



The Sizewell C Project

9.10.4 Initial Statement of Common Ground - Environment Agency

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1 INTRODUCTION

1.1 Status of the SoCG

1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the application for a Development Consent Order ('DCO') to the Planning Inspectorate (hereafter referred to as the 'Examining Authority' ('ExA')) under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project.

1.1.2 This 2nd draft (Version 2.6) of the SoCG for submission at Deadline 2 has been prepared by NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant and The Environment Agency and was agreed on 28 May 2021.

1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties on all relevant matters relating to the Application, including construction and operation of the nuclear power station and its associated development.

1.2.2 This SoCG has been prepared in accordance with the 'Guidance for the Examination of Applications for Development Consent' published in March 2015 by the Department of Communities and Local Government (hereafter referred to as 'DCLG Guidance').

1.2.3 Paragraph 58 of the DCLG Guidance states:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

1.2.4 The aim of this SoCG is therefore to provide the ExA with a clear position of the extent and status of discussions, and areas of agreement and disagreement, between the parties in relation to the Application.

1.2.5 This SoCG does not seek to replicate information which is available elsewhere within the DCO application. All documents are available on the Planning Inspectorate website <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/>.

1.3 Parties to this Statement of Common Ground

- 1.3.1 SZC Co. has submitted an application for development consent to construct and operate a new nuclear power station, Sizewell C, along with the associated development required to enable construction and operation.
- 1.3.2 The Environment Agency is a statutory consultee, as a prescribed consultee by Applicants under S.42 of the Planning Act 2008, or by the Planning Inspectorate as a consultation body in relation to any EIA scoping.
- 1.3.3 The Environment Agency regulates certain activities that have the potential to harm the environment and people. It decides if relevant environmental permits and other consents and licences should be issued and, if so, what conditions should be applied. It monitors compliance with the permit / licence conditions and takes enforcement action if appropriate.
- 1.3.4 The Environment Agency is a competent authority for the purposes of certain EU Directives and it also maintains an overview of risks to people and the environment from flooding and coastal erosion.
- 1.3.5 The Environment Agency's regulatory, licensing and advisory powers and duties derive (inter alia) from key Acts and Regulations, including:
- Environment Act 1995;
 - Environmental Permitting (England & Wales) Regulations 2016;
 - Water Resources Act 1991;
 - Flood and Water Management Act 2010;
 - Salmon and Freshwater Fisheries Act 1975 and Keeping and Introduction of Fish Regulations 2015;
 - The Planning Act 2008 (the PA2008) and secondary legislation made under the PA2008;
 - The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017; and
 - The Conservation of Habitats & Species Regulations 2017.
- 1.3.6 The Environment Agency's responsibilities align to the terrestrial environment within England. In addition, for regulating emissions to the

marine environment, they apply within 3 nautical miles and for Environmental Permitting Regulations up to 12 nautical miles of the coastline.

1.3.7 Collectively SZC Co. and the Environment Agency are referred to as ‘the parties’.

1.3.8 Matters of interest to the Environment Agency which are detailed in Section 2 of this SoCG are as follows:

- Proposed development on the main development site.
- Proposed development on the associated development sites, including:
 - the northern park and ride at Darsham
 - the southern park and ride at Wickham Market
 - the two village bypass
 - the Sizewell link road
 - the freight management facility
 - the green rail route and other rail improvements
 - and other highway improvements.
- Land quality
- Groundwater and surface water; including water quality
- Terrestrial (incl. freshwater) ecology
- Coastal geomorphology and hydrodynamics
- Marine water quality
- Marine ecology
- Flood Risk Assessments (FRA)
- Climate change allowance
- Flood emergency response and contingency plan
- Water Framework Directive (WFD) Assessment
- Eels Regulations Assessment

- Habitats Regulations Assessment
- Waste and Materials Management
- Potable and non-potable Water Supply

1.3.9 In addition, other DCO application documents of interest to the Environment Agency comprise:

- Draft DCO (including the Requirements and DML)
- Section 106 Agreement
- Code of Construction Practice
- Mitigation Route Map

1.4 Structure of this Statement of Common Ground

1.4.1 Chapter 2 provides schedules which detail the matters that are agreed between the parties and those where disagreement remains.

1.4.2 **Appendix A** provides a summary of engagement carried out since Autumn 2020 to develop this 2nd draft SoCG for submission to PINS at Deadline D2.

