



# The Sizewell C Project

## 9.121 Written Summaries of Oral Submissions made at Issue Specific Hearing 15: Proposed Temporary Desalination Plant (5 October 2021)

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Revision: 1.0  
Applicable Regulation: Regulation 5(2)(q)  
PINS Reference Number: EN010012

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October 2021

Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009





SIZEWELL C PROJECT –  
WRITTEN SUMMARIES OF SZC CO.'S SUBMISSIONS  
AT ISSUE SPECIFIC HEARING 15

**NOT PROTECTIVELY MARKED**

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# 1 ISSUE SPECIFIC HEARING 15: PROPOSED TEMPORARY DESALINATION PLANT

## 1.1 Introduction

1.1.1 This document contains the Applicant's written summaries of the oral submissions made at Issue Specific Hearing 15 (ISH15) on the Proposed Temporary Desalination Plant, held on 5 October 2021.

1.1.2 In attendance at ISH15 on behalf of the Applicant was:

- Hereward Phillpot QC ('HPQC') of Francis Taylor Building;
- Victoria Hutton of 39 Essex Chambers;
- John Rhodes of Quod (Planning Manager (Strategic));
- Richard Jones of Quod (Planning Manager (Main Development Site));
- Mike Brownstone of Resound Acoustics (Technical Lead - Noise);
- Richard Lowe of Aecom (Air Quality Lead);
- Kirsty McMullen of KMC Planning Ltd (Transport Planning Lead);
- Andy Langley of Atkins (SZC Civil Site Establishment Engineering Lead);
- Jennifer Learmonth of Royal HaskoningDHV (Marine Mammal Specialist);
- Mark Breckels of Cefas (Marine Ecology Lead);
- Tony Dolphin of Cefas (Coastal Geomorphology and Hydrodynamics Lead);
- Alister Kratt of LDA Design (Landscape Architect and Masterplan Lead);
- Michael Grant of Coastal and Offshore Archaeological Research Services (COARS), University of Southampton (Marine Historic Environment Specialist).

1.1.3 Where further information was requested by the Examining Authority (ExA), this is contained separately in the Applicant's **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

## 1.2 Agenda Item 2: Water Supply update

*Following the discussion at ISH11, the parties to provide an update on the Water Supply Strategy with particular reference to:*

*(a) Period prior to the temporary desalination plant being operational;*

*(b) Period of operation of the temporary desalination plant, including the transfer of the temporary plant to the Temporary Construction Area; and*

*(c) Period when Temporary Construction Area is being reinstated and operation of the Proposed Development.*

1.2.1 On these agenda items, which were dealt with together, HPQC on behalf of the Applicant referred to the matters now agreed in the **Statement of Common Ground – Northumbrian Water Limited (NWL)** [REP9-015]. He noted that the issues raised by Interested Parties related not just to the period prior to desalination (for which there was no dispute as to the availability of water) but also to the construction and long-term operation of the plant. So far as the longer term operational supply was concerned, it was noted that counsel for NWL had helpfully confirmed that NWL ‘*will be able to supply water*’.

1.2.2 It was neither necessary nor appropriate for the Applicant to provide certainty as to where the water for the tankered supply would be sourced during the early ‘pre-desalination’ period. The Applicant had provided written material on the currently anticipated sources of water in its **Written Submissions Responding to Actions Arising from ISH11** [REP8-125] section 1.2. It was clear from that material that there is sufficient certainty that there will be a source.

1.2.3 The exact source for the longer-term operational supply would depend first on the outcome of the ongoing abstraction sustainability (‘WINEP’) modelling and the Environment Agency’s decision, which (in accordance with the Statement of Common Ground) may confirm the availability of supply from Barsham. If that is not confirmed, as NWL explained to the hearing, other options would have to be secured by NWL as part of their normal water resource planning process. There is only so far that the Applicant can go to determine which water source is used, because this was a matter for the water undertaker, but the Applicant was content with the position reached and recorded in the Statement of Common Ground. Even if the Barsham proposal proves unable to supply all (or any) of the water required for the operational period, the proposals for the desalination capacity to deal with the construction period provide sufficient time to

enable the alternative source to be determined and delivered through the normal process. In terms of water resource management planning, the Applicant was entirely comfortable that there was no issue.

- 1.2.4 Appendix 1 to the Applicant's **Written Submissions Responding to Actions Arising from Issue Specific Hearing 11** [[REP8-125](#)] set out the position in terms of the law, policy and guidance on this matter. The statutory provisions in the Water Resources Act 1991 ('WRA 1991') regulate the relationship between the Applicant as customer and the water undertaker. In response to a question from the ExA about the implications of the Applicant agreeing in the protective provisions to forgo its right to insist on a domestic supply pursuant to section 41 of the WRA 1991, HPQC explained that for the purposes of supply for the operational period the more important provision was section 55. As explained in **Appendix 1** to [[REP8-125](#)], in the event that the water undertaker declined to enter into an agreement to supply under section 55, the customer could refer the dispute to OFWAT pursuant to section 56, subsection (4) of which provided that in determining any dispute it would be for the water undertaker to show that it should not be required to comply with the request.
- 1.2.5 HPQC referred to the protective provisions in this context. He noted that whilst they constrained the Applicant's ability to rely on section 41 (in order to address NWL's concerns about the potential implications of the statutory duty in this case), they left intact its rights pursuant to sections 55 and 56 and did not affect the rest of the statutory scheme. The curtailing of the Applicant's ability to rely on section 41 was balanced by the remaining provisions which imposed obligations on NWL, as an overlay supplementing the existing statutory regime.
- 1.2.6 Reference was also made to the Water Resources Planning Guidelines 2021, and the summary of those guidelines provided at paragraphs 1.1.40 to 1.1.44 of Appendix 1. Those guidelines provide that if a deficit is forecast the water company must consider '*supply side options to increase the amount of water available to the undertaker*' or '*demand side options which reduce the amount of water its customers require*' (1.1). The Guidelines do not contemplate water companies planning on the basis that they might simply decline to supply customers the water they do in fact require. As paragraph 1.1.44 of Appendix 1 explains, water undertakers must ensure their planned property and population forecasts and resulting supply '*must not constrain planned growth*'. Accordingly, even if NWL cannot identify a source now, they are obliged to do so and plan so as not to allow water supply to constrain growth. NWL's confirmation of that today was helpful.

