

**Wendy McKay**

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**Our Ref:** 20026727

**Your Ref:** EN010012

**Date:** 12 October 2021

**By email only**

Dear Ms McKay

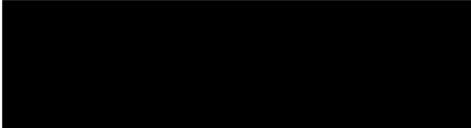
**Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Deadline 10: Comments on 3.1(I) Draft DCO Tracked Changes Version- Revision 10 against Revision 9**

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

For Deadline 8 (24th September) the Examining Authority (ExA) have requested comments on [REP8-036] 3.1(I) Draft DCO Revision 10.


Our comments (Appendix A) highlight a number of minor amendments are required to the draft DCO requirements and draft Deemed Marine Licence (DML) conditions to ensure the Environment Agency is consulted in the discharge of additional information being submitted to the discharging authority.

Yours sincerely



Simon Barlow  
Project Manager  
Sizewell C Nuclear New Build  
Environment Agency

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## Appendix A: Environment Agency comments on Draft Development Consent Order

Section	Wording	Comments
<b>Schedule 2, Article 3 - Requirements</b>		
<p>Requirement 12C,</p> <p>Main development site: SSSI Crossing</p>	<p><b>Main development site: SSSI Crossing</b></p> <p>(1) Unless otherwise approved by East Suffolk Council, the temporary SSSI Crossing must be built in general accordance with Chapter 5 of the Design and Access Statement and in accordance with the following details:</p> <p>(a) Main Development Site SSSI Crossing (SZC Construction) (July 2021) (Drawing Ref: SZC-SZ0100-XX-000-DRW-100207);</p> <p>(b) Main Development Site SSSI Crossing (Bailey Bridge Stage) (July 2021) (Drawing Ref: SZC-SZ0100-XX-000-DRW-100209).</p> <p>(2) Construction of the permanent element of Work No. 1A(I) (SSSI Crossing) must not commence until details of the layout, scale and external appearance have been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency and Natural England. The details must:</p> <p>(a) be in general accordance with the Main Development Site SSSI Crossing (SZC Operational) (July 2021) (Drawing Ref: SZC-SZ0100-XX-000-DRW-100205);</p> <p>(b) include layout and scale which has:</p>	<p>We welcome the inclusion of the new Requirement 12D that will make the Environment Agency a consultee in discharging the method statements for the SSSI crossing construction.</p> <p>We consider however, that the potential environmental impacts, including Water Framework Directive concerns, relate to both the construction and permanent elements of the SSSI Crossing.</p> <p>On this basis, we consider that the Environment Agency should be proposed as a consultee in discharging (1) Construction works – should there need to be any change to the design of the construction works.</p>

	<p>(i) a crest no lower than 8.6m (AOD);</p> <p>(ii) a soffit no lower than 6.8m (AOD) at its intersection with the Leiston Drain; and</p> <p>(iii) a span no wider than 15m.</p> <p>(c) include a flood risk monitoring and adaptive defence plan that sets out the periodic monitoring proposals for the SSSI Crossing and the trigger point for when the crest height of the SSSI Crossing would need to be increased to 10.5m (AOD).</p> <p>(d) a timetable for the works, including a timetable for the return of temporary SSSI land.</p> <p>(3) Work No. 1A(l) (SSSI Crossing) must be carried out in accordance with the approved details.</p>	
<b>Schedule 20 — Deemed Marine Licence under Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009</b>		
<p>Condition 17: Coastal Processes Mitigation and Management Plan</p>	<p>17.—(1) The construction of Work No. 1A(n) must not commence until a CPMMP has been submitted to and approved by the MMO in writing. The CPMMP must be in general accordance with the Draft Coastal Processes Monitoring and Mitigation Plan and must include—</p> <p>(a) Details of the area to be monitored;</p> <p>(b) the methods for monitoring;</p> <p>(c) the duration of monitoring;</p> <p>(d) the trigger points for mitigation;</p> <p>(e) a description of any proposed mitigation;</p> <p>(f) examples of mitigation measures which could be implemented and which would be effective to mitigate particular results of the monitoring and how the appropriateness of each measure will be considered;</p> <p>(g) details concerning the appropriate timing for a monitoring and mitigation cessation report to be prepared.</p> <p>(2) The CPMMP must be implemented as approved by the MMO.</p>	<p>The proposed condition now removes the Environment Agency as a consultee for the CPMMP. We request that the condition is amended to include the Environment Agency as consultee of the detailed information.</p>