2 POSITION OF THE PARTIES

2.1.1 The current position of the parties in relation to all matters of interest to the Environment Agency are briefly described in a series of tables as follows:

- Land Quality (Table 2.1)
- Groundwater & Surface Water (Table 2.2)
- Terrestrial (inc Freshwater) Ecology (Table 2.3)
- Coastal Geomorphology & Hydrodynamics (Table 2.4)
- Marine Water Quality (Table 2.5)
- Marine Ecology (Table 2.6)
- Flood Risk Assessment (Table 2.7)
- Water Framework Directive Assessment (Table 2.8)

- Eels Regulations Assessment (Table 2.9)
- Waste & Materials Management (Table 2.10)
- Potable & Non Potable Water Supply (Table 2.11)

2.1.2 In order to provide the ExA with additional clarity, the position of the parties in relation to each of the matters identified has been colour-coded as follows:

Colour Code	Position of the Parties
	Technical work / engagement complete or nearing completion. No significant areas of disagreement identified in respect of DCO application and/or change submission and any additional information that has since been provided.
	Technical work / engagement ongoing. Potential significant areas of disagreement remain.
	Technical work / engagement complete. Significant areas of disagreement remain between the parties.
	Matters which relate to environmental permits (and other consents and licences). As an environmental regulator EA will assess the environmental permit applications and consult on draft decisions once these are available.

2.1.3 The tables only cover those matters of interest to the Environment Agency.

2.1.4 The position of the parties in relation to the Draft DCO (including the Requirements and DML), Section 106 Agreement, Code of Construction Practice (COCP) and Mitigation Route Map is described for each topic area.

2.1.5 The position of the parties takes into account all information submitted by SZC Co up to and including that at Procedural Deadline B on 7th April 2021, other than where specified in this document. Where the position of the parties relies on other any other information that has been provided by SZC Co, whether submitted to the ExA following this date, or is yet to submitted to the ExA, this has also been specified. Key engagement activities that are ongoing, or are planned, to resolve areas of disagreement are also identified.

2.1.6 Appendix B summarises the Environment Agency's current position.

Table 2.1: Position of the Parties - SZC Co. and Environment Agency: Land Quality

Ref.	Matter	Doc Ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
PW_LQ1	The mitigation, management and monitoring measures detailed in Parts A, B and C of the Code of Construction Practice .	8.11(A)	No comments	No comments		Agreed
PW_LQ2	The securing mechanisms to control impacts on geology and land quality on the main development site as detailed in the Mitigation Route Map including: <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Requirement 5 (PW: Surface and foul water drainage) - Requirement 8 (MDS: Temporary construction-related development) - Requirement 11 (MDS: Approved buildings, structures and plant) - Compliance with Building Regulations, Approved Document C - Nuclear Site Licence - Radioactive Substances Regulations Environmental Permit - COMAH and Hazardous Substances Consent 		No comments	No comments		Agreed
MDS_LQ4	The assessment of impacts on geology and land quality for the construction and operation of Sizewell C as detailed in section 18.6 of Volume 2 Chapter 18 and Appendices 18B (risk assessment) and 18C (impact assessments) for the main development site and Appendix 18D for the off-site developments.	6.3	No comments	No comments		Agreed

Table 2.2: Position of the Parties - SZC Co. and Environment Agency: Groundwater & Surface Water

