



# The Sizewell C Project

SZC Co.'s Response to the Secretary of State's  
Request for Further Information dated 25 April  
2022

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**Appendix 3:** Draft Development Consent Order reflecting the changes arising from the Secretary of State's Request for Further Information dated 25 April 2022 (track change version).

**Appendix 4:** Draft Development Consent Order reflecting the changes arising from the Secretary of State's Request for Further Information dated 25 April 2022 (clean version).



## 1 INTRODUCTION

1.1.1 This document sets out SZC Co.'s response to the request for further information or updates on a number of matters set out within a letter from the Secretary of State for Business, Energy & Industrial Strategy ("the Secretary of State") dated 25 April 2022 ([Microsoft Word - Secretary of State's Request for Further Information Dated 25 April \(planninginspectorate.gov.uk\)](#))

1.1.2 The response is structured as follows:

- **Section 2:** Responses to submissions made by Interested Parties on 8 April 2022.
- **Section 3:** Responses to submissions made by Interest Parties on 14 April 2022.
- **Section 4:** Responses to submissions made to the Examining Authority after the close of the Examination.
- **Section 5:** Other matters.

1.1.3 This document is supported by the following appendices:

- **Appendix 1:** Response to Mr Nick Scarr's submissions.
- **Appendix 2:** Response to Together Against Sizewell C's submissions in relation to fish.
- **Appendix 3:** Draft Development Consent Order reflecting the changes arising from the Secretary of State's Request for Further Information dated 25 April 2022 (tracked change version).
- **Appendix 4:** Draft Development Consent Order reflecting the changes arising from the Secretary of State's Request for Further Information dated 25 April 2022 (clean version).

## 2 RESPONSES TO SUBMISSIONS MADE ON 8 APRIL 2022

- 2.1.1 SZC Co. has reviewed the submissions of Interested Parties submitted on 8 April 2022 in response to the letter from the Secretary of State for Business, Energy & Industrial Strategy (“the Secretary of State”) dated 18 March 2022: [EN010012-008877-Sizewell C - Secretary of State Information Request.pdf \(planninginspectorate.gov.uk\)](#). We wish to make further submissions in response to some of the matters raised, which are detailed in **Table 2.1**.

**Table 2.1: Responses to Submissions Made on 8 April 2022**

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
Question 3.1/2	Water Supply, Desalination Plant and Drainage	Together Against Sizewell C	No further submissions on this matter.
Question 3.3		Environment Agency	No further submissions on this matter.
Question 3.4		Environment Agency	No further submissions on this matter.
Question 3.5		Environment Agency	No further submissions on this matter.
Question 3.6		Environment Agency  Natural England  Marine Management Organisation	Natural England states in <a href="#">Paragraph 1.3</a> that any extension to the timeframe for the operation of a desalination plant beyond a maximum period of three years would represent a further change to the project, likely requiring additional environmental assessment. SZC Co. wishes to highlight that this statement is based on Natural England's misunderstanding of the proposed desalination plant and its operation.  The Fourth Environmental Statement Addendum - Volume 1 <a href="#">[REP7-030]</a> states at Paragraph 3.2.20 (electronic page 149) that the desalination plant would initially be located in the main platform area. Once construction activity

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			in the main platform area reaches a point where the desalination plant becomes a physical constraint, the desalination plant would be relocated to the temporary construction area (TCA). It was assumed that this relocation would occur in approximately Year 4 of construction. Figure 3.1 and Figure 3.2 of the <b>Fourth Environmental Statement Addendum - Volume 2</b> <a href="#">[REP7-031]</a> show the indicative initial (i.e. main platform area) and subsequent (i.e. TCA) locations of the proposed desalination plant, as assessed in the <b>Fourth Environmental Statement Addendum</b> <a href="#">[REP7-030]</a> and the <b>Shadow Habitat Regulations Assessment Third Addendum</b> <a href="#">[REP7-279]</a> .
Question 3.7		None	No further submissions on this matter.
Question 4.1	Traffic and Transport	None	No further submissions on this matter.
Question 4.2		None	
Question 4.3		None	
Question 5.1	Coastal Considerations	Environment Agency East Suffolk Council	No further submission on this matter.
Question 5.2		None	