- 1.2.7 In response to an invitation from the ExA to comment on the submissions made by HPQC, NWL helpfully made clear it did not take issue with anything that he had said.
- 1.2.8 HPQC also responded to concerns raised by other Interested Parties, confirming that none of the sources of water being considered for any stage of the proposed development would affect existing water supply for local residents, and that all of the options being considered were in addition to existing sources of supply.
- 1.2.9 As to criticisms made regarding the timing of the change application, the **Change Report** [REP7-285] explained why the change had been made, why it was made at this stage, and the reasons why the earlier rejection of the desalination option were revisited. That explanation, together with [REP8-125] Appendix 1 paragraphs 1.1.45 to 1.1.48 and the **Site Water Supply Strategy** [REP7-036], demonstrate that the need to make Change 19 at this time was clearly not as a result of lack of proper engagement with the water undertaker or proper planning on the Applicant's part. Further, it is significant that the only alternative put forward by Interested Parties in terms of water supply strategy is a suggestion to put the project on hold until a water main had been put in place. That is quite clearly an attempt to frustrate the delivery of an urgently required national infrastructure project, and is also hopeless when it has been demonstrated that there is an acceptable way of supplying water in the interim. No party has suggested any alternative approach to water supply that is both consistent with the urgent delivery of the project and said to be preferable in sustainability or any other terms. That reflects the fact that the Applicant is plainly pursuing the most sustainable water supply strategy in the circumstances that exist in this case.
- 1.2.10 In response to representations made on behalf of Therese Coffey MP, the Applicant explained that there is no justification for an extension of the examination in this case. Even if clarification regarding the modelling concludes that the Barsham source currently being considered cannot provide a supply which accords with the strategy, the Applicant is still content that the project can be consented and that the requisite supply would be available. This can and would be dealt with under the separate statutory regime which provides a mechanism for delivering a supply. There are two particular aspects to consider.
- 1.2.11 First, in respect of the impact of alternative sources of supply, the separate statutory regime that exists for determining the sources of supply has its own system of safeguards and assessment to ensure that those matters are fully addressed, including in the application of the Water Framework Directive and Habitats Directive.

- 1.2.12 Secondly, in respect of the environmental impact of the shorter term supply, this is a point raised by Natural England in their Deadline 9 representation [EV-222] regarding the sources for tankering. There is however no need for EIA or HRA of those sources as part of this process, because they are all existing and licensed sources and nothing new is proposed at those sources. Further, even if something new is in due course proposed at those sources, it would be subject to its own assessment.
- 1.2.13 A cumulative impact assessment of the water main has been provided [AS-189] because that is something that is known about and regarded as sufficiently likely to make some assessment possible and useful for informing decision-making. Beyond that, however, in respect of other potential sources that may emerge through the water resources management plan process, they are too uncertain to be assessed at this stage, and in any event they are covered by their own separate regulatory and assessment process.
- 1.2.14 Mr Rhodes on behalf of the Applicant suggested it was possible additionally to provide the following assurances in response to the points raised by Interested Parties:
- SZC Co. agreed with Ms Galloway's point about water efficiency. SZC Co. agrees that it should be as efficient as it can be. The **Water Supply Strategy** [REP7-036] set out a range of best practice measures to limit SZC Co.'s use of water; including challenging recycling rates. At Deadline 10 SZC Co. will incorporate into the CMS those commitments to water efficiency.
  - The **Statement of Common Ground - Northumbrian Water Limited** [REP9-015] explains that Sizewell will not have any prior claim and that NWL will take account of all existing and forecast demand before as part of its consideration of water supply to Sizewell. There will be no impact on the remainder of the community. SZC Co. has also always recognised that the cost of its water supply would fall to Sizewell not the wider community.
  - Whilst this examination is not the place to settle the future water supply strategy for the region, parties can be assured that there is a proper process for that purpose – the Water Resource Management Plan, which must be rigorously undertaken and widely consulted upon.
  - Regarding concerns as to the impact of supply for the Water Framework Directive (for example on the Waveney), that very issue forms part of the WINEP process. It is largely because of those sensitivities that the study is being undertaken and tested by the Environment Agency.

- The application being examined today is for a temporary desalination plant. If it was ever necessary to plan a permanent facility (or any alternative permanent solution) a formal application and assessment would be necessary and widely consulted upon.

1.2.15 HPQC stated that the Applicant would respond in writing to a specific query raised by Mr Galloway as to how many generators comprised the desalination plant in its two locations. SZC Co.'s response is contained in the Applicant's **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

### 1.3 Agenda Item 3: The Environmental Assessment and the environmental implications of the proposed temporary desalination plant including matters relevant to the Habitats Regulations Assessment:

*(a) The additional environmental assessments and supporting documentation submitted in connection with the proposed temporary desalination plant.*

1.3.1 HPQC noted that Natural England were once again not in attendance at an Issue Specific Hearing to which they had been specifically invited, and where its attendance would plainly have been of significant benefit to the examination. Their Deadline 9 written submissions in lieu of attendance [EV-222] were not an adequate substitute. An examination under the Planning Act 2008 is an inquisitorial process, and an important role of the Issue Specific Hearings within that process is to enable the examining authority to probe, clarify and test the positions that Interested Parties set out in writing. That includes the positions adopted by statutory consultees such as Natural England, who have a particular role to play in the process pursuant to statute. The non-attendance of Natural England in this context creates an imbalance in the inquisitorial process and frustrates its fair operation. The Applicant has attended the hearings with its relevant experts throughout, so that its written material can be tested and explained, its position on the issues can be clarified where needed, and responses can be given to issues raised by the examining authority and interested parties. Natural England's lack of attendance therefore has implications in terms of the overall fairness of the process, as its position cannot be probed and tested by the Examining Authority in the same way and to the same extent, nor can the Applicant obtain clarity as to Natural England's stance where that is needed to allow for an informed response.

1.3.2 By way of example of this general point, paragraph 3.1 of Natural England's written submissions [EV-222] makes reference to the screening process

showing that nothing more is needed, but then goes on to state '*In many of these instances very little justification is given for these decisions*'. It then refers to air quality impacts as an '*example*', but nowhere does it specify to which other impacts this comment is said to apply, or why. That leaves the full nature and scope of Natural England's concerns entirely uncertain. Natural England is not in attendance to explain its position on any of these matters, and only one deadline for written representations remains.

1.3.3 Regarding Natural England's suggestion in paragraph 3.6 that '*particular consideration is given to cumulative effects on landscape to the Suffolk Coast and Heaths AONB from noise, disturbance and increased infrastructure*', it has not identified its own position as to the likelihood of any such effects. As far as noise is concerned, the Applicant submitted a note dealing with noise effects at Deadline 9 which explains that there is no additional noise effect associated with the desalination plant above that already taken into account [REP9-024]. Regarding '*disturbance*', there is no explanation as to exactly what Natural England has in mind when it refers to disturbance, but clearly the desalination plant will sit within a substantial development site where construction works will be going on all around it. Regarding '*increased infrastructure*', the desalination plant is considerably smaller than the parameters that have been used to assess the landscape and visual impacts. Therefore, it is unclear what precisely is the concern and to what extent Natural England has properly engaged with the proposals when articulating these points. None of this could be clarified or explored at the Issue Specific Hearing, because Natural England had failed to attend.