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
PW_GW1	The methodology for the assessment of impacts on groundwater and surface water as detailed in Volume 1 Appendix 6O of the ES and and section 19.3 of Volume 2 Chapter 19 for the main development site assessment.	6.2		The assessment approach and methods, including use of numerical models, were developed in close consultation with the Environment Agency and Natural England. The purpose of this engagement was to ensure models were fit for purpose to assess ecohydrological effects on designated wetland habitats in the area.		Agreed
PW_GW2	The mitigation, management and monitoring measures detailed in Parts A, B and C of the Code of Construction Practice .	8.11(A)	No comments	No comments		Agreed
PW_GW3	<p>The securing mechanisms to control impacts on groundwater and surface water on the main development site as detailed in the Mitigation Route Map including:</p> <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Deemed Marine Licence Conditions - Requirement 2 (PW: CoCP) - Requirement 5 (PW: Surface and foul water drainage) - Requirement 7 (MDS: Water Monitoring and Response Strategy)) - Requirement 8 (MDS: Temporary construction-related development) - Requirement 11 (MDS: Approved buildings, structures and plant) - Requirement 14 (MDS: Landscape works) - Requirement 16 (MDS: Removal and reinstatement) - Compliance with Building Regulations, Approved Document C - Nuclear Site Licence - Construction WDA Permit - Operational WDA Permit - Radioactive Substances Regulations Environmental Permit - COMAH and Hazardous Substances Consent - Compliance with REPIR 	8.12(A) 3.1 (B)	Ongoing engagement is required on securing mechanisms, correctly listed by SZC Co.	<p>Further engagement is to be carried out in relation to securing mechanisms and details relating to the water levels monitoring plan, control structures in Sizewell drain (including provision for eel passage) and any side agreement between riparian landowners and other relevant stakeholders including the Environment Agency for enhanced monitoring and maintenance of Leison Drain.</p> <p>See also MDS_GW7 & GW8</p>	<p>SZC Comment:</p> <p>Eel/fish pass on control structure on Sizewell drain</p> <p>Water level monitoring plan (in preparation)</p> <p>Side agreement on enhanced monitoring and maintenance of Leiston drain (in preparation)</p>	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_GW1	The numerical modelling as detailed in Volume 2 Appendix 19A , to predict the potential change in the water environment resulting from the development aspects for the construction and operational phases of the development.	6.3	No comments	No comments		Agreed
MDS_GW2	The conceptual site model (CSM) as detailed in in Volume 2 Appendices 19B and 19B1 used to create the numerical groundwater flow model.	6.3	No comments	No comments		Agreed
MDS_GW3	The surface water conceptualisation model as detailed in Volume 2 Appendix 19E , which describes the baseline hydrology, geomorphology, water quality and ecology and conceptualises how the site functions, and how it would be impacted by the proposed development.	6.3	No comments	No comments		Agreed
MDS_GW4	The baseline environment for the main development site as detailed in section 19.4 of Volume 2 Chapter 19 and Appendices 19A, 19B and 19B1 of the ES, and in Appendix 19D for the off-site development areas (including off-site sports facilities at Leiston, fen meadow compensation sites south of Benhall and east of Halesworth and, if required, the marsh harrier habitat improvement area (Westleton).	6.3	No comments	No comments		Agreed
MDS_GW5	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 19.5 and 19.7 of Volume 2 Chapter 19 for the main development site and Appendix 19D for the off-site developments.	6.3	No comments	No comments		Agreed
MDS_GW6	The assessment of impacts on groundwater and surface water for the construction and operation of Sizewell C as detailed in section 19.6 of Volume 2 Chapter 19 for the main development site and Appendix 19D for the off-site developments.	6.3	No comments	No comments		Agreed
MDS_GW7	Proposed realignment works and outline design of Sizewell drain diversion as detailed in Appendix 19C .	6.3	Fish passage at the water management structure is a key matter ecologically. Satisfied from a groundwater perspective.	As part of the DCO application the Environmental Statement (Book 6, Volume 2, Chapter 19 Groundwater and Surface Water) concluded at paragraph 19.6.104 the need for a water management structure with fine tuning capability. The movement and natural migration of eels over and around water management structures can be mitigated using a range of products. Details to be agreed in due course.		Not Agreed
MDS_GW8	The original water monitoring and response strategy for the Sizewell Marshes SSSI, as described in Appendix 19F . Updated within the January PINS submission as Appendix	6.3	The monitoring strategy proposed is appropriate. There are further details that will later be scrutinised through the water	Water monitoring and response strategy updated within the January PINS submission as Appendix 19F Version 2 . Water levels monitoring		Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
	19F Version 2 to provides further detail on securing the Monitoring Plan and DCO and permitting regime interfaces.		level monitoring and mitigation plan, including how monitoring location sites have been selected.	and mitigation plan required under the response strategy is being drafted and will be shared with stakeholders. Submission date to be confirmed. Heads of Terms also being drafted for proposed 'side agreement' between riparian landowners and other relevant stakeholders including the Environment Agency for enhanced monitoring and maintenance of Leiston Drain.		
MDS_GW9	The residual effects conclusions as detailed in section in section 19.7 of Volume 2 Chapter 19	6.3	We are satisfied with the residual effects conclusions in the ES and expect the ongoing monitoring to verify the predicted residual impacts.	No comments		Agreed

Table 2.3: Position of the Parties - SZC Co. and Environment Agency: Terrestrial (inc Freshwater) Ecology