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
Question 6.1	Questions from the Government of Austria	Office for Nuclear Regulation	No further submissions on this matter.
Question 6.2			
Question 6.3			
Question 6.4			
Question 6.5			
Question 7.1	Habitats Regulations Assessment, Biodiversity and Ecology	None	No further submissions on this matter.
Question 7.2		None	No further submissions on this matter.
Question 7.3		Environment Agency Natural England	SZC Co. welcomes Natural England's position, in <a href="#">Paragraph 1.6</a> , that in relation to the Minsmere to Walberswick Heaths and Marshes Special Area of Conservation (SAC) and Minsmere-Walberswick SPA and Ramsar site 'air quality critical levels are not exceeded to a degree that would constitute an adverse effect on site integrity when various construction and operation works/activities are considered in isolation'. As explained in Paragraphs 4.1.7 & 4.1.8 of <a href="#">[REP10-153]</a> (electronic page 26) this is on the basis of modelling demonstrating that N-deposition would exceed 1% of the critical load of 10kg N/ha/hr within approximately 4 hectares (or approximately 0.2%)

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			<p>of the site, combined with an assessment of the sensitivity of the location and of the qualifying features that predicted to experience this exceedance. Natural England correctly point out in <a href="#">Paragraph 1.7</a> of their response that SZC Co. has prepared an updated air quality modelling report that considers all construction-phase emissions acting cumulatively within the Sizewell C Project ‘alone’ and ‘in-combination’ with other plans and projects. SZC Co. shared a draft version of this report with Natural England on 31 March 2022 and submitted a final version in Appendix 7 of our response the Secretary of State’s letter of 18 March 2022.</p> <p>The implications of the findings of the updated air quality modelling report for the Minsmere to Walberswick Heaths and Marshes SAC and the Minsmere-Walberswick SPA and Ramsar site are assessed in Section 6.3 of <a href="#">SZC Co.’s response the Secretary of State’s letter of 18 March 2022</a>. SZC Co. wishes to reiterate the key findings of that assessment that support a conclusion of no adverse effect on integrity, namely:</p> <ul style="list-style-type: none"> <li>• With respect to the SAC, the Site Improvement Plan for the Minsmere to Walberswick Heaths and Marshes lists nitrogen deposition as a specific threat to (only) the European dry heaths qualifying feature of the SAC. The European dry heaths qualifying feature is not present within the area predicted to experience deposition exceeding 1% of the Critical Load and, therefore, the Sizewell C Project would have no effect on this qualifying feature.</li> </ul>



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			<ul style="list-style-type: none"> <li>The area of predicted effect due to nitrogen deposition is primarily sand dune and sparsely vegetated shingle. The relevant Critical Load habitat class included in the air quality modelling is coastal stable dunes as this is the proxy Critical Load range provided on the Air Pollution Information System (APIS) for several littoral habitats including both sand dunes and coastal vegetated shingle. The lowest part of this range (as applied in the modelling and assessment) is highly precautionary because, as stated on the APIS, in practice different types of sand dune and vegetated shingle may have sensitivities comparable to other habitats that have higher Critical Load ranges.</li> <li>The combined process contribution from the Sizewell C Project is small, and given the highly precautionary nature of using the lower end of the Critical Load range for coastal stable dunes as a reference threshold for the habitats, it can be concluded that the predicted nitrogen deposition would not compromise the conservation objectives with respect to the habitat features of the Ramsar site.</li> <li>The bird qualifying features of the SPA and Ramsar site are not directly affected by air quality effects; it is the potential effect on their supporting habitats that is relevant. In light of the predicted effects on habitats (above), the extent, distribution, structure and function of the habitats on which the qualifying features rely, would be maintained</li> </ul>