1.3.4 Mr Alister Kratt on behalf of the Applicant confirmed that the assessment within the LVIA is predicated on defined parameters as set out in the parameter plans, and the scale and extent of the desalination plant lies comfortably within the parameters already assessed. The professional judgement of those advising the Applicant is that there is no need to consider further effects given the parameters assessed are larger than the desalination plant. Similarly, regarding impacts on the AONB, given that the scale of the effects for the total project are significantly larger than the desalination plant, the professional judgement is that there are no additional effects on the AONB.

1.3.5 HPQC noted that the relevant construction parameter plan (Drawing Ref. SZC-SZ0100-XX-000-DRW-100046 of [REP7-269]) showed the location of the desalination plant, that in respect of the initial location of the desalination plant (parameter plan ref C1) the maximum height parameter that has informed the assessment is 160m AOD, and that the maximum height of the desalination plant is 10m. The same applies in the subsequent location, where the maximum height parameter that has informed the

assessment is 35m AOD (parameter plan area ref C3), which is well above the maximum height of the desalination plant of 10m. The maximum height of the desalination plant is secured in the **CMS** (Paragraph 3.1.11 of [\[REP8-054\]](#)). The addition of the desalination plant cannot logically give rise to additional landscape and visual impacts beyond those originally assessed, because the assessment necessarily includes impacts associated with plant and other construction-related structures up to and beyond the scale of the desalination plant within the parameters. There is no logic in going through that process of assessment again because it would not be possible to come to a different conclusion.

- 1.3.6 In respect of air quality, Dr Richard Lowe on behalf of the Applicant explained that the diesel generators for the desalination plant are relatively small and would be subject to a permit under the environmental permitting process. Given that diesel generators are regulated through that process, it is not normal for them to be assessed at this stage of a project. Nonetheless, given that Natural England had in the present case raised a query as to their impact, and the general location and approximate capacity of the generators for desalination were sufficiently clear, the Applicant had provided an additional assessment at Deadline 9 to deal with this point (**Sizewell C Desalination Plant Air Impact Assessment** [\[REP9-026\]](#)).
- 1.3.7 Responding to noise issues raised by Interested Parties, HPQC explained (and Mr Mike Brownstone confirmed) that in response to RSPB's request for noise to be looked at in respect of ecological receptors, the Applicant submitted **Response by SZC Co. to RSPB's Comments at Deadline 8** [\[REP9-024\]](#), which demonstrates that the noise levels previously assessed will not materially alter. Although the request which gave rise to that submission concerned ecological receptors, the conclusion of no material difference is applicable to human receptors as well.
- 1.3.8 Regarding a point raised in written submissions by the Marine Management Organisation (**MMO**) about the evolution of the brine plume under different tidal conditions, Dr Breckels on behalf of the Applicant referred to the response to these comments in **Appendix 3A** of the **Fourth ES Addendum** [\[REP7-033\]](#). For context, as the tide evolves so can the plume due to different tidal conditions. The brine plume has been modelled on spring tides, both flood and ebb and throughout the tidal cycle. The rising tide and high tide has also been investigated to show how the brine plume evolves throughout the tidal cycle. The distance from the diffuser where the seawater is predicted to remain above 38.5 practical salinity unit (PSU) has also been calculated as requested by the MMO at Deadline 8 [\[REP8-164\]](#) and at the worst tidal case, this salinity level occurs within approximately 0.7m of the discharge outfall diffusers fitted. The Applicant does not believe

there is any gap in the assessment but is happy to discuss with the MMO further outside the examination.

- 1.3.9 In response to a concern raised by Ms Alison Andrews regarding references within the Fourth ES Addendum to ‘assumptions’ such as the scour protection, HPQC explained that where the Fourth ES Addendum has made assumptions about the use of measures such as this, they are now secured. One aspect which had changed between the relevant Deadline 7 documents which included the **Construction Method Statement (CMS)** [REP7-281] and now is that the CMS has been substantially tightened up in the Deadline 8 version [REP8-054], and it would be further tightened at Deadline 10. This is something which will be dealt with in more detail under item 5 of the agenda. The effect of the changes was to provide greater clarity as to what had to be done, thereby securing that all relevant assumptions used for the purposes of EIA would be reflected in the way the development was carried out. Accordingly, the Deadline 10 CMS will secure all of the matters which need to be secured (Doc Ref. 6.3 3D(E) / 10.3).
- 1.3.10 In response to points raised by Mr Galloway about the climate change impact of using generators and hence the sustainability of desalination, the Applicant noted that it is important to understand the context in which the desalination plant is proposed. Desalination, and in particular the use of diesel generators, is a short-term temporary proposal intended to facilitate the urgent delivery of a low carbon energy generation plant of national significance which is rightly regarded by the government as important in taking urgent action against climate change. Accordingly, while the desalination plant should be present no longer than necessary, it is also important to consider the context in order to fully understand the climate change impacts and the wider sustainability of what is proposed.
- 1.3.11 Further, as already noted, no alternative to the use of a desalination plant has been identified by any of the Interested Parties as a means of delivering this urgently needed power station in accordance with the timescales explained by the Applicant. Whilst the Applicant would provide a written response to Mr Galloway’s comments about alternative approaches to some features of the proposal, the relevance or otherwise of such points was doubtful. In circumstances where the impacts of the desalination plant are acceptable, there is no obvious need to consider alternative versions of that development. In the normal way, if a proposed development is acceptable, development consent should not be withheld simply because some other development might be regarded as even better. In any event, no sensible alternative has been put forward as explained. SZC Co.’s response to Mr Galloway is contained in the Applicant’s **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

- 1.3.12 Mr Kratt on behalf of the Applicant responded to comments made by the AONB Partnership in respect of pipework in the AONB, stating that it would supply in written submissions references to where the cumulative impact of the pipeline had been assessed<sup>1</sup>.

*(b) Transport implications, including the Heavy Good Vehicle (HGV) deliveries and any Abnormal Invisible Loads (AILs) associated with the water tankers during the early stages of Sizewell C construction, and the construction and demolition of the temporary desalination plant.*

- 1.3.13 Ms Kirsty McMullen on behalf of the Applicant explained that the average two-way HGV movements for construction of the desalination plant would be 14 per week; for operation, 2 per week; and for demolition, 8 per week. The peak two-way HGV movements would be 16 per day (i.e. the maximum on any specific day). The high daily peak relative to the weekly average is because of some short spikes earlier on during construction, with the number subsequently decreasing. All of those are HGVs and there are no AILs required for construction, operation or demolition of desalination plant.
- 1.3.14 The HGV movements (including the water tankers) for construction, operation and demolition of the desalination plant would be included in the 600 HDV early years two-way daily cap set out in the **Construction Traffic Management Plan (CTMP)** (Annex K of the **Deed of Obligation** (Doc Ref. 10.4)), which has been agreed with ESC, SCC and National Highways. They are already accounted for and managed in the same way as any other HGV.
- 1.3.15 As the water supply strategy evolves the Applicant will keep the Transport Review Group (**TRG**) updated and the final water supply strategy will be made available to the TRG for review. The Applicant does not anticipate that there would be any new significant adverse effects arising from the final strategy, but in the very unlikely event that there are any new significant adverse effects, the TRG would be able to draw from the Contingent Effects Fund, and the drafting in Schedule 16 of the **Deed of Obligation** (Doc Ref. 10.4) includes any significant adverse effects from the water supply strategy.
- 1.3.16 As to the origins of the tankers, that could not be fully known at this stage, however all of the tankers would need to comply with the **CTMP** (Doc Ref. Annex K of Doc Ref. 10.4), including the caps and the same controls (including monitoring by GPS, timing, routing etc.) as for other HGVs.