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
PW_TE1	The overarching methodology for the assessment of impacts on terrestrial ecology and as detailed in Volume 1 Appendix 6J of the ES (Doc Ref. 6.2) [APP-170]..	6.2	No comments	No comments		Agreed
PW_TE2	The mitigation, management and monitoring measures detailed in Parts A, B and C of the Code of Construction Practice (Doc Ref. 8.11 (A)) [AS-273].	8.11(A)	No comments	No comments		Agreed
PW_TE3	The securing mechanisms to control impacts on terrestrial ecology on the main development site as detailed in the Mitigation Route Map including: <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - DCO Articles 14 -16 (Rights of Way) - Requirement 2 (PW: CoCP) - Requirement 4 (PW: Terrestrial Ecology Monitoring Plan) - Requirement 5 (PW: Surface and foul water drainage) - Requirement 8 (MDS: Temporary construction-related development) - Requirements 9 (MDS: Construction lighting) - Requirement 15 (MDS: Permanent operational lighting) - Requirement 14 (MDS: Landscape works) - Section 106 Agreement (Rights of Way Fund) - Deemed Marine Licence Conditions - Protected species licences 	8.12(A) 3.1 (B)	<p>Terrestrial Ecology Monitoring Plan v1 did not include adequate hydrological monitoring; monitoring of water control structures; invertebrate and fish monitoring methods needed to be modified; mammal displacement strategy needed further information and monitoring of potential mammal fragmentation from crossings needed refinement. EA would expect to be consulted for approval of terrestrial ecology plans.</p> <p>We are reviewing TEMMP submitted at Deadline 1</p>	<p>A revised version of Terrestrial Ecology Monitoring & Mitigation Plan (TEMMP) has been discussed with the Environment Agency and other stakeholders and the updated document was submitted to Examination at Deadline 1 .</p> <p>The TEMMP will not capture or otherwise secure hydrological monitoring as that will be captured elsewhere.</p> <p>Groundwater and surface water monitoring is addressed in the updated Water Monitoring and Response Strategy [AS-236] and secured through Requirement 7.</p>	<p>SZC Co Comment: Revised TEMMP submitted at Deadline 1</p> <p>EA Comment: Revised TEMMP currently under review.</p>	Not Agreed
PW_TE4	The securing mechanisms to control impacts on terrestrial ecology on the associated development sites as, relevant and detailed in the Mitigation Route Map including: <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Requirement 4 (PW: Terrestrial Ecology Monitoring Plan) - Requirement 5 (PW: Surface and foul water drainage) - Requirement 18 (Rail works) - Requirement 19 (AD: Site clearance) - Requirement 20 (AD: Buildings and structures) - Requirement 22 (Highway works) - Requirement 23 (AD: Landscape planting) - Requirement 24 (AD: Removal and reinstatement) - Protected species licences 	8.12(A) 3.1 (B)	<p>Mitigation for the loss of watercourses on the SLR is still to be provided. EA would expect to be consulted for approval of terrestrial ecology plans.</p> <p>Mitigation for the loss of watercourses on the SLR was raised in the EA's Relevant Representation.</p> <p>The ES must acknowledge that the SLR affects the watercourses it crosses, which include Main Rivers, hence use of portal culverts.</p> <p>SZC Co has indicated that they will engage with the IDB to discuss long-term maintenance</p>	<p>Significant new freshwater habitat is already proposed taking account of wider mitigation including creation of ponds for GCN. However we are happy to discuss further with EA to reach agreement.</p>	<p>SZC Co Comment: Further engagement to be held on mitigation for loss of watercourses</p> <p>Environment Agency Comment:– Looking forward to following further engagement following discussions with IDB on management of watercourses</p>	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			of watercourses for ecology, but this mitigation is not captured in ES.			
Main Development Site						
MDS_TE1	The overarching methodology for the assessment of impacts on terrestrial ecology as detailed in Volume 1 Appendix 6J (Doc Ref. 6.2) [APP-170]) of the ES and section 14.3 of Volume 2 Chapter 14 (Doc Ref. 6.3) [AS-033].	6.3	No comments	No comments		Agreed
MDS_TE2	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 14.5 of Volume 2 Chapter 14 ([AS-033] and referenced appendices (e.g Appendix 14C6A Water Vole Mitigation Strategy) for the main development site and Appendix 14D for the off-site developments.	6.3	Habitat Fragmentation impact to invertebrates is not captured. Disagreement that the new SSSI crossing design reduces fragmentation to an acceptable level. Comprehensive evidence provided to SZC Co on this issue. Awaiting further design optimisation for the SSSI crossing to reduce this impact to an acceptable level. We understand width can be reduced to approximately 15m and soffit height will be increased, and await confirmation at Deadline 4.	SZC Co does not accept that the SSSI Crossing would cause habitat fragmentation to invertebrates. However we are carrying out a design review to consider if the design of the structure could be optimised to further reduce impacts on the SSSI from fragmentation. This work is ongoing but we are confident that at the end of construction the width of the single span bridge can be reduced from 40m to approximately 15m. It will also be possible to increase the soffit level although the design review has not yet concluded in this respect. Details of the optimised design to be provided at Deadline 4.	EA Comment: Awaiting further design optimisation for the SSSI crossing. SZC Co Comment: Details of optimised design of SSSI crossing to be provided at Deadline 4.	Not Agreed
