

Sizewell C DCO Comment on NNB SZC Responses to the Secretary of State

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Unique Inquiry ID: 20026138.

Introduction

The Secretary of State (SoS) has invited Interested Parties to send feedback on new information generated in the last few weeks.

I previously submitted evidence in my capacity as a as a concerned local person with particular experience of local government (as a former County Councillor) and of corporate governance (as Founder of Tomorrow's Company). My other perspective on the application is that I am a trustee of the Alde and Ore Association, a charity which acts as the voice of the estuary has submitted its own important evidence on the coastal dynamics.

I also appeared at an oral hearing. My unique ID is 20026138.

This document is in two parts.

In the first part I offer comments on the latest responses from NNB SZC to the questions posed to them by the Secretary of State (SoS) on 18 March.

In the second part I draw some wider conclusions from these comments and the implications that they have for the decision of the planning inquiry team.

I would like to thank the planning inquiry team for the courtesy they have shown to participants and for this latest opportunity to comment.

Part One

NNB SZC (EDF) Response to Secretary of State (SOS's) request for further information 18 March 2022

This request covers the controversial issue of water supply; marine water quality; drainage and traffic and transport which is further picked up below); coastal conditions; habitats regulation etc.

From these headings I offer the following comments.

Desalination Plant

The fiasco over the supply of water has turned attention to the use of a desalination plant, along with the suggestion that what was once envisaged as a temporary expedient during construction might now become a permanent feature. An undertone of denial permeates the applicant's response especially when it misleadingly states '*therefore there is no difference between SZC Co and NWL*'. Anyone who witnessed the hearing at Snape Maltings could be in no doubt that EDF was thrown by the statement on behalf of Northumbrian Water to the effect that it could not guarantee the necessary water supply. And yet the innocent reader coming fresh to the applicant's response would be forgiven for thinking that NNB SZC had known all along that this was the situation.

In 2.2.1 the applicant states.

'There is no 'in principle' difficulty with the supply of water from desalination being made permanent'

I am tempted to agree but only on the basis that it is not 'in principle' problems that concern us all but 'in practice' ones and it is clear the applicant has no idea if there is an 'in practice' solution. It is practicalities and not principle we are concerned with here and it has been well demonstrated by others that the attempt to make a desalination plant permanent would mean compromising other aspects of the site and its impact. The applicant goes on to outline various hypothetical marine outfall and intake solutions and admit that their impact has not been assessed.

It is clear from the expert evidence that others have submitted that any requirement to find a permanent home for a desalination plant would put unacceptable pressure on an overcrowded site. I would ask the inspectors to bear in mind the additional risk associated with the whole project which arises when there is no redundant space to fall back on.

I have to agree with Paul Collins, of Stop Sizewell C, who was quoted [REDACTED] as saying

"EDF insisted in the consultation and examination that the desalination plant would only be for the construction period.

"To suggest that the plant could remain for the 60 years of operation when the platform has no available space and no environmental impact assessment has been submitted to the Environment Agency, Marine Management Organisation or Office for Nuclear Regulation shows once again how ill-prepared this planning application is."

The applicant attempts to reassure the Secretary of State by saying that it will submit an impact assessment in October 2024, after it expects to have been granted permission to

build Sizewell C. It seeks to justify this demand to be taken on trust by reference to case law involving a link road!

I am no lawyer but would respectfully submit that there is a material difference between the two examples. In the case quoted, the applicant was asking for permission to go ahead with a link road. Here, on the other hand, the request is for permission to build two of the largest construction projects ever proposed in the UK in one of the most fragile parts of its coastline. The applicants seek the go-ahead without impact assessment on an integral element of the project.

This attempt to proceed without assessing impacts seems to me to be inappropriate if not impertinent.

This whole desalination episode throws doubt on the reliability of the applicant and its ability to listen to stakeholders and to plan ahead. On the question of water supply it is quite clear that the applicant was warned and was deaf to the warnings.

The problem with granting such an applicant permission to proceed is that once permission is granted, the consequences of these planning inadequacies will be suffered by the local community and of course by the taxpayer and electricity billpayer who face bearing the extra costs of delays and failures.

If the applicant cannot be relied on to plan for the supply of something as basic as drinking water, what else has it forgotten?

Drainage Strategy

I note that Suffolk County Council has found the applicant's Drainage Strategy unsatisfactory and had found it disappointing that the applicant was not intending to submit an Updated Drainage Strategy to the Secretary of State. The applicant was reporting that it 'had started to prepare a draft 'Drainage Strategy Update'. In the process it was suggesting giving stakeholders a mere two weeks to respond towards the end of March!