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<sup>1</sup> This reference is ES Addendum, Volume 1: Chapter 10 Project Wide, Cumulative and Transboundary Effects [AS-189]

- 1.3.17 The Applicant, expanding on its response to **ExQ3 TT.3.6** [\[REP8-116\]](#), explained that because of the HGVs associated with the desalination plant there has had to be reprofiling of the programme for the project and that items not on the critical path have had to be moved, not cancelled as queried by some Interested Parties. The delivery team has confidence that the cap will not be exceeded.
- 1.3.18 In response to a request from the ExA, the Applicant stated that it would provide at Deadline 10 an updated and more granular profile setting out what is included in the HGV profile, and further that so far as practical in the timeframes the information would be shared with SCC as requested. This information was subsequently requested through the ExA's Rule 17 Letter, under Item 21 [\[PD-054\]](#) and is responded to in **SZC Co.'s Response to the ExA's Rule 17 Letter (6 October 2021)** (Doc Ref. 9.126)
- 1.3.19 In response to queries from SCC regarding the timing of the desalination plant and whether that had been secured, the Applicant explained that it would be addressed in the **Construction Method Statement** (Doc. Ref. 10.3) at Deadline 10 and discussed in more detail later in the day's agenda. By way of overview, Mr Rhodes explained that the Applicant had its own incentive to install the desalination plant early, but it was intended to add the desalination plant in the Phasing Schedule, as committed to in Schedule 9 of the **Deed of Obligation**. A Grampian-type obligation in the CMS, compliance with which is secured by DCO requirement 8, was being considered, based on ensuring that the desalination plant was in place before the steep rise in water demand shown in the **Water Supply Strategy** [\[REP7-036\]](#). That document (at Table 2-1 and Figure 2-1) showed how demand varied by reference to 'events' or milestones in the construction programme.
- 1.3.20 The Applicant stated that as requested by the ExA the CTMP, **Construction Worker Travel Plan** (Annex L of Doc Ref. 10.4) and **Traffic Incident Management Plan** (Annex M of Doc Ref. 10.4) would be indexed and linked in future versions of the **Deed of Obligation** (Doc Ref. 10.4).
- 1.3.21 The Applicant acknowledged the indication from the ExA that a question would be asked in writing by the ExA about whether and if so how the HGV caps were reflected in the HRA. The Applicant noted the absence of concern from the RSPB and the Environment Agency on this issue, and that of course the cap had not been changed from that which was proposed and assumed for the purposes of the assessment work undertaken ahead of this change. This is responded to in **SZC Co.'s Response to the ExA's Rule 17 Letter (6 October 2021)** (Doc Ref. 9.126).

*(c) Noise and vibration, including that associated with the additional construction plant and activities within the main development site and additional activities within the marine area and having regard to any additional impacts upon relevant internationally and nationally designated sites.*

- 1.3.22 Mr Brownstone on behalf of the Applicant, in response to a question from the ExA, confirmed that it was right that the **Fourth ES Addendum [REP7-030]** concluded that the only additional noise sources from Change 19 which might be regarded as material would be diesel generators and water pumps.
- 1.3.23 Regarding the seawater intake pumps, Mr Brownstone explained that the assessment does not assume them to be at any particular depth because the important point from a noise perspective is that they are submersible pumps which will be underwater and therefore there will be no noise at the surface, irrespective of how deep they are.
- 1.3.24 Regarding the sheet piling relating to the desalination plant in the main platform, the Applicant explained that it fell within the parameters of the noise already assessed, given that there is already sheet piling being undertaken in the main platform, and also because the noise assessment included so many different and concurrent activities in various locations. The sheet piling related to providing stability for the temporary mobile rig required for the directional drilling for the intake and outfall pipes. It related to the main platform and not the TCA, and to the temporary drilling rig not the plant itself. The plant itself would not be sheet piled in the main platform or TCA, but would sit on standard compound hardstanding.
- 1.3.25 Regarding the location of the desalination plant, HPQC explained that the approximate location of the desalination plant was clearly identified in the construction parameter plans and thereby controlled in that way. Requirement 8 requires works to be carried out in accordance with the **Main Development Site Construction Parameter Plan – Plans for Approval [REP7-269]**. Those plans provide the approximate locations of the desalination plant both in its initial and subsequent phase; this can be seen both on the key plans and on the individual sheets. Sheet 2 of 4 shows in green the subsequent location. Sheet 4 of 4 shows in blue the initial location. Because Requirement 8 applies to Work No.1 and the work has to be carried out in accordance with those plans, if the desalination plant is not in those approximate locations it would not be permitted. Therefore, the desalination plant is not 'at large' within those areas.
- 1.3.26 In response to the AONB Partnership, the Applicant confirmed that there has been a noise assessment in respect of offshore ecological receptors.

Dr Breckels explained that potential impacts from underwater noise on marine receptors has been assessed both from dredging and removal of headworks using cutting and capping within the **Fourth ES Addendum [REP7-030]**, paragraph 3.9.123.

1.3.27 Mr Brownstone explained that the desalination plant would operate at a constant noise level. The assessment had been conducted on a worst case scenario at the highest water demand threshold.

1.3.28 In response to a comment from the RSPB concerning cumulative effects, Mr Brownstone explained that the key effects in respect of the HRA are maximum noise levels and there is very little prospect of additive effects because maximum noise levels do not combine in that way. In terms of longer term average noise levels, the desalination plant is comfortably quieter than any of the other noise sources around it, and again it is not considered that there will be any additive effect. There will be no additive effect if the additional noise is 10dB below the noise levels already assessed and in the present case the desalination plant would be 10dB or below the levels already assessed at a distance of 10m or more from it.

*(d) Air quality, including those associated with the introduction of additional on-site diesel generators within the main development site and any additional impacts upon relevant internationally and nationally designated sites.*

1.3.29 The Applicant confirmed that diesel generators would not operate the desalination plant in the secondary location, as noted in the **CMS [REP8-054]** at 3.1.12. The CMS requires that the connection to the fixed power supply is made by the time the desalination plant is moved to the TCA. The **Fourth ES Addendum** assumes the temporary generators operating for up to three years, which is beyond the period when the mains electricity supply is expected to be available in the main development site, but that is because it is assessing a worst case scenario.