MDS_TE4	The baseline for <i>plants and habitats</i> as detailed in sections 14.7a) and b) of Volume 2 Chapter 14 and Appendix 14B1 and 14B1 (and associated Annexes) of the ES.	6.3		SZC Co assumes agreement with the baseline for <i>plants and habitats</i> as detailed in sections 14.7a) and b) of Volume 2 Chapter 14 (Doc Ref. 6.3) [AS-033], Appendix 14B1 (Doc Ref. 6.3) [APP-250] (and associated Annexes) of the ES and as supplemented by the ES Addendum Section 2.9 (Doc Ref. 6.14) [AS-181] and updated Phase 1 and NVC survey reports undertaken in 2020 (Doc Ref. 6.13) [AS-021].		Agreed
MDS_TE5	The assessment of impacts on <i>plants and habitats</i> as detailed in section 14.7c) of Volume 2 Chapter 14 and Appendix 14A3 and 14B1 (Plants and habitats synthesis report) of the ES.	6.3	Reduced functional connectivity of habitats for invertebrates not identified. See MDS_TE2	See MDS_TE2	See MDS_TE2	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_TE6	The proposed mitigation measures and monitoring to mitigate impacts on <i>plants and habitats</i> as detailed in section 14.7d) of Volume 2 Chapter 14 and Appendices 124B1 and 14C11 (Deptford Pink) of the ES.	6.3	Reduced functional connectivity of habitats for invertebrates not effectively mitigated See MDS_TE2.	See MDS_TE2	See MDS_TE2	Not Agreed
MDS_TE7	The baseline for <i>invertebrates</i> as detailed in section 14.8a) and b) of Volume 2 Chapter 14 and Appendix 14A4 of the ES.	6.3	Awaiting updated invertebrate monitoring reports in 2021 to a sampling methodology and sampling frequency agreed by the EA. We are reviewing updated TEMMP submitted at D1	WFD compliant invertebrate surveys are to be carried out in Spring 2021 to complement existing baseline data	EA Comment: Revised TEMMP currently under review.	Not Agreed
MDS_TE8	The assessment of impacts on <i>invertebrates</i> as detailed in section 14.8c) of Volume 2 Chapter 14 of the ES.	6.3	Habitat fragmentation impact is not captured. Disagreement that the new SSSI crossing design (January 2021 accepted change) reduces fragmentation to an acceptable level. Comprehensive evidence provided to SZC Co on this issue. Awaiting further design optimisation for the SSSI crossing to reduce this impact to an acceptable level.	See MDS_TE2	EA Comment: Awaiting further design optimisation for the SSSI crossing	Not Agreed
MDS_TE9	The proposed mitigation measures and monitoring to mitigate impacts on <i>invertebrates</i> as detailed in section 14.8d) of Volume 2 Chapter 14 and Appendix 14C4 (fen meadow) of the ES.	6.3	Habitat fragmentation impact is not captured. Disagreement that the new SSSI crossing design (January 2021 accepted change) reduces fragmentation to an acceptable level. Comprehensive evidence provided to SZC Co on this issue. Awaiting further design optimisation for the SSSI crossing to reduce this impact to an acceptable level.	See MDS_TE2	EA Comment: Awaiting further design optimisation for the SSSI crossing	Not Agreed
MDS_TE10	The baseline for <i>freshwater fish</i> as detailed in section 14.9a) and b) of Volume 2 Chapter 14 of the ES.	6.3	Baseline fish surveys used a limited method that may have under recorded or missed some species. Agreement from the company to use EA recommended method going forward. Currently reviewing updated TEMMP for confirmation of updated method.	Confirmed where conditions allow.	EA Comment: Revised TEMMP currently under review.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_TE11	The assessment of impacts on <i>freshwater fish</i> as detailed in section 14.9c) of Volume 2 Chapter 14 of the ES.	6.3	This has been reduced to an acceptable level for the SSSI crossing, but we still have not seen designs for fish passes in water control structures. Commitment to fish passes made – would be a requirement of Environmental Permit.	Details of fish passes to be provided		Not Agreed
MDS_TE12	The proposed mitigation measures and monitoring to mitigate impacts on <i>freshwater fish</i> as detailed in section 14.9d) of Volume 2 Chapter 14 of the ES.	6.3	We are reviewing the updated TEMMP submitted at Deadline 1	As per PW_TE3	EA Comment: Revised TEMMP currently under review.	Not Agreed