I fear that this response by NNB SZC is characteristic. There is an assumption here and elsewhere in the document that may be paraphrased as '*We all know this is going to happen. Let's get this whole application approved in principle and we can tidy up the detail later. Trust us.*' This is disrespectful to the stakeholders and to the Planning Inquiry and leaves severe doubts as to the sincerity of the applicant in terms of its adherence to the views and needs of stakeholders.

Habitat Issues

I am no expert but would draw your attention to the submissions by the RSPB and Suffolk Wildlife Trust. I tremble at the consequences for bio-diversity and for the extraordinary richness of bird life here in Suffolk if our precious sanctuary of Minsmere is to have a town of over 5000 residents pressing up against its boundary, disturbed by 600 bus journeys alone, ignoring HGVs or wider loads. Noise; light pollution; air pollution; the hazards of traffic movements. All represent an existential threat to bio-diversity and this extraordinarily valuable part of the natural capital of this coast. I would ask the inspectors to review the true costs of compromising this natural capital asset to our economy and then set them against the claimed benefits.

Traffic Issues

The SoS is here asking the applicant to consider sparing the community and residents and business of Suffolk the invasion of all the construction traffic before either the link road (SLR) or the Four Village Bypass (4VBP) is completed. (This would be done by means of a Control Mechanism).

The applicant dismisses the request as '*inappropriate, unnecessary and impractical*'. This seems to me to be an arrogant rejection of community concerns.

In its Traffic Management Plan published in June 2021, NNB SZC estimates that at peak there will be 700 HGV journeys, and 700 LGV journeys. Separately in its Construction Worker Travel Plan, it tells us that there will be 600 bus journeys per day and 240 direct car journeys onto the site. In addition there are the Abnormal Indivisible Loads (AILs). The separately published Transport Plan tells us that at Hinkley which is now under construction there have been up to 2000 AILs in the busiest year, the majority of which are wider than 3.5 metres and some very much wider. At Hinkley such movements have been occurring between 200 and 280 days in the year. Presumably for every single AIL an escort is needed and normal traffic is interrupted, often severely.

Admittedly the applicant intends to reduce the amount of AILs travelling by road, if its plans to build a landing facility can be achieved. (This of course depends on it convincing the relevant authority that such a landing facility will not itself cause unacceptable consequences for the dynamics of the sea, for bio diversity and other considerations.)

Delays in the construction of the Link Road and the Bypass are possible if not probable.

Consider the consequences if the full traffic invasion of the peak construction years is unleashed upon the small communities who stand in the way. On my understanding of the figures provided by the applicant, that would mean an average of 7 traffic-stopping AILs (unless any were by this stage being delivered by sea), 700 HGVs, 700 LGVs, 600 buses and 240 cars added to the existing traffic thundering through the villages along the A12 and the B1122. Every weekday.

Instead of answering in a way which shows any consideration for the needs of these communities, or the economic damage that it will mean for communities and businesses involved in tourism, and the 10,000 people employed in Suffolk's £700m tourist industry, the applicant simply parrots the government's current view on national energy priorities.

No-one would disagree that we urgently need to close the energy gap and decarbonise. Yet I am reading the applicant's argument for urgency in the week when we have learned that the delivery of Hinkley is once again delayed by another year and is in total now 10 years late. I find this ironic. Should Sizewell C be given the go-ahead I can confidently predict a succession of further delay announcements. This is the more likely with the well-documented and growing evidence from around the world that EPR technology is problematic and increasingly dated. EPR faces fundamental design and implementation problems. Modular nuclear technologies are emerging and it will not be long before their delivery dates overtake EPR.

As EPR continues to be hit by delays running into decades claims of urgency to tackle an immediate energy shortfall ring increasingly hollow. There is of course an argument to be made for nuclear as part of the energy mix but this should not cloud the importance of the

planning process in protecting communities from the worst effects of invasive mega-projects.

‘Get it right first time’ is a cornerstone of all project management. The lesson of all major construction failures projects is that these should not be rushed and due process should be respected. Corners should not be cut. Work should only start when the conditions are right. The employment prospects in the tourism industry and the quality of life of tens of thousands of Suffolk residents and their communities are at stake. The community should not be exposed to the huge extra costs of premature commencement. No developer should be allowed to slip through the rigour of the planning process

Although at one level, NNB SZC makes a fairly technical response, at another level we are offered a shocking reminder of the real implications of this project for all those who live in the area and for the road system. The effects can be divided into those before the proposed Link Road is completed and those after its completion.

