pdf. ONR, EA, SEPA and NRW have also published a joint Position Statement on use of UK Climate Projections 2018 (UKCP18) in November 2020 to provide further clarity on the regulators' expectations for the use of UKCP18 and to incorporate UKCP18 developments since March 2019: https://www.onr.org.uk/documents/2020/ukcp18-position-statement-rev-1.pdf As required by the Energy Act 2008, NNB GenCo (SZC) must produce a Decommissioning and Waste Management Plan (DWMP) which meets the expectations of the relevant safety, security and environmental regulators. We will provide advice to the Secretary of State through the Funded Decommissioning Programme as to

			whether the DWMP meets our regulatory expectations. Additionally, a Radioactive Substances Activity permit, if granted, would not be time limited and the site would remain under regulatory control until such a time that the applicant (operator) can demonstrate that they meet the requirements of our guidance on release from radioactive substances regulation (https://www.gov.uk/government/publications/decommissioning-of-nuclear-sites-and-release-from-regulation/decommissioning-of-nuclear-sites-and-release-from-regulation). Our guidance requires the operator to maintain a Waste Management Plan and Site Wide Environmental Safety Case.
Wa.3 Waste (conventional) and material resource			
Wa.3.0	Environment Agency	**Waste Management Strategy – Addendum [REP7-]** The applicant at Deadline 7 has submitted an Addendum to the Waste Management Strategy setting out Key Performance Indictors (KPI). Are you satisfied this Addendum addresses your original concerns about the lack if KPI in the Waste Management Strategy?	We are presently unable to answer this question and intend to provide an answer at deadline 9.