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			<p>and the achievement of a ‘restore’ objective would not be compromised.</p> <ul style="list-style-type: none"> <li>As context to the assessment, it is highly relevant that existing nitrogen deposition already far exceeds the minimum Critical Load, such that additional nitrogen would have a limited effect. In addition, the Critical Load system assumes decades of continuous exposure. Over the short term, a slight elevation in nitrogen deposition will not result in changes in vegetation communities over the temporary construction period (particularly in the context of the high existing background deposition).</li> <li>The Secretary of State is also reminded that an environmental permit will need to be obtained from the Environment Agency to operate any single combustion plant with a capacity of over 1MWth or 50MWth in aggregate. The Environment Agency will need to undertake a Habitats Regulations Assessment of any such permit application to demonstrate no adverse effect on site integrity to National sites, including the Minsmere-Walberswick site.</li> </ul> <p>For clarity, we would like to point out that the comments made by Natural England in Paragraph 8.1 regarding the duration of the proposed temporary desalination plant repeat those made in <a href="#">Paragraph 1.3</a> (in relation to Question 3.1) and are incorrect. See our comments to Natural England’s response to Question 3.1 for further details.</p>

Question Reference	Subject Matter	Interested Party	SZC Co.’s Further Submissions
Non-requested responses	Coastal Considerations	Mr Nick Scarr	A response to <a href="#">Mr Scarr’s Submission of 18 March 2022</a> on coastal matters is provided in <b>Appendix 1</b> .
Non-requested responses	Fish Impingement Assessments	Together Against Sizewell C	A response to <a href="#">Together Against Sizewell C’s submission of 18 March 2022</a> on fish impingement matters is provided in <b>Appendix 2</b> .

## 3 RESPONSES TO SUBMISSIONS MADE ON 14 APRIL 2022

### 3.1 Overview

- 3.1.1 SZC Co. has reviewed the submissions of Interested Parties submitted on 14 April 2022 in response to the letter from the Secretary of State for Business, Energy and Industrial Strategy ('Secretary of State') dated 31 March 2022: [EN010012-010762-Sizewell-C-Information-Request-No.2-31-03-2022.pdf](#) ([planninginspectorate.gov.uk](#)). We wish to make further submissions in response to some of the matters raised, which are detailed in **Table 3.1**.

**Table 3.1: Responses to Submissions Made on 14 April 2022**

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
Question 4.1	Harbour Byelaws and Powers	Maritime and Coastguard Agency Department for Transport	<p>SZC Co. is pleased to note the <a href="#">Department for Transport's (DfT) submission on 14 April 2022</a> confirms that there is sufficient justification for a Competent Harbour Authority (CHA), above Statutory Harbour Authority (SHA) for the purposes of the Pilotage Act (1987).</p> <p>SZC Co. notes the DfT's endorsement of the Maritime and Coastguard Agency's (MCA) position that the contents of the draft Development Consent Order establishing the CHA should mirror the framework of a harbour empowerment order. This is addressed in the further submission for Question 4.2 (below).</p>
Question 4.2		Marine Management Organisation Maritime and Coastguard Agency	<p>SZC Co. has no objection to the MCA or Marine Management Organisation (MMO) (or DfT) assertion that '<i>operating a harbour facility through the DCO should mirror the existing framework that would have been used for a Harbour Empowerment Order under the Harbours Act 1964, and Port Marine Safety Code</i>'.</p> <p>SZC Co. had originally removed Articles 58, 59 and 60 from Part 6 (Harbour Powers) of the draft DCO in light of Condition 35 (Aids to Navigation) on the Deemed Marine Licence (DML) which replicates the obligations for lighting and navigation safety. However, SZC Co. acknowledges that the MMO has sole responsibility for the Marine Licence whereas other relevant authorities (primarily MCA and DfT) are responsible for Harbour Authorities.</p>



Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
			<p>Articles 58, 59 and 60 (Lights on marine works etc. during construction; Provision against danger to navigation; and Permanent lights on marine works) have, therefore, been re-inserted into the dDCO (as new Article numbers 59, 60 and 61) as requested by MCA and MMO as follows:</p> <p><b><i>“Lights on marine works etc. during construction</i></b>  <b><i>59. The undertaker must at or near—</i></b>  <i>(a) any marine work, including any temporary work; or</i>  <i>(b) any plant, equipment or other obstruction placed, in connection with any authorised development, within the area of seaward construction activity, during the whole time of the construction, reconstruction, extension, enlargement, replacement or relaying of such work or development, exhibit every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.</i></p> <p><b><i>Provision against danger to navigation</i></b>  <b><i>60. In case of damage to, or destruction or decay of, a marine work or any part of it, the undertaker must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights, and take such other steps for preventing danger to navigation, as Trinity House may from time to time direct.</i></b></p> <p><b><i>Permanent lights on marine works</i></b></p>

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			<p><i>61. After the completion of a marine work the undertaker must, at the outer extremity of it exhibit every night from sunset to sunrise such lights, and take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct."</i></p> <p>The above articles have been re-inserted in Rev 11C of the dDCO, which is submitted in tracked changes and clean versions in support to this submissions as <b>Appendix 3</b> and <b>Appendix 4</b> respectively.</p> <p>For the avoidance of doubt, the provisions outlined in the previous Article 61 (Safety of Navigation scheme to be implemented as approved by the MMO) are provided in Condition 35 of the DML. As the MMO is the enforcing authority for both Article 61 and DML Condition 35, this Article does not need to be re-inserted into Part 6 of the dDCO.</p> <p>While amending the dDCO, one further minor administrative amendment has been made to Schedule 21 (Deemed Marine Licence). The MMO requires all volumes to be dredged to be stated on the marine licence, but this had been omitted for the temporary desalination plant outfall headworks description (Work Nos 2O and 2P). The dredge volume (no more than 1,845m<sup>3</sup>) has been added to match the temporary desalination intake headworks (Work Nos 2M and 2N) as</p>

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			assessed in the <b>Fourth Environmental Statement Addendum</b> <a href="#">[REP7-030]</a> (see table 3.2, electronic page 169).
Question 5.1	Statements of Common Ground	East Suffolk Council Suffolk County Council Office of Nuclear Maritime and Coastguard Agency Suffolk Coast and Health Area of Outstanding Natural Beauty Partnership	No further submissions on this matter.

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		UK Health and Safety (previously PHE)  Department for Transport	
Question 6.1	Control Documents	None	No further submissions on this matter.
Question 7.1	Soil Management Plan	None	No further submissions on this matter.
Question 8.1	Habitat Regulations Assessment, Biodiversity and Ecology	Natural England	No further submissions on this matter.
Question 8.2		None	No further submissions on this matter.
Question 8.3		Environment Agency	No further submissions on this matter.

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
Question 8.4		None	No further submissions on this matter.
Question 8.5		Natural England	<p>Natural England raised 3 questions in its <a href="#">response to Question 8.5</a>, and these are answered here:</p> <p>Statement: “We request clarification on what is meant by ‘recovery system’. Is this the same as a drilling mud return system and storage for bentonite? If so, we request further clarification on the measures put in place to ensure no drilling mud is lost as part of this process. There is currently insufficient detail provided to ensure impacts are avoided and/or reduced.”</p> <p>Response: The “Recovery system” refers to the bentonite closed-circuit that is operated through an industrial and fully monitored Slurry Treatment Plant (STP) that enables the Tunnelling Boring Machines (TBM) drilling operations.</p> <p>Leaks are not expected under normal operation. However, the drilling mud may be lost due to leaks on slurry circuit and/or overflow in the slurry treatment plant.</p> <p>Should a leak accidentally occur, the slurry circuit is designed in such a way that any leak can be collected and transferred via the tunnelling dewatering system to the water treatment plant. The STP is sized for accepting the maximum flow plus a safety margin. The STP itself is built on a concrete slab with a bunded edge to retain any mud in case of unexpected overflow.</p>



