



6th March 2020

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN

Dear Sir/Madam

Re: EDF New Nuclear Build's Sizewell C nuclear power station proposal

I am writing on behalf of Minsmere Levels Stakeholders Group (MLSG).

During the four pre-application consultation we have repeatedly requested access from EDF New Nuclear Build (EDF NNB) to the results of hydrological studies of Sizewell Marsh, Minsmere Levels and the construction site as well as geomorphological studies of the coast line in front of and to the north and south of the existing and proposed Sizewell C reactor sites.

It is essential that the relationship between surface and groundwater on the construction site, in the marshes and levels along with all aspects of drainage between the Leiston sewage works and the eventual exit to the north sea at the Minsmere Sluice is fully characterised prior to work commencing so baseline conditions are established. The Environmental Scoping Report Opinion (ESRO) of June 2014 states:

3.96 The Scoping Report identifies a number of potential groundwater impacts that are correlated to surface water impacts and vice versa. The SoS advises that the inter-relationship between groundwater and surface water be presented clearly within the two proposed chapters, with appropriate cross-referencing.

and,

7.11.3 Natural England would be happy to provide technical expertise into the development of a predictive model to provide a tool to assess the impacts of the groundwater environment and closely related surface water environment within Sizewell Marshes SSSI.

Only once this has been established, can mitigations be planned based on modelling of likely effects and monitoring established so that any adverse effects can be identified quickly and responded to using flexible mitigation that has been put in place. Environment Agency response to 2014 Scoping Report states:

2.13.3. As with groundwater, the ES should include provision for monitoring, during and post construction, which links to appropriate mitigation as necessary (7.12.38).

Lack of access to this information and appreciation of EDF NNB's level of understanding of these interactions has made it almost impossible for us to come to an informed decision as to whether appropriate mitigation is being proposed to manage and/or counter what could be a catastrophic change to the complex habitats and interdependencies that characterise this sensitive area of nationally and internationally recognised habitats.

Without selecting a totally different site for the power station and construction site, avoiding impacts is not possible. Compensation is also not possible considering the scale of the Sizewell Marshes and Minsmere Levels, so mitigation is the only option and that requires an intimate knowledge of the existing hydrological network and interactions along with sufficient monitoring to ensure that any perturbations from the established baseline can be reacted to and mitigated effectively.

We have asked for more detailed information at each consultation and pointed out our concerns in our responses to the four consultations but, as each consultation has been released, we have found ourselves in a position whereby insufficient detail has been forthcoming.

MLSG remain unable to make informed responses to the Sizewell C (SZC) proposals that give proper consideration to the environmental impacts and assessments associated with the development, as studies that were proposed over six years ago in Stage 1, and even earlier in EDF's Scoping Report, have still not been made available via the consultation process.

According to the advice from the Department of Communities and Local Government: 'Planning Act 2008: Guidance on the Pre-application Process':

The front-loaded emphasis of consultation in the major infrastructure planning regime is designed to ensure a more transparent and efficient examination process. (6.)

This document also refers to section 50 (3) of the Planning Act 2008, which makes clear that applicants 'must have regard to any guidance under this section' (i.e. pre-application procedure).

Baseline information material and surveys are referred to in the Preliminary Environmental Information documents, but these have not been made available during the consultations despite several requests and we are told that these will only be made available at publication and acceptance of the Development Consent Order (DCO). As a result, MLSG are of the opinion that the pre-application procedure has not been transparent.

The absence of any real substance in the PEIR (Preliminary Environmental Information Report) has meant that it fails to comply with the guidance on the conduct of a National Strategic Infrastructure Project (NSIP).

Suffolk County Council (SCC), East Suffolk Council (ESC), Environment Agency and others have all commented on the paucity of information made available by EDF NNB for respondents to make informed responses throughout the four-stage consultation period.

Paragraph 19 of the above pre-application guidance document, states:

A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues.

MLSG, as a small independent environmental group concerned with the health, sustainability and management of the Minsmere Levels, associated sluice and coastal frontage, we have limited resources to scrutinise complex proposals such as this for one of the largest construction projects ever contemplated in the UK. As a result, it is vitally important that EDF provide clear and well organised information on their pre-application consultations so that organisations such as ours can come to an informed position.