MDS_TE25	The baseline for <i>mammals</i> as detailed in section 14.14a) and b) of Volume 2 Chapter 14 and Appendix 14A9 (and associated annexes) of the ES.	6.3	We asked for clarification regarding displacement threshold and carrying capacity for water voles to be included in the mitigation plan. We are reviewing the updated TEMMP submitted at Deadline 1	To be provided in updated draft water vole licence and supporting material as relevant (note: translocation currently not proposed)	EA Comment: Revised TEMMP currently under review.	Not Agreed
MDS_TE26	The assessment of impacts on <i>mammals</i> as detailed in section 14.14c) of Volume 2 Chapter 14 of the ES.	6.3	Agree that impacts to mammal has been reduced to an acceptable level.			Agreed
MDS_TE27	The proposed mitigation measures and monitoring to mitigate impacts on <i>mammals</i> as detailed in section 14.14d) : - Appendices 14C6A and 14C6B for water voles, - Appendices 14C10 for otters, of Volume 2 Chapter 14 of the ES.	6.3	Concerns around when displacements thresholds and carrying capacity of relocation sites are met for water vole, we would want to check these make it through to the mitigation plan. Also some refinement of monitoring to confirm mammal passage is happening on the SSSI and Aldhurst Farm mammal pass. We are reviewing the updated TEMMP submitted at Deadline 1	As per PW_TE2 Monitoring of the new Aldhurst Farm (Lovers Lane) mammal pass and the SSSI Crossing is included in the TEMMP submitted at Deadline 1	EA Comment: Revised TEMMP currently under review.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
Two village bypass						
2VBP_TE1	The baseline environment as detailed in section 7.4 of Volume 5 Chapter 7 and Appendix 7A of the ES.	6.6	Baseline surveys updated and appropriate mitigation proposed for loss of grazing meadow and watercourses.	No comments		Agreed
2VBP_TE2	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 7.5 and 7.7 of Volume 5 Chapter 7 .	6.6	Appropriate mitigation proposed for loss of grazing meadow and watercourses.	No comments		Agreed
2VBP_TE3	The assessment of impacts on terrestrial ecology for the construction and operation of the two village bypass as detailed in section 7.6 and 7.8 of Volume 5 Chapter 7 .	6.6	We are reviewing in light of recent FRA in order to state whether we agree that mammal passage mitigation is achievable. detailed designs are subject to requirements	Noted	EA Comment: EA to complete review.	Not Agreed
Sizewell link road (SLR)						
SLR_TE1	The baseline environment as detailed in section 7.4 of Volume 6 Chapter 7 of the ES.	6.7	Insufficient baseline mammal or invertebrates Insufficient surveys done for mammals and none proposed going forward, however can move forward if mitigation proposed is captured.	The baseline surveys in 2019 included Phase 1 habitat mapping and great crested newt surveys, bat roost surveys, sufficient for assessment and further surveys for both great crested newts and bats are being undertaken in 2021 to inform licensing. The small water courses present within the site were scoped for the potential for all relevant groups and the need to undertake species specific survey. The absence of historic records, the lack of suitable marginal habitat and in most cases the lack of water in the watercourses indicated that more extensive surveys for water voles, otters and aquatic invertebrates would not be warranted. Similarly the Phase 1 survey considered the presence suitable habitat for reptiles which is extremely limited within the arable landscape, concluded that more extensive surveys for reptiles would not be warranted. The assessment assumes small populations may be present in some hedgelines and the assessment is undertaken on that basis.	SZC Comment: No further surveys considered necessary	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
SLR_TE2	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 7.5 and 7.7 of Volume 6 Chapter 7 .	6.7	Watercourses not identified as important ecological features and primary mitigation of portal culverts and mammal passage during elevated flows not mentioned We await confirmation from SZC Co to confirm where commitment detailed and secured.	The IEFs in the ES (Doc Ref. 6.7) [APP-461] were identified using the CIEEM criteria. The small size of the water courses, the lack of marginal habitat and in most cases the lack of water in the watercourses, at least during summer, indicate that consideration as IEFs is not warranted under the CIEEM criteria.	EA Comment: SZC Co confirm commitment to the use of portal culverts and to incorporate otter ledges. SZC Co to confirm where commitment detailed and secured.	Not Agreed
SLR_TE3	The assessment of impacts on terrestrial ecology for the construction and operation of the SLR as detailed in section 7.6 and 7.8 of Volume 6 Chapter 7 .	6.7	No assesment of ecological connectivity for mammals We await confirmation from SZC Co to confirm where commitment detailed and secured.	ES Addendum (Doc Ref. 6.14) [AS-185], includes a commitment to provide mammal ledges within culverts, which will maintain connectivity for mammals. No further work proposed at this point.	EA Comment: SZC Co confirm commitment to the use of portal culverts and to incorporate otter ledges. SZC Co to confirm where commitment detailed and secured.	Not Agreed

