

Sizewell C Project

The Examining Authority's written questions and requests for information (ExQ1)

Response from the NDA and Magnox

ExQ1	Question to	Question	Response
Part 3			
CA.1.57	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</p> <p>The relevant representation of Pinsent Masons LLP on behalf of Magnox Limited [RR-0991] and Nuclear Decommissioning Authority [RR-0992], indicates that regardless of Article 26 in the draft DCO, the NDA and Magnox are of the opinion that land plots MDS/05/06 and MDS/05/07 should be excluded from the BoR [APP-067] altogether. Please respond to their concerns and indicate whether the BoR will be amended in that respect?</p>	<p>It is noted that parts of MDS/05/06 have now been removed from the Order Limits as part of the changes made by the Applicant to the Application on 22 January 2021. However, the NDA and Magnox do not agree with the Applicant's proposals to obtain Class 4 powers in respect of any land which for which the NDA has statutory responsibility for decommissioning and cleaning-up in accordance with the Energy Act 2004 and the Sizewell A Directions as this would produce potential conflict with the legal obligations and duties in relation to decommissioning and clean-up. Therefore, land plots MDS/05/06 and MDS/05/07 should be excluded from the Book of Reference altogether.</p> <p>The NDA and Magnox welcome the Applicant's intention to include a new Article 26(2)(c) in the next Draft DCO to preclude the compulsory acquisition of any rights required by the NDA and Magnox to carry out their regulatory responsibilities and statutory functions, but await the detail and understanding of the effects of these proposed changes, reserving their position. Furthermore, this proposed amendment would support the NDA and Magnox's position that plots MDS/05/06 and MDS/05/07 should be excluded from the Book of Reference altogether.</p>

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CA.1.66	The Applicant	<p>Adequacy of any Protective Provisions set out in the dDCO and the need for any other Protective Provisions to safeguard relevant interests</p> <p>The relevant representation of Pinsent Masons LLP on behalf of Magnox Limited [RR-0991] and Nuclear Decommissioning Authority [RR-0992], states that Protective Provisions should be included in the draft DCO in order to preserve and protect their respective abilities to effectively carry out their statutory functions and regulatory responsibilities and to reflect agreement reached on the exercise of compulsory acquisition powers. Please provide an update on progress and indicate whether such protective provisions have been agreed. If not, please set out any areas of disagreement?</p>	<p>Neither the NDA nor Magnox has had any discussions with the Applicant regarding the Protective Provisions. However, the NDA and Magnox are in the process of discussing the terms of a Statement of Common Ground. The NDA and Magnox are of the view that Protective Provisions should be included in the Draft DCO to preserve and protect their respective abilities to carry out their statutory functions and regulatory responsibilities for the reasons set out in their Relevant Representation and Written Representation.</p>
CA.1.80	The Applicant	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of Pinsent Masons LLP on behalf of Magnox Limited [RR-0991] and Nuclear Decommissioning Authority [RR-0992], indicates that they oppose the acquisition of any land, or the extinguishment of any rights etc, in any land plots which are:</p> <p>(a) within the boundary of the nuclear site licence, held by Magnox, for the Sizewell A Nuclear Site, and</p> <p>(b) land which the NDA has responsibility for decommissioning and cleaning-up in accordance with the Energy Act 2004 and the Sizewell A Directions,</p> <p>being land plots MDS/05/06 and MDS/05/07.</p> <p>Please respond to the specific concerns raised including:</p> <p>(i) Why the Applicant may need to acquire the plots detailed in column (2) of Part 1 of Schedule 15 to the draft DCO;</p>	<p>Commercial discussions with EDF Energy Nuclear Generation Limited, as owner and operator of Sizewell B Nuclear Site, have commenced regarding the proposed sale of part of plot MDS/05/06 and the entirety of plot MDS/05/07. However, neither the NDA nor Magnox has had any discussions with the Applicant regarding other land plots where the Applicant is seeking compulsory acquisition and / or the extinguishment of any rights.</p> <p>(i) Clarity is still required as to why the Applicant may need the to acquire the plots detailed in column (2) of Part 1 of Schedule 15.</p> <p>(ii) The surrender of plot MDS/02/28 has now been completed and therefore Magnox is no longer a Category 1 person for this plot of land.</p> <p>(iii) The NDA and Magnox are of the view that the protection in Article 26(2)(b) should extend to Sizewell A Nuclear Site to preclude the</p>