1.3.30 The Applicant stated that it would consider whether anything needed to be amended in 3.1.12 of the **CMS [REP8-054]** or anything added in terms of the obligation to connect the desalination plant to the mains as soon as possible, bearing in mind the extent to which the Applicant had control over that matter.

1.3.31 The Applicant explained that the phase 1 desalination plant would run on two sets of plant for resilience and maintenance. In the second location, because the capacity increased from 2.6 to 4 megalitres a day, a third container system is needed and that is installed first, then the phase 1 location is turned off and the plant from that location is transferred to provide

the 4 megalitre capacity in total. That enables a seamless transition. In summary, there would be three online systems: two in phase 1; three in phase 2. That is also what the ES has assessed. They would never run together at the same time and indeed the infrastructure would not enable both to run simultaneously. The **Code of Construction Practice** Part B Table 4.1 [REP8-082] also provides that the use of stationary generators must be minimised by site electrical power which will be provided at the earliest opportunity. That is an important provision requiring provision of power at the earliest opportunity. The Applicant in response to a request from the ExA stated that it would provide a note to explain this process and how it is committed to in the CMS. SZC Co.'s response is contained in the Applicant's **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

- 1.3.32 Dr Richard Lowe on behalf of the Applicant noted that PM<sub>2.5</sub> from construction had been addressed at ISH8 and that the Applicant is committing to PM<sub>2.5</sub> and PM<sub>10</sub> monitoring around the MDS. This is secured through the **Dust Monitoring and Management Plan** developed as part of the **Code of Construction Practice** Part B paragraph 4.2.1 and Table 4.2 [REP8-082] to be secured by requirement 2 of the draft DCO. The effects of PM<sub>2.5</sub> and PM<sub>10</sub> dust from the project have been agreed with ESC as being not significant but in any event commitment to monitoring has been agreed.
- 1.3.33 On cumulative matters, the desalination plant generators proposed are relatively small and are located in the middle of the site. It is not typical to undertake an assessment of diesel generators at the DCO consenting stage, because of uncertainty as to size, location and hours of operation. Rather it is dealt with at the environmental permit stage. The permit is required for the operation of the diesel generators and an air impact assessment will be provided at that point. Because Natural England raised a specific point on diesel generators, it was felt appropriate to submit at Deadline 9 the **Sizewell C Desalination Plant Air Impact Assessment** [REP9-026]. That includes conservative assumptions, including that the diesel generators would run all day for three years. That is why the Deadline 9 assessment only looks at those two diesel generators in isolation. Because of the worst case assumptions, the impacts will actually be lower. If there was a significant effect, which the Applicant does not expect, a permit would not be granted.
- 1.3.34 Regarding human health effects, the Deadline 9 assessment [REP9-026] was to respond to Natural England's query regarding environmental receptors, but in any event human health receptors are so far away that there will be no effects on these receptors. The stack heights associated with these generators are very small, such that any dispersion is very

localised to them. There is also a commitment in the **CoCP** [\[REP8-082\]](#) that generators will be sited away from site boundaries and that there will be the switch to electrical power at the earliest opportunity.

1.3.35 In respect of a query regarding the rounding of numbers in the results in the air impact assessment, Dr Lowe explained that the guidance is that percentages should be rounded.

1.3.36 HPQC submitted in respect of Dr Lowe's comments that the generators are subject to a separate regulatory regime, i.e. the environmental permitting process. When a permit is applied for, sufficient environmental information is required to support it. That process also engages the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The Environment Agency will not grant a permit unless it is satisfied that there is no adverse effect on integrity. That assessment would have to be undertaken looking at matters in the context of the project as a whole. NPS EN-1 at 4.10 provides that the decision maker can have confidence in the robustness of other regulatory processes such as this. That reflects established case law that it is a proper and lawful approach for the decision-maker in a planning context to leave certain issues to other regulatory processes and that such processes should be assumed to operate in a way that is effective. This is the line of authority starting with *Gateshead MBC v. Secretary of State for the Environment* [1994] WLUK 148, the effect of which was summarised by Carnwath J (as he then was) in *R v. Bolton MBC* [1998] Env. LR 560 as follows:

*"To summarise, the impact of air discharges from such a plant is a material planning consideration, but in considering that issue the Council is entitled to take into account the system of controls available under IPC. Furthermore, unless it appears on the material before the planning authority that the discharges will, or will probably, be unacceptable to the Environment Agency, it is a proper course to leave that matter to be dealt with under the IPC system."*

1.3.37 The Habitats Regulations include provision which recognises and applies that principle in the context of HRA. Regulation 67(2) allows for a competent authority to conclude that another competent authority would be better placed to assess one particular aspect of a project. That is to deal with particular scenarios such as this where the separate regime will govern the operation of those matters and will control it. It is clearly not desirable in the public interest to duplicate those controls. The permitting process is best equipped to control these matters and for the purposes of decision-making on the DCO the Applicant noted that the Environment Agency has made clear at the Issue Specific Hearing that it is not saying that the emissions will be, or will probably be, unacceptable. HPQC also acknowledged the

helpful oral confirmation from the Environment Agency that it was not suggesting that insufficient information had been provided for the purposes of consenting under the DCO.

1.3.38 HPQC stated that the Applicant would set these matters out, including Dr Lowe's technical input and the legal framework, in a more detailed note for Deadline 10. This would include a response to the ExA's query regarding the application of Industrial Emissions Directive and the Medium Combustion Plant Directive, although Dr Lowe noted orally that the Environment Agency would set limits in the permit based on the levels in the relevant Directive, which would thereby safeguard human health. This note is contained in the Applicant's **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

1.3.39 In response to a question from the ExA on the Applicant's **Sizewell C Desalination Plant Air Impact Assessment** [REP9-026], Dr Lowe explained that the 1% threshold from the Institute of Air Quality Management (IAQM) guidance is an insignificance threshold; it does not mean that anything exceeding it will be significant. The IAQM guidance explains that the 1% should be used as a guide only. In the Deadline 9 assessment levels exceeded that threshold and were up to 1.6%, which the Applicant will explain further in writing, but in summary that was justified in the context of the IAQM guidance as explained, and because it is an indicative assessment which would not normally be undertaken at this stage. Further it is a particularly conservative assessment. When providing written submissions the Applicant would also consider whether further detail should be provided on the nature of the sites and species, which is a relevant matter to consider and could provide further reassurance.