	<p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the CPMMP to the MMO at least 6 months prior to the proposed commencement of Work No. 1A(n).</p> <p>(4) The determination date is 6 weeks from submission of the CPMMP to the MMO.</p> <p>(5) If requirement 7A of Schedule 2 of the Order is discharged prior to discharge of this condition 17, the undertaker must notify the MMO in writing and this condition 17 will be deemed to be discharged unless the MMO states otherwise to the undertaker in writing within 7 days of such notification.(a)</p>	
<p>Condition 40: Beach Landing Facilities</p>	<p><b>Beach Landing Facility and Temporary Marine Bulk Import Facility</b></p> <p>40.—(1) The construction of Work No. 1A(m) and Work No. 1A(bb) must not commence until the following activity details for that Work No. have been submitted to and approved by the MMO in writing. The activity details must include—</p> <p>(a) the start and end dates for the construction;</p> <p>(b) a detailed construction method statement;</p> <p>(c) a description of any proposed mitigation;</p> <p>(d) navigational lighting to be used; and</p> <p>(e) the type and number of vessels to be used.</p> <p>(2) Should impact piling be required in the construction of Work No. 1A(m) and Work No. 1A(bb), the impact piling for that Work No. must not commence until—</p> <p>(a) the expected location and start and end dates of impact pile driving have been submitted to the United Kingdom Marine Noise Registry to satisfy the Marine Noise Registry’s Forward Look requirements. The undertaker must notify the MMO of the successful submission of Forward Look data within 7 days of the submission;</p> <p>(b) a MMMP in general accordance with the Draft Marine Mammal Mitigation Protocol has been submitted and approved by the MMO in writing; and</p> <p>(c) a Southern North Sea Special Area of Conservation SIP in general accordance with the Draft Site Integrity Plan has been submitted to and approved by the MMO in writing.</p>	<p>The proposed condition links to the Coastal Change Management Plan. On this basis, we request the condition is amended to include the Environment Agency as consultee of the detailed information.</p>

	<p>The SIP must be submitted to the MMO no later than 6 months prior to the commencement of the piling activities.</p> <p>(3) The undertaker must submit the exact locations and start and end dates of impact pile driving to the Marine Noise Registry on every 6 month anniversary of the start of that impact pile driving and within 12 weeks of completion of the impact pile driving to satisfy the Close Out requirements. The undertaker must notify the MMO of the successful submission of the Close Out data within 7 days of the submission.</p> <p>(4) The construction of Work No. 1A(m) and Work No. 1A(bb) must be carried out in accordance with the activity details approved by the MMO in writing.</p> <p>(5) The SIP and the MMMP must be implemented as approved by the MMO.</p> <p>(6) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the activity details, to the MMO at least 6 months prior to the proposed commencement of the relevant Work No. and the MMMP and the SIP at least 6 months prior to the commencing of the proposed impact piling.</p> <p>(7) The determination date is 6 months from submission of the activity details, the MMMP or the SIP to the MMO.</p>	
<p>Condition 41: Soft Coastal Defence Feature (sCDF)</p>	<p><b>Soft Coastal Defence Feature (sCDF)</b></p> <p>41.—(1) The construction of Work No. 1A(n) must not commence until the following activity details have, been submitted to and approved by the MMO in writing. The details must include—</p> <p>(a) the start and end dates for the construction;</p> <p>(b) a detailed construction method statement;</p> <p>(c) the source, type and grain size of the material to be deposited;</p> <p>(d) a description of any proposed mitigation; and</p> <p>(e) the type and number of vehicles to be used.</p> <p>(2) The construction of Work No. 1A(n) must be carried out in accordance with the activity details approved by the MMO.</p> <p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the activity details</p>	<p>The proposed condition links to the Coastal Change Management Plan. On this basis, we request the condition is amended to include the Environment Agency as consultee of the detailed information.</p>