Before completion of the Link Road

It tells us that the B1122, a modest country road connect small villages and towns, is to be subjected to the onslaught of buses and HGVs to be measured in the thousands. That householders along the way are likely to suffer the severe effects of vibration undermining the robustness of their properties along this small winding road. That normal life for those people becomes impossible. That restaurants and pubs and B&Bs can expect a major loss of income, along indeed with the wider Suffolk Coastal area, because a massive construction project on the scale of a military invasion is to be undertaken.

After completion of the Link Road

In para 2.1.5 applicant blithely states that after opening of the Link Road the B1122 will no longer be used by construction traffic. How can they possibly know? There will be accidents. There will be rogue drivers and rogue contractors, in spite of the project controller’s best efforts to control these. Albeit somewhat alleviated, the invasion of these villages will continue throughout the ten years of planned construction and the many further years when the construction inevitably over runs, as is happening at Hinkley

In the village of Bridgewater near Hinkley villagers are experiencing two HGVs every minute. [REDACTED] reported two years ago

Air and noise pollution, traffic chaos and rising rents are blighting the Somerset town that has found itself the gateway for the marathon construction of the new [REDACTED] (HPC) nuclear power station, locals say.

Limits for air pollution have been exceeded on main roads in Bridgewater on multiple occasions this year, while Highways England data shows truck numbers have increased by more than 20% since building work started in 2016.

On some roads, two heavy goods vehicles pass through every minute. Not all are delivering to Hinkley but, with no bypass built for the nuclear site, locals say it has made the town unnavigable at times.

Buses transporting 4,000 construction workers to the site add to the traffic - and the influx of workers is pushing up rents. Rat runs are in gridlock and a town that is home to just under 40,000 people is experiencing London-level traffic on some roads.

Friends of the Earth, which looked at the air quality data for 2018 and 2019 provided by the local Sedgemoor district council, said it was concerned about the high incidences of particle matter on some roads.

Data shows that particle matter measuring 10 micrometers (PM10) has exceeded safe limits on Quantock Road 16 times already this year, while on nearby Bristol Road those limits were exceeded 15 times....

Residents ... complain of the noise, the nuisance and congestion. The endless convoy of buses taking thousands of workers to and from the site each day is an added headache, says Brian Smedley, the leader of the Labour council in Bridgwater.

Hinkley agreed a fund to fit double-glazed windows on some of the busiest roads in Bridgwater. It says this is a goodwill gesture and not an admission of responsibility for the noise of HGVs.

“EDF have paid to replace all my windows, and it’s made no difference. On a summer’s night, I’m not able to sleep with the windows open at all,” said Balcombe. “I am woken up every morning at 5am from the noise of lorries. And when these lorries are empty the clatter they make is unbelievable with the metal bouncing round.”

In Suffolk the same dynamics will be at work on a more constrained road system firing deliveries into a smaller site. Obviously all attempts at mitigation are to be welcomed but it is hard to see how the mitigations envisaged by EDF will make a difference. They cannot when what is proposed is an invasion on a military scale in quiet villages and towns.

Finally I note that the Transport Review Group, which is designed to oversee the traffic invasion, offers no places for community representatives. There is one place for East Suffolk District Council and for the County Council, but with all due respect to each, they have a more elevated view of proceedings. That is not the same thing as having a representative of the communities that are affected. The applicant should be asked to come back with a plan that demonstrates some local accountability for transport impacts. The applicant has not demonstrated a track record of sensitivity to local concerns or adherence to previous promises, for example in the broken promises over Coronation Wood.

NNB SZC (EDF) Response to Secretary of State (SOS’s) request for further information 31 March 2022

This request covers a range of concerns about statements of common ground, harbour licences, soil management impact on fishing stocks, impact on bird life, especially with regard to rare species, sediment transfer impacts, impacts on adjacent coastal areas including the Alde & Ore Estuary, the use of District Level Licensing.

I am a member and trustee of the Alde and Ore Association and I would draw the inquiry’s attention to the evidence submitted by that association and others to the impact on coastal dynamics of the Sizewell C plan. It is not clear to me that the applicant properly understands or has properly assessed the consequences along the whole coast which will follow construction.

Response to Secretary of State (SOS’s) request for further information 25 April 2022

This request covered questions of traffic and transport mitigation, especially around monitoring and I have nothing to add to my comments above.