1.3.40 Mr Rhodes explained that interested parties were right to identify that there could be closer alignment between the CMS, the air quality and carbon assessments. In particular the air quality assessment considered a 3 year period as a worst case for the operation of diesel generators, whereas SZC Co. expected to have mains supply connected much sooner than that and would look to confirm that in a revision to the CMS. By contrast, the **carbon assessment** [REP9-025] assumed the period would be less than a year, which was probably optimistic. These matters would be reviewed, although aligning the assessments would be unlikely to make any material difference because the air quality assessment was already worst case and the carbon assessment showed the plant having only a very limited effect (around 1% of construction emissions) with the majority of that accounted for by worst case assumptions for the landfill of residual waste, rather than energy consumption. The Applicant will regularise any inconsistency for Deadline 10.

*(e) Coastal Geomorphology, including any effects arising from the introduction of new infrastructure and construction activities within the marine environment, with particular regard to the effect of intake and outfall headworks on coastal processes and any additional impacts upon relevant internationally and nationally designated sites.*

- 1.3.41 Mr Richard Jones on behalf of the Applicant explained that at Deadline 10 the Applicant would clarify the intention that the drilled pipeline will be very substantially below the seabed (in the order of 10m below the seabed) and will be in the crag deposits. There will be no chance for it to become exposed. The only exception is where that the pipelines need to rise up to meet the intake headworks and outfall diffuser head; those components will be removed after cessation of use.
- 1.3.42 HPQC noted that Requirement 8 secures compliance with the CMS. The Deadline 8 version of the **CMS** [REP8-054] deals with a number of matters which are relevant to the assessment in the Environmental Statement, including cessation of use of the desalination plant and it not being permanent. The cessation of the use of the intake is dealt with at 3.3.14 and the cessation of use, decommissioning and removal of the outfall is at 3.3.26. Further regarding removal, it has been agreed with SCC that Requirement 16, which deals with removal of temporary plant and buildings, will include at Deadline 10 reference to removal of the desalination plant. The MMO has pointed out that the deemed marine licence (DML) does not at present license the activities involved in removal, therefore the Applicant will add these to the DML so that removal is licensed as well as having been assessed. Regarding the definition and control of the offshore elements more generally, it is important to have regard to the DML because it deals with matters such as dredging and disposal via conditions 35 to 37 and in addition condition 52 deals with approval of details, including inter alia location, design, size and shape of the intake head, outfall head and associated vertical shaft, alignment of funnels, installation methodology and method statement, and mitigation. Accordingly, there is more than one system of control. The CMS is particularly important onshore but offshore it is important to take account of what is in the DML.
- 1.3.43 In response to Ms Andrews' comments on the coastal processes impacts of the desalination plant, Dr Dolphin on behalf of the Applicant detailed that the desalination outfall is located in the same part of the cross-shore profile as the nearshore outfalls (the Combined Drainage Outfall (CDO) and two Fish Recovery and Return (FRRs) outfalls) assessed in **Volume 2, Chapter 20** of the **ES** [APP-311], so the assessment of the desalination outfall is effectively the same. The assessment has assumed that the desalination outfall is the same size as the FRRs and CDO, however it is actually smaller. The same applies to the intake, which is seaward of the longshore

bars sand transport corridor. Therefore, the dredging requirements and the effects from the presence of the desalination outfall would be the same or smaller than what has been previously assessed, such that it is within the envelope of what has been assessed.

- 1.3.44 In response to a question from the ExA about control of dredging, HPQC referred to Conditions 35 – 37 in the DML, which as explained deal with dredging. He added that those conditions have been amended in the [\[REP7-272\]](#) version of the DCO to include the work numbers for the offshore elements of the temporary desalination plant. Condition 35 provides for those works that no phase of any dredging activity shall commence until the activity details have been approved by the MMO in relation to the relevant work number. Then there is a list of things that the details must include, such as the location of the area, the methodology and when it starts and finishes, and so forth. There are further requirements in terms of disposal in Condition 36. In Condition 37 there is a need to notify the MMO after completion so as to inform them of the actual volume of dredged material and the location in which the dredged material was disposed of. The suite of controls over dredging to deal with the offshore works have been updated so that they also cover the new works. Those controls, together with the assessment of the additional works, provide comfort that there will not be any significant effects as a result of their introduction.

*(f) Landscape and visual implications, including the impact of equipment associated with the temporary desalination plant, with particular regard to any additional landscape impacts on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) associated with the construction and siting of a containerised desalination module.*

- 1.3.45 In response to a question from the ExA about the additional plans to be submitted at Deadline 10 as referred to in the Applicant's Deadline 8 covering letter [\[REP8-001\]](#), Mr Kratt explained that it was intended that these would comprise a collation of the figures provided previously. It was not currently envisaged that there would be any elevations or cross-sections of the desalination plant infrastructure, but that in response to a request from the ExA the Applicant would consider what additional indicative information could be provided, in particular in relation to the second location. This has subsequently been included in the Deadline 10 **CMS** (Doc Ref. 10.3) at Figure 3D.30.
- 1.3.46 The Applicant clarified that up to nine modules in total would be provided in the main platform and then the TCA, i.e. the same number in each location.

- 1.3.47 Regarding the height of any task lighting, it would be within the 10m overall height and would be up to around 8m<sup>2</sup>.
- 1.3.48 In respect of a question from the ExA regarding lighting inside containers, the Applicant stated that it would provide a written submission. This is contained in Section 1.18 of **Written Submissions Arising from ISH15**.
- 1.3.49 HPQC re-iterated that the assessment in terms of landscape and visual impact encompasses the desalination plant and much more, as it is all within the scope of what has been assessed and there are no additional effects on the AONB arising. In terms of impacts on tranquillity, there is nothing beyond the noise that has already been assessed. As already stated, the context of delivery of low carbon generating capacity in line with national policy was also important, as was the absence of anyone suggesting that there was any more sustainable alternative to what was proposed in line with the Government's policy that this was urgently needed. TASC and others may not accept the Government's policy on need and urgency, but for the purposes of this application both of those matters are to be regarded as settled, and provide an important backdrop for consideration of these issues.
- 1.3.50 HPQC also made clear in response to comments from Interested Parties that the desalination plant was temporary and suitable controls were proposed to be imposed via the DCO to ensure that is the case.
- 1.3.51 Mr Kratt confirmed that in his professional opinion, it was not necessary to undertake an assessment of the effects of the desalination plant on the AONB given that the initial assessment of the plant had concluded that it lay comfortably within the existing proposed parameters of the original assessment. Mr Kratt confirmed that the plant would exert no additional impacts on the AONB or its natural beauty and special quality indicators.

*(g) Marine historic environment implications, including the impact of horizontal directional drilling and dredging with particular regard to buried archaeological remains.*

- 1.3.52 Dr Michael Grant on behalf of the Applicant explained that the **Fourth ES Addendum** [REP7-030] set out that the environmental impact on the marine historic environment from Proposed Change 19 (see Section 3.10 of [REP7-030] and Section 2.4 of [REP7-277]) does not change the classification of effects on archaeological heritage assets, as originally assessed in **Volume 2, Chapter 23** of the **ES** [APP-334].