Table 2.4: Position of the Parties - SZC Co. and Environment Agency: Coastal Geomorphology & Hydrodynamics

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_CGH1	The overarching methodology for the assessment of impacts on Coastal Geomorphology and Hydrodynamics as detailed in Volume 1 Appendix 6P and section 20.3 of Volume 2 Chapter 20 of the ES.	6.3	We were satisfied with the original methodology submitted with the DCO application. We have not seen a detailed methodology regarding the proposed changes relating to the BLF, HCDF and SCDF. This should be provided.	EA was consulted on the assessment approach and methods for the original modelling the support the DCO application. This has been repeated for the detailed assessment of the revised marine transport proposals issued to the ExA at Procedural Deadline B. EA has been briefed on the approach to be used for the 1D & 2D modelling of the soft coastal defence feature at the Marine Technical Forum in March 2021	SZC Co Comment: 1D modelling report on SCDF to be provided at Deadline 2. 2D modelling report to follow. EA will be consulted on draft EA Comment: Methodology for assessment of impacts to be provided.	Not Agreed
MDS_CGH2	The construction mitigation, management and monitoring measures detailed in Part B section 12 of the Code of Construction Practice .	8.11	No comments	No comments		Agreed
MDS_CGH3	The securing mechanisms to control impacts on coastal geomorphology and hydrodynamics as detailed in the Mitigation Route Map including: - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Deemed Marine Licence Conditions, in particular Conditions 11, 17, 37, 40, 41, 42, 43, 44 and 49.	8.12 3.1	We are unable to confirm agreement until we have received and reviewed the modelling and assessment of impacts from the HCDF & SCDF. Amber due to ongoing engagement with SZC Co.	The Coastal Processes MMP is secured as a DCO Requirement 7A and a Marine Licence Condition 17A (Doc Ref. 3.1(C)). The operation and funding of the Marine Technical Forum (MTF) is secured by the Deed of Obligation (see Schedule 11, Paragraph 10) (Doc Ref. 8.17(B)).	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_CGH4	The baseline characterisation of the Greater Sizewell Bay's (GSB) coastal geomorphology and hydrodynamics relevant to the proposed Sizewell C marine infrastructure as detailed in section 20.4 of Volume 2 Chapter 20 and Appendix 20A section 3 of the ES.	6.3	No comments	No comments		Agreed
MDS_CGH5	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 20.5 and 20.12 of Volume 2 Chapter 20 . In particular the proposed Coastal Monitoring and Mitigation Plan as defined in Condition 17 of the Marine Licence.	6.3	Mitigation measures relating to the HCDF & SCDF cannot be agreed until we have received the sea defence modelling and assessment work. Amber due to ongoing engagement with SZC Co.	1D modelling report on proposed SCDF provided to EA in advance of its publication at Deadline 2. This demonstrates that construction and recharge of the SCDF to maintain the beach in front of the HCDF is credible over the lifetime of the development including decommissioning.	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_CGH6	The assessment of impacts associated with the hard coastal defence feature as described in section 20.6 of Volume 2 Chapter 20 and Appendix 20A .	6.3	HCDF assessment cannot be agreed until we have received the modelling and assessment work relating to the SCDF (which will control whether the HCDF remains terrestrial). Amber due to ongoing engagement with SZC Co.	HCDF will have no impact as it will remain a terrestrial feature. See MDS_CGH5	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_CGH7	The assessment of impacts associated with the soft coastal defence feature as described in section 20.7 of Volume 2 Chapter 20 and Appendix 20A .	6.3	SCDF assessment cannot be agreed until we have received and reviewed the modelling and assessment work for the lifetime of the development Amber due to ongoing engagement with SZC Co.	SCDF is offered as primary mitigation. Impacts are assessed and largely neutral/beneficial as it will release sediment. The modelling is only being done to assess recharge volumes and rates to demonstrate viability and sustainability	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_CGH8	The assessment of impacts associated with the beach landing facility as described in section 20.8 of Volume 2 Chapter 20 and Appendix 20A .	6.3	BLF assessment cannot be agreed until ongoing EA review of modelling is complete. Amber due to ongoing engagement with SZC Co.	Detailed modelling report on BLFs published at Procedural Deadline 2. We await feedback on this report	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_CGH9	The assessment of impacts associated with the nearshore outfalls as described in section 20.9 of Volume 2 Chapter 20 and Appendix 20A .	6.3	No comments	No comments		Agreed
MDS_CGH10	The assessment of impacts associated with the offshore cooling water infrastructure as described in section 20.10 of Volume 2 Chapter 20 and Appendix 20A .	6.3	No comments	No comments		Agreed
MDS_CGH11	The assessment of combinations of spatially and temporally overlapping marine components as described in section 20.11 of Volume 2 Chapter 20 .	6.3	Assessment cannot be agreed until we have received and reviewed all modelling and assessment work relating to the BLF and SCDF / HCDF. Amber due to ongoing engagement with SZC Co.	As per MDS_CGH8	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_CGH12	The residual effects of impacts associated with the hard coastal defence feature as described in section 20.6 of Volume 2 Chapter 20 and Appendix 20A .		HCDF assessment cannot be agreed until we have received the modelling and assessment work relating to the SCDF (which will control whether the HCDF remains terrestrial). Amber due to ongoing engagement with SZC Co.	As per MDS_CGH7	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_CGH13	The residual effects of impacts associated with the soft coastal defence feature as described in section 20.7 of Volume 2 Chapter 20 and Appendix 20A .		SCDF assessment cannot be agreed until we have received and reviewed the modelling and assessment work. Amber due to ongoing engagement with SZC Co.	As per MDS_CGH7	SZC Co Comment: As per MDS_CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_ CGH14	The residual effects of impacts associated with the beach landing facility as described in section 20.8 of Volume 2 Chapter 20 and Appendix 20A .		BLF assessment cannot be agreed until ongoing EA review of modelling is complete. Amber due to ongoing engagement with SZC Co.	As per MDS_ CGH8	SZC Co Comment: As per MDS_ CGH1 EA Comment: Awaiting outstanding modelling reports.	Not Agreed
MDS_ CGH15	The residual effects of impacts associated with the nearshore outfalls as described in section 20.9 of Volume 2 Chapter 20 and Appendix 20A .		No comments	No comments		Agreed
MDS_ CGH16	The residual effects of impacts associated with the offshore cooling water infrastructure as described in section 20.10 of Volume 2 Chapter 20 and Appendix 20A .		No comments	No comments		Agreed