	<p>to the MMO at least 6 months prior to the proposed commencement of Work No. 1(A)(n).</p> <p>(4) The determination date is 6 months from submission of the activity details to the MMO.</p>	
Condition 50 – Fish Monitoring	<p><b>50.</b>—(1) Water abstraction must not commence until a FIEMP has been submitted to and approved by the MMO in writing in consultation with the Environment Agency. The FIEMP must be in general accordance with the Draft Fish Impingement and Entrainment Monitoring Plan and must include— (a) the monitoring arrangements for assessing the efficacy of the FRR during the commissioning of Unit 1 and Unit 2;</p> <p>(b) the undertaker’s duty to consider future additional adaptive measures arising from (a) that may be required during operation of Unit 1 and Unit 2;</p> <p>(c) the monitoring methodology, frequency of monitoring and format of monitoring reports; and</p> <p>(d) examples of mitigation measures which could be implemented and which would be effective to mitigate particular results of the monitoring and how the appropriateness of each measure will be considered.</p> <p>(2) The FIEMP must be implemented as approved in writing by the MMO.</p> <p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the FIEMP at least 6 months prior to the proposed commencement of water abstraction.</p> <p>(4) The determination date is 6 months from submission of the FIEMP to the MMO.</p>	<p>We consider that Condition 50 should be amended to ensure the fish entrapment and impingement monitoring plan be implemented.</p>
Condition 51 – Smelt Monitoring Plan	<p><b>51.</b>—(1) Water abstraction must not commence until a SMP has been submitted to and approved by the MMO in writing in consultation with the Environment Agency. The SMP must include— (a) a monitoring method statement;</p> <p>(b) the frequency of monitoring; and</p> <p>(c) the format of monitoring reports.</p>	<p>We consider that Condition 51 should be amended to provide additional references should to start date, <del>frequency</del> and duration.</p>

	<p>(2) The SMP must be implemented as approved by the MMO in writing.</p> <p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the SMP at least 6 months prior to the proposed commencement of water abstraction.</p> <p>(4) The determination date is 6 months from submission of the SMP to the MMO.</p>	
<p>Condition 52 – Desalination Plan details</p>	<p>52.—(1) Work Nos. 2M, 2N, 2O and 2P shall not commence until the following activity details have been approved by the MMO. The details must include:</p> <p>(a) the location, design, size and shape of the temporary desalination plant intake head (including the Passive Wedge-Wire Cylinder (PWWC), outfall head and associated vertical shafts);</p> <p>(b) the alignment (horizontal and vertical) of temporary desalination plant intake and outfall tunnels;</p> <p>(c) start and end dates for the installation;</p> <p>(d) installation methodology and detailed method statement;</p> <p>(e) any proposed mitigation;</p> <p>(f) navigational lighting to be used on plant;</p> <p>(g) vessels to be used; and</p> <p>(h) links to the coastal processes monitoring and mitigation plan.</p> <p>(2) The construction of Work Nos. 2M, 2N, 2O and 2P shall be carried out in accordance with</p>	<p>We request the condition is amended to include the Environment Agency as consultee of the detailed information</p>

	<p>the details approved by the MMO.</p> <p>(3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the activity details to the MMO at least 6 months prior to the proposed commencement of the relevant Work No.</p> <p>(4) The determination date is 6 months from submission of the activity details to the MMO.</p>	
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