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<sup>2</sup> Mr Jones stated that this would be checked and confirmed in writing. That check has now taken place and the oral submission is confirmed as correct.

- 1.3.53 This is due to the proposed construction methodology for the seawater pipes and headworks, as described in the **Construction Method Statement** (see Section 3.3 of [\[REP8-054\]](#), to be updated at Deadline 10 (Doc Ref. 10.3)), with additional clarification presented by Mr Richard Jones during agenda point 3e (see above). This clarification stated that directional drilling will be undertaken at depth through the Norwich Crag deposits, which constitute an archaeologically sterile geological formation (see Section 4 of **Volume 2, Chapter 23, Appendix 23A** of the **ES** [\[APP-335\]](#)).
- 1.3.54 Directional drilling will only encounter younger deposits where it reaches the seabed at the proposed headworks locations. Dredging around each headwork is proposed at a level equal to, or less than, that proposed for the fish recovery and return system (FRR), as stated in the **Fourth Environmental Statement Addendum** Section 3.7 [\[REP7-030\]](#) and presented by Dr Tony Dolphin during agenda point 3e (see above). Drilling through the geology to reach headworks on the seabed, maintained by localised dredging around these headworks, represents a consistency in approach of restricting effects to a localised area, similar to that previously assessed from the cooling water system, FRR and combined drainage outfall (CDO), as presented in **Volume 2, Chapter 23** of the **ES**, paragraph 23.5.6 [\[APP-334\]](#).
- 1.3.55 At Deadline 2, Historic England, in their Written Representation [\[REP2-138\]](#) paragraph 4.7, accepted that this approach would minimise the effects to areas of mobile sediments with relatively limited archaeological potential, and in paragraph 4.14 state that they do not have any overriding concerns with regards to the marine historic environment element of the scheme.
- (h) Marine water quality, sediments, and ecology, including the Water Framework Directive and any effects arising from the introduction of new infrastructure and construction activities within the marine environment, and impacts of use, abstraction, discharge and hypersaline water on relevant internationally and nationally designated sites.*
- 1.3.56 In response to a question from the ExA regarding the phasing of the desalination plant relative to other elements of the project, the Applicant explained that the Deadline 8 CMS confirmed that the desalination plant would cease prior to nuclear power station commissioning works. Commissioning works include hot functional testing, which includes operation of the fish recovery and return system (FRR). Prior to hot functional testing, there would be cold flush testing, when the FRR is not required to be operational but the combined drainage outfall (CDO) is operational. In the Deadline 10 **CMS** (Doc Ref. 10.3), a specific obligation will be added to ensure that operation of the desalination outfall will cease before cold flush testing commences.

- 1.3.57 Dr Breckels explained that the desalination plant would cease prior to cold flush testing, so the concerns raised previously in relation to in-combination effects with hydrazine and other commissioning discharges from the CDO are no longer a consideration. In relation to construction phase discharges, the CDO lies directly north of the desalination plant outfall and is in the same tidal stream and therefore the two discharges could interact. The potential for overlap of discharges from the CDO and the desalination outfalls has been considered in **Appendix 3A** of the **Fourth ES Addendum [REP7-033]**, primarily in relation to the heavy metal discharges from the CDO and the desalination plant. Heavy metals are discharged above Environmental Quality Standard (EQS) concentrations from both the CDO and desalination outfall over very limited spatial scales (although it is worth noting the anomaly that zinc concentrations in local seawater are already above the EQS). Because the plumes from the CDO and desalination plant are small, the 300m distance between the two outfalls means that there are no overlaps at ecologically relevant concentrations, and plumes from the CDO are orders of magnitude below detection limits at the location of the desalination outfall. Drilling surfactants released from the CDO as a result of the tunnel boring machines excavating the cooling water tunnels have also been considered. Two case study surfactants, Rheosoil and CLB5 are both 100 to 1000 times below the EQS concentrations (at the point of the diffuser outfalls). In relation to the construction sequence of the outfalls, the CDO and desalination plant would be installed earlier on the programme but the dredging for each would not overlap temporally. The FRR outfalls would be installed later in the programme and dredging required for their installation would occur when the desalination plant is in operation.
- 1.3.58 In response to Dr Henderson's comments on temperature and desalination discharge modelling, Dr Breckels explained that the temperature modelled using the CORMIX model was based on ambient sea water temperature. The diffuser head on the desalination outfall would facilitate mixing meaning temperature increases during the desalination process from potentially higher air temperatures air would result in relatively minor effects for plume mixing. This point (along with the MMO questions on tidal effects of the CORMIX model) will be considered in an update to **Appendix 3A** of the **Fourth ES Addendum [REP7-033]** to be provided at D10 (Doc. Ref. 6.18A).
- 1.3.59 In response to Ms Fulcher's comments on the effects of thermal increases on toxicity, Dr Breckels outlined that assessments have considered the implications of temperature and salinity on dissolved oxygen concentrations in the plume. Increases in temperature and increases in salinity both lead to reduced dissolved oxygen concentrations in water. Using the 98<sup>th</sup> percentile temperature from the SZB plume, it was shown that the reduction in dissolved oxygen due to thermal and saline inputs would be

approximately 1 milligram per litre. Dissolved oxygen levels would remain above the Water Framework Directive “High” status classification of 5.7 milligrams per litre (the lowest recorded levels observed through monitoring at Sizewell is 7.0 milligrams per litre). The effect of temperature rises on marine ecology and fisheries receptors has been assessed in the original **Volume 2 Chapter 22 Marine Ecology and Fisheries Environmental Statement** [APP-317]. The Applicant does not consider that temperature-dependent toxicity from the SZB thermal plumes interacting with the heavy metal discharges from the desalination outfall would influence the assessment. SZC Co. has provided further detail on this in the Applicant’s **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

1.3.60 A question was asked by the ExA regarding the passive wedge-wire cylinder screen, and whether it must be left out of account for the purposes of HRA screening having regard to *People Over Wind & Sweetman v Coillte Teoranta* (C-323/17). In response, HPQC submitted that the screen was properly to be understood as part and parcel of the proposed development as designed and for which consent was sought, not a separate mitigation measure of the sort considered and addressed in the *Sweetman* case. The Applicant undertook to provide a more detailed note to set out its position on this issue at Deadline 10. This note is contained in the Applicant’s **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122).

1.3.61 HPQC noted the Environment Agency’s comments under this agenda item and while recognising of course that the Agency cannot predetermine any permit application, the Agency’s comments were helpful confirmation that they have no reason to believe that any impacts would be, or would be likely to be, unacceptable or that there is any reason why a permit would not be issued.