At Stage 1 we stated:

1. *The fact that many of the proposed studies summarised in tables 4.11.2, 4.12.2 and 4.13.2 have either not started or are in their very early stages makes it impossible for us to comment in any substance on many of the issues identified beyond agreeing that work should proceed as rapidly as possible.*

At Stage 2 we stated:

A major weakness of the Stage 2 consultation document is that where some environmental information is provided on the possible impact on ground water and hydrology (e.g. on the borrow pits and contractors' compounds) it is confined to that particular activity.

Given the sensitivity of the coastline both inland and seaward, we have been unimpressed at the paucity of detail regarding the possible, or probable, environmental impact provided at this second stage consultation. Such information as is provided is dispersed almost randomly throughout the main document and most difficult to access in the absence of any index and without any significant attempt at internal cross-reference.

At Stage 3 we stated:

2. *We believe that in consideration of the issues raised by the Secretary of State in the ESRO and the lack of information in the any of the three consultation stage documents, including this Preliminary Environmental Information Report (PEIR), there needs to be a further public consultation once the proposal is better developed and the impacts and mitigations proposed by EDF can be communicated through a much improved PEIR to local and national statutory bodies, relevant organisations and the public so a properly considered view can be formed and communicated. This revised PEIR should be a very advanced draft of the Environmental Statement which EDF intends to submit with its application for a Development Consent Order.*
 13. *As this is proposed to be the final stage of public consultation, we would have expected the PEIR to be much better developed. We find it quite lamentable that EDF have been unable to provide any assessment of Cumulative Impact, especially within the construction site itself. Despite our repeated requests, and the requirement of the Secretary of State in May 2014, all that has been offered, at this the final stage of public consultation, is statement 13.3 of EDF's approach to assessment of cumulative effects and a flow chart at Figure 13.3 which sets out the four stages of activity that this work will involve.*
 40. *The two volumes of PEIR are regrettably long on non-specific mitigation promises and, unfortunately, not supported by in-depth or at times even cursory baseline data substantiation. It only remains for MLSC to repeat for the third time that insufficient information is being provided for a properly considered view to be reached as to the ability of EDF to ensure that the proposed SZC project can be initiated and completed without risking significant damage to the sensitive environments and coastline surrounding the SZC construction and operational site.*
- and,
58. *We have been through three stages of public consultation over a period of six years. On each occasion the absence of supporting information and evidence has made it impossible for us to make any adequate assessment of EDF's proposals.*

It was stated that Stage 3 was to be the final stage of consultation but at very short notice over the summer holiday period in 2019 EDF NNB did enter into a further pre-application consultation.

At Stage 4 we stated:

16. *We are deeply concerned that EDF have ignored requests from the Secretary of State, the statutory consultees, local parishes, town councils, many of the local NGOs and local interest groups to provide adequate preliminary environmental information regarding the effects of the construction and operation of the Sizewell C power station. The sensitive nature of the local designated sites and AONB is clearly at risk from this proposal and yet, there is little confidence, based on the information so far provided, that EDF is in a position to communicate their plans to protect and manage the project in a manner that is appropriate to the environment within which this project sits. This consultation introduced some adjustments to the proposed Sizewell Link Road and Theberton Bypass proposal and visited a smaller subset of locations with Consultation Exhibitions. However, no exhibition visited the two villages. Middleton and Theberton, most affected by this proposal and the exhibitions that did occur were confined mostly to daytime hours when a significant part of the population would be at work.*

EDF NNB's have consistently failed to provide adequate detail to MLSG during Stages 1 through Stage 4. As consultees, this has prevented us from making a fully informed response to the consultations. As a result, we are of the opinion that any DCO application submitted without further public consultation with adequate PEIR has not reached an appropriate stage for examination by the planning inspectorate.

The official guidance states under paragraph 15:

Effective pre-application consultation will lead to applications which are better developed and better understood by the public, and in which the important issues have been articulated and considered as far as possible in advance of submission of the application to the Secretary of State.

We note that under point 19 of the official guidance, it is stated:

Without adequate consultation, the subsequent application will not be accepted when it is submitted.

We contend that the public consultation has lacked rigour and, as an exercise in allowing the public to make informed comment on proposals, has failed to meet official guidance or the objectives contained within the Statement of Community Consultation.

We feel it is important that we raise these concerns now and urge you to take them into consideration whenever EDF NNB decide to submit their SZC DCO application.

Yours faithfully,

Paul Collins
Co-Secretary, MLSG

Copies to: East Suffolk District Council, Suffolk County Council, [REDACTED], District Councillors, [REDACTED] EDF Energy