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			<p>Statement: <i>"We request clarification on how constant pressure will be maintained, as increases in pressure is not our sole concern."</i></p> <p>Response: The TBM is equipped with a pressure regulation system in order to control properly the required confinement pressure according to design and ground requirements. It is based on an air bubble system that is constantly regulated with dedicated valves. The regulation system remains operational even in the case of accidental power shut down.</p> <p>Statement: <i>"We request further detail on the procedures that are in place if a frack-out does occur, beyond simply the Ecological Clerk of Works calling Natural England within 24 hours. Will further instruction be sought from Natural England? Will drilling stop immediately and the cause investigated? Will drilling continue but with a modified methodology? Is it feasible to contain the bentonite, and if so, how?"</i></p> <p>Response: If a frack-out were to occur, it is best practice to continue drilling operations beyond the point of frack-out such that the TBM is not stopped in the area where the event happened. At this time, slurry properties (yield value, filtrate, etc) would be checked and bentonite and additive components altered if required. Similarly, TBM parameters (mainly pressure) would also be checked and adapted as necessary.</p> <p>SZC Co would also like to highlight that the use of tunneling machinery and spills in the marine environment are robustly controlled by the Deemed Marine Licence. Conditions 8 and 42 require a detailed method statement for the use of tunnelling</p>

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			<p>to be submitted and approved by the MMO. Condition 15 requires a Marine Environmental Monitoring Plan (MEMP), including identification of sources and pathways of marine pollution, to be approved by the MMO. NE are likely to be consulted by the MMO when SZC Co provides the necessary information to discharge these Conditions. Condition 6 outlines the procedure for reporting spills to the MMO Marine Pollution Response Team.</p> <p>Furthermore, SZC Co notes that bentonite is a chemically inert substance, does not pose a toxicological risk to the marine environment, and that bentonite frack-out has never been suggested by NE (or others) to pose a risk to site integrity under HRA.</p>
Question 8.6		Environment Agency	No further submissions on this matter.
Question 8.7		Natural England	No further submissions on this matter.
Question 8.8		Natural England	No further submissions on this matter.
Question 8.9		Natural England	No further submissions on this matter.

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
Question 8.10		Environment Agency Natural England	<p>SZC Co. notes that the Environment Agency's (EA) and Natural England's (NE) responses to this question refer the Secretary of State to their respective Deadline 10 submissions on the Fish Impingement and Entrainment Monitoring Plan (FIEMP) but do not comment on SZC Co's detailed responses to both parties' earlier comments also provided at Deadline 10 [<a href="#">REP10-156</a>; <a href="#">REP10-157</a>].</p> <p>SZC Co. will continue to work with the EA and NE by way of the Marine Technical Forum (MTF) to finalise and agree the FIEMP prior to submission to MMO for approval before operation of Sizewell C can commence.</p>
Question 8.11		None	No further submissions on this matter
Question 8.12		Environment Agency Marine Management Organisation Natural England	<p>No further submissions on this matter in relation to submissions from the EA or MMO.</p> <p>SZC Co. welcomes <a href="#">NE's statement</a> that "<i>We welcome the firm commitment from the Applicant to using native material ....</i>" in relation to construction and recharge of the Soft Coastal Defence Feature (SCDF). In response to the Secretary of State's second letter (31 March 2022), as requested for Question 8.11, SZC Co provided a detailed response to NE's Deadline 10 Submission "<i>Comments on Deadline 7, Deadline 8 and Deadline 9 Submissions</i>" [<a href="#">REP10-200</a>] which addresses comments</p>