*(i) Terrestrial ecology and ornithology, including any additional effects upon marine birds and mammals and upon relevant internationally and nationally designated sites.*

1.3.62 In response to a question regarding leaks and spills, Mr Richard Jones on behalf of the Applicant recognised that there should be protection for the pipework over the crossing. Accordingly, the Deadline 10 **CMS** (Doc Ref. 10.3) will confirm that the intake and outfall pipes for the full length of the SSSI crossing must be protected and must be without joints. The general system of control through the CoCP also deals with the protection of the environment from construction activities including leaks and spills. Mr Jones also confirmed that the Deadline 10 **CMS** will require the intake and

outfall pipe to be above the soffit level of the SSSI Crossing to maintain the previously agreed clearance.

- 1.3.63 The Applicant would consider whether it would be useful to provide the distance from the desalination outfall to the Sizewell B cooling water outfall in written submissions. This is contained at Section 1.19 of **Written Submissions Arising from ISH15**.

*(j) Any other relevant environmental implications, including any additional in-combination or cumulative impacts.*

- 1.3.64 HPQC stated that it would respond to the points in writing made regarding blocking of mesh and frequency of cleaning, and the specific point raised by Mr Wilkinson. As to Mr Thompson's point, the Applicant understood that it was being suggested that instead of doing what the Applicant was proposing, the Applicant should in some way 'tap into' the Sizewell B nuclear safety system. Leaving aside the obvious issues and complexities to which that would give rise, the Applicant had identified and proposed an acceptable form of development, and so there was no obvious basis for concluding that this alternative was relevant (let alone important and relevant).

#### 1.4 Agenda Item 4: General Habitats Regulations Assessment matters not covered under item 3 above:

*(a) Physical interaction between species and project infrastructure – effects on birds, marine mammal and fish qualifying features of relevant European sites.*

*(b) Direct habitat loss and direct/indirect habitat fragmentation effects on marine mammal qualifying features of relevant European sites.*

*(c) The views of Natural England, the Environment Agency, MMO, RSPB and other IPs on the third addendum to the Shadow HRA report [REP7-279] and any relevant subsequent HRA material.*

- 1.4.1 In response to a question regarding the marine mammal baseline, and the update in Table 6.1 of the **Third HRA Addendum [REP7-279]** to reference populations, and whether and how the Applicant's original HRA assessments would change if the updated population counts were used, Dr Learmonth on behalf of Applicant explained that most were minor changes in count other than harbour seals whose numbers had declined. In any event, however, the Applicant considered that there would be no relevant change in assessment outcome. The Applicant would provide a fuller

response in writing. SZC Co.'s response is contained in the Applicant's **Written Submissions Responding to Actions Arising from ISH15** (Doc Ref. 9.122].

## 1.5 Agenda Item 5: The DCO, DoO and other control documents

*(a) Are any changes over and above those in Revision 9 of the DCO and versions current at Deadline 7 of the DoO and other control documents needed?*

- 1.5.1 In response to a question from the ExA as to how the Applicant proposes to secure the cessation and removal of the temporary desalination plant, Mr Richard Jones on behalf of the Applicant explained that in the DCO the Applicant would add the desalination plant into Requirement 16 which requires temporary infrastructure to be removed. Further, the Applicant would update the Deemed Marine Licence to add a condition requiring the removal of the desalination plant, in particular removal of the intake headworks, outfall diffuser head and any pipework that sits in the upper levels of the seabed (the obligation would not extend down to the horizontal pipework).
- 1.5.2 Further in respect of obligations controlling the timing of the desalination plant, the desalination plant would be added to the list of 'Key Environmental Mitigation' in Schedule 9 of the Deed of Obligation (Doc Ref. 10.4) at Deadline 10 which SZC Co. would need to use reasonable endeavours to carry out and complete in accordance with the Implementation Plan.
- 1.5.3 The desalination plant also gets a longstop in that installation of the cut-off wall must not commence until the desalination plant has been installed and is operational on the main platform<sup>3</sup>. Subsequently, Phase 5 cold flush testing commissioning works must not commence until the operation of the desalination plant has ceased. These controls would be secured in the **CMS** (Doc Ref. 10.3) to be submitted at Deadline 10, which itself is secured by Requirement 8 of the DCO (Doc Ref. 3.1(J)).
- 1.5.4 The Deadline 8 CMS has been revised to provide things that will or must be done, rather than assumptions. The Deadline 10 **CMS** (Doc Ref. 10.3) will further confirm the maximum number of diesel generators and pumps associated with the desalination plant; it will provide greater clarity on the period which the diesel generators will be present for; it will confirm that drilled pipes will be routed through crag deposits, therefore being sufficiently deep not to become a historic environment or exposure concern;

<sup>3</sup> Through further engagement with Suffolk County Council this trigger has been revised as set out in the **Construction Method Statement** (Doc. Ref. 10.3) and both parties agree.

it will confirm that the intake and outfall pipes over the SSSI crossing will be jointless, protected and above soffit level; it will provide further details on non-potable water controls; it will limit the total amount of water that can be abstracted in each desalination phase; and finally picking up on a point from ESC, the CMS will be used to notify ESC when the desalination plant would be moved from the main platform to the TCA.

1.5.5 The Applicant noted the queries around the precise timing of the removal of the desalination plant, but observed that the principal environmental concern is its operation, and that issue is eliminated by the controls as set out above. Further, once the desalination plant is no longer needed, there is no reason to keep it. This is a site where there is every incentive to remove something once it can be. For those reasons, the Applicant considered that no tighter restriction is needed. Further, Requirement 14 includes a timetable for implementation of the landscape restoration scheme.

1.5.6 As to any further suggested requirements, it should be noted that Requirement 8 applies to these works, because these works are part of Work No.1, and in terms of the policy on the imposition of requirements in NPS EN-1, including all the other controls in place, it should be asked what would be the necessity for any additional requirement. If development consent would not be refused without such a requirement, having regard to the existing suite of controls, then a further requirement would not be justified.

1.5.7 In response to a question from the ExA as to how the marine works aspect of Change 19 is controlled, HPQC observed that the outfall tunnel starts in Work No.1, but then continues out into the MMO's area, where it is appropriately defined as Work No.20. The DML picks up Work No.20, and at that point the conditions on the DML are engaged, including Conditions 35 – 37 on dredging, and the new Condition 52 which must be discharged before those works can commence. The details which have to be approved under Condition 52 are therefore comprehensive.

*(b) Practicalities of review and submission of any revisions.*

1.5.8 The Applicant noted the ExA's request for a track changed version of the DCO against the original DCO. This is provided at Deadline 10 (Doc Ref. 3.1(J)).

1.5.9 In response to a question from the ExA as to why the Applicant's approach on why there could be no issue on operational water supply had not been adopted to obtain construction supply, the Applicant stated that it would respond in writing. This note is contained in the Applicant's **Written**

**Submissions Responding to Actions Arising from ISH15 (Doc Ref. 9.122).**

- 1.6      **Agenda Item 6: Any other matters relevant to the agenda**
- 1.6.1    No matters arose on this agenda item.