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		<p>(ii) Why land plot MDS/02/28, in respect of which Magnox is a Category 1 person, is not detailed in column (2) of Part 1 of Schedule 15 to the draft DCO;</p> <p>(iii) Why the protection afforded to the Sizewell B Nuclear Site in Article 26(2)(b) of the draft DCO should not be extended also to the Sizewell A Nuclear Site;</p> <p>(iv) Whether Article 30 should be made subject to Article 26?</p> <p>(v) the implications of these powers for those plots that abut the nuclear site licence area, being plots MDS/05/02 and MDS/05/13;</p> <p>(vi) Whether the Applicant has undertaken diligent enquiry as to why the relevant Class 4 powers are required, or how the compulsory acquisition of Class 4 powers may affect more widely the ability of the NDA and Magnox to carry out their respective statutory functions and regulatory responsibilities?</p> <p>(vii) Whether there is a need to for a Nuclear Site Licensees' Co-operation Agreement(s) to be entered into between the NDA, Magnox, the Applicant and EDF?</p>	<p>compulsory acquisition and ensure voluntary agreement in respect of this land.</p> <p>(v) The NDA and Magnox would welcome urgent clarification and understanding from the Applicant on the implications of these powers for the plots that abut the nuclear site licence.</p> <p>(vi) The NDA and Magnox have not yet seen any reporting or evidence that the Applicant has undertaken diligent enquiry.</p> <p>(vii) The NDA and Magnox strongly emphasise the need to ensure that a Nuclear Site Licensees' Co-operation Agreement(s) is entered into between the NDA, Magnox, the Applicant and EDF NGL in order to ensure that there is in place a contractual framework which seeks to avoid conflict between the Sizewell A Nuclear Site, the Sizewell B Nuclear Site and the proposed Sizewell C Nuclear Generating Station, and to ensure that the relevant legal obligations of all parties are not compromised.</p>
Part 5			
R.1.1	The Applicant, ONR	<p>Low Level Waste (LLW)</p> <p>(i) It is recognised that the current LLW Repository has a lifespan less than that of the proposed development. What provision is in place on</p>	<p>The NDA will confirm the position in relation to the new disposal facilities and letters of assurance or similar to the ExA as soon as practicable.</p>

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		<p>site or elsewhere to safely deal with this waste over the lifetime of the plant?</p> <p>(ii) It is advised that "It is assumed that ultimately new disposal facilities will be provided by the NDA" (para 7.7.20)[APP-192] Have letters of assurance or similar been received from the NDA?</p> <p>(iii) Has one been sought? Please provide copies for the Examination as appropriate.</p>	
R.1.30	The Applicant, ONR	<p>Relationship to Current Operations at Sizewell</p> <p>Please respond to the points raised by Magnox Ltd (RR-991) and Pinsent Masons (RR-992) and in particular the concern regarding the assertion that "the Sizewell C Nuclear Generating Station can be constructed and operated in accordance with the Applicant's application proposals in a manner which adequately ensures the safe, secure and environmentally sound decommissioning of the Sizewell A Nuclear Site."</p>	<p>At this stage, and on the basis of the Applicant's current proposals, the NDA and Magnox are not yet satisfied that the Sizewell C Nuclear Generating Station can be constructed and operated in accordance with the Applicant's application proposals in a manner which adequately ensures the safe, secure and environmentally sound decommissioning of the Sizewell A Nuclear Site. However, the NDA and Magnox have now entered into discussions with the Applicant.</p>