Part Two

Wider Conclusions

Transfer of the licence - safeguards needed

In my earlier evidence I drew attention to the 'ghost' nature of this application. It remains true that we do not know who will own NNB SZC. It now seems likely that the proposed owner of 20 % of the company (China General) is to be excluded from ownership. We do not know who will replace them but clearly if they have a 20% ownership stake, they will have significant leverage over EDF. I would continue to urge the planning inspectors to make any approval provisional until it is known what owner is being entrusted with a stake which could shape the wellbeing of a sensitive part of East Anglia's coastline.

Will the new part-owners place the same value on natural capital? Will they respect the unique status of Minsmere? Or will they, as the cost pressures rise beyond budget as they are doing at Hinkley, put pressure on NNB SZC to compromise at the margins in order to live within budget and project their investment returns?

As I have argued in Part One, the evidence is that even before the new part-owner of NNB SZC emerges, there is an inclination by the applicant to ask for inconvenient problems to be dealt with later. The argument that there is no problem 'in principle' on water supply is a good example of this complacency. Water supply is not an 'in principle' issue. Water needs to be reliably supplied in practice and in ways that do not compromise the impacts of the site.

The unanswered questions about ownership hang over the entire proposal. All commitments made on behalf of NNB SZC by EDF have to be viewed in this provisional light. Once the project is approved, without such a safeguard, it will become harder and harder for central and local government to police and secure adherence to the commitments.

While the ownership and financing vacuum remains, each commitment by EDF on behalf of the 'ghost company' NNB SZC needs to be read in this robustly sceptical light. It may of course be that at some stage, with no providers of capital stepping forward, HM Government itself will feel obliged to underwrite the project. This does not remove the likely pressures. Indeed it could aggravate them. As we have seen over the last 6 months, there is going to be enormous pressure on HM Treasury to keep costs under control and the pressure will be on the applicant to cut corners.

The responses by EDF to the latest round of question from the Secretary of State expose the project's weak flank.

The fiasco over the supply of water has prompted the belated proposal for a desalination plant. This in turn puts pressure on an overcrowded site that is more restricted and smaller than Hinkley. I would ask the inspectors to bear in mind the additional risk associated with the whole project which arises when there is no redundant space to fall back on.

For all of these reasons, it is therefore important that there is an objective and fair process by which the public and the taxpayer can be assured that a transfer of the licence to a new operator does not compromise the commitments to which the undertaker of this site must be held.

In my July 2021 evidence, reinforced by my written submission (dated 23 July) I argued that approval for the DCO could only be given by the Planning Inspectorate once it knew the identity, character, track records and culture of the new and different company to whom the licence might be passed.

In the hearing, the Inquiry Chairman explained that I should at least be reassured by the requirement that the Secretary of State must approve any transfer.

While I did not see this as a total reassurance, I did at least see it as a partial safeguard. Since then, however, the Secretary of State has had to stand back from the process because he has publicly committed himself to supporting the Sizewell Application. He has wisely acknowledged that he is no longer in a position to take a judicious view on any transfer of the licence.

I previously made a suggestion which would help to provide some objective rigour to the process by which the Secretary of State might give approval.

The permission to create a nuclear power station represents one of the most significant and costly financial commitments ever made on behalf of the taxpayer and the government. If permission were to be granted, the relevant decision makers - both the planning Inspectorate and the Secretary of State - would be handing over the stewardship of fragile natural capital, the wellbeing of the population of coastal Suffolk, the unique asset that is Minsmere, and responsibility to the effective functioning of the whole tourist economy of the region to the new applicant or 'undertaker'.

Due Diligence before Transfer - Recommending Use Of BS 95009

Such a handover should not be undertaken lightly. Every possible due diligence should be exercised in a rigorous inquiry into the suitability of the applicant.

In the last two years the British Standards Institution has introduced a new standard to assist with public procurement from the private sector. BS95009, also known as The Trust Test, has been designed specifically to help both private sector bidder and public sector purchaser to satisfy themselves that the bidder's organisation has the culture and capability to take on the task.

It offers a process by which a bidder for public sector business can demonstrate reliability and robustness.

I therefore request that the Planning Inspectorate

- Continues to insist that any change in the identity or ownership of the undertaker must have the approval of the Secretary of State or the relevant Minister to whom the responsibility has been passed.
- Recommends to the Secretary of State or that Minister that before any such transfer might be considered, the undertaker be required to undergo the full process of due diligence set out in BS95009.

This seems to me to be a reasonable minimum safeguard for all those whose lives could be so adversely affected by the proposed development at Sizewell C.

I hope that the Planning Inspectorate and the Secretary of State or his appointed deputy will investigate this form of due diligence. I look forward to hearing the Inspectorate's response.

Mark Goyder

23 May 2022