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
		Royal Society for the Protection of Birds	<p>addressed therein (see <a href="#">Appendix 8</a> of "<a href="#">SZC Co.'s Response to the Secretary of State's Request for Further Information dated 31 March 2022</a>").</p> <p>SZC Co. welcomes the Royal Society for the Protection of Birds (RSPB) and Suffolk Wildlife Trust's (SWT) statement that positive progress has been made in relation to the SZC Co Deadline 10 submissions "<i>Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature</i>" [<a href="#">REP10- 124</a>] and "6.14/10.5: <i>Environmental Statement Addendum, Volume 3, Chapter 2, Appendix 2.15.A: Coastal Processes Monitoring and Mitigation Plan</i>" (CPMMP) [<a href="#">REP10-041</a>].</p> <p>SZC Co has committed to retain the native beach sediment particle size for construction and recharge of the SCDF; indeed, as above, NE "<i>welcome the firm commitment from the Applicant to using native material</i>". SZC Co. remains confident that the securing mechanism for determining the particle size of the SCDF via the CPMMP is robust. The CPMMP must be approved by East Suffolk Council (ESC) pursuant to DCO Requirement 12 and by the MMO pursuant to Deemed Marine Licence Condition 14. As a member of the Marine Technical Forum, when discussing coastal processes, the RSPB will be consulted by SZC Co in further development of the CPMMP and ESC and MMO when they determine the CPMMP under Requirement 12 and Condition 14, respectively. The assessments and evidence SZC Co has adduced provide a robust basis for concluding that commitment to retain the native particle size in the SCDF is capable of being met.</p>

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
			<p>The role of the SCDF is to provide additional sediment material along the Sizewell C development site that will be allowed to erode naturally and thus ensure that coastal processes continue to operate as they do at present. That is, sediment will erode (typically during storm events) and then be replaced manually by SZC Co when an agreed threshold (“trigger” has been met). In this way, beach and nearshore sediments will continue to move along the beach from north to south as they presently do, with eroded material being displaced to downdrift beaches. With reference to mitigation, RSPB/SWT comment that the CPMMP states that “<i>As the precise conditions requiring mitigation cannot be known a priori, neither can an individual mitigation activity be specified years or more in advance</i>” (section 7.5); a view also held by SZC Co. RSPB/SWT go on to state “<i>It is our view currently the only known method for maintaining dynamic shingle features of high conservation value is non-intervention and the ability for the features to move as required in relation to coastal processes</i>”. The infrequent recharge of the SCDF with sediment of the same native particle size, ensuring that the natural, underlying coastal processes continue as present, will allow the dynamic shingle features to move as required.</p> <p>SZC Co. has not identified any significant impact on coastal geomorphology from the offshore infrastructure or temporary onshore infrastructure nor, critically, identified any plausible mechanism for impacts. It is therefore not possible to commit in advance to specific mitigation as requested by RSPB/SWT. However, as described above, a Coastal Processes Monitoring and Mitigation Plan (CPMMP)</p>



Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
			<p><a href="#">[REP10-041]</a> must approved by the ESC pursuant to DCO Requirement 12 and by the MMO pursuant to Deemed Marine Licence Condition 14.</p> <p>Paragraph 1 of DML condition 14 sets out the matters to be covered by the CPMMP for the marine element, stating that it must include, amongst other things:</p> <ul style="list-style-type: none"> <li>(a) details of the area to be monitored;</li> <li>(b) the methods for monitoring;</li> <li>(c) the duration of monitoring;</li> <li>(d) the trigger points for mitigation;</li> <li>(e) a description of proposed mitigation;</li> <li>(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;</li> </ul> <p>Paragraph 1 [(i) to (v) and (vii)] of Requirement 12 states the same for the terrestrial element.</p> <p>The DML Condition and DCO Requirement clearly identify that that the CPMMP must detail which areas must be monitored and what mitigation is available to use. Given the CPMMP must be approved by ESC and MMO, and implemented by SZC Co throughout construction and operation, there is a clear obligation upon SZC Co</p>

Question Reference	Subject Matter	Interested Party	SZC Co.'s Further Submissions
			to mitigate any significant impacts on coastal processes that may be caused by the development.
Question 8.13		None	No further submissions on this matter.
Question 8.14		None	No further submissions on this matter.
Question 8.15		Natural England	SZC Co submitted an updated <b>Southern North Sea Site Integrity Plan</b> in Appendix 9 of <a href="#">our response to the Secretary of State's letter of 31 March 2022</a> . As far as we are aware this addresses all of Natural England's outstanding comments in the Deadline 10 Statement of Common Ground submission <a href="#">[REP10-097]</a> . Unfortunately Natural England has been unable to engage with us further on this matter since submission of the update.
Question 8.16		None	No further submissions on this matter.
Question 8.17		Natural England	No further submissions on this matter.