Table 2.5: Position of the Parties - SZC Co. and Environment Agency: Marine Water Quality

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_MWQ1	The overarching methodology for the assessment of impacts on marine water quality and sediments as detailed in Volume 1 Appendix 6Q and section 21.3 of Volume 2 Chapter 21 of the ES.	8.11	Many of the issues discussed in our remit will fall into the permitting regime.	It would be helpful if the Environment Agency could identify any exceptions that need to agreed for the DCO. Our engagement within the examination can then target these aspects.	SZC Comment: To be confirmed following feedback from Environment Agency	TBC
MDS_MWQ2	The construction mitigation, management and monitoring measures detailed in Part B section 12 of the Code of Construction Practice .	8.12 3.1	Many of the of the issues discussed in our remit will fall into the permitting regime.	As per MDS_MWQ1	SZC Comment: As per MDS_MWQ1	TBC
MDS_MWQ3	The securing mechanisms to control impacts on marine water quality and sediments on the main development site as detailed in the Mitigation Route Map including: <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Deemed Marine Licence Conditions, in particular Conditions 11, 17, 18, 21, 22, 23, 25, 26, 27 ,29, 35, 36, 38, 40, 41, 43, 44, 46, 48 and 49. - WDA (Operational) Permit 	6.3	EA consider amendments are required to DCO/DML	SZC Co would appreciate further engagement between EA and MMO to agree a Defra position on license conditions, especially the EA's role.	EA Comment: EA consider amendments are required to DCO/DML SZC Comment: Revised DCO and DML will be submitted at Deadline 2	Not Agreed
MDS_MWQ4	The baseline environment as detailed in section 21.4 of Volume 2 Chapter 21 and Appendices 21A-21F , including: <ul style="list-style-type: none"> - physical environment (incl. Appendix 21A); - temperature; - salinity (incl. Appendix 21A); - dissolved oxygen (incl. Appendix 21D); - SSC; - nutrient status; - un-ionised ammonia (incl. Appendix 21F); - Priority and other substances (incl. Appendix 21A and B); - sediment quality (incl. Appendix 21D and E);; - trace metal concentrations in the water and sediment; and - polycyclic aromatic hydrocarbons (PAH) and contaminants. 	6.3	Many of the BEEMS reports in Appendices have been submitted as part of ongoing environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	As per MDS_MWQ1	SZC comment: As per MDS_MWQ1	TBC
MDS_MWQ5	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 21.5 and 21.7 of Volume 2 Chapter 21 .	6.3	Many of the of the mitigation measures will be considered as part of ongoing environmental permits determination. As an environmental regulator EA will assess these in environmental permit	As per MDS_MWQ1	SZC comment: As per MDS_MWQ1	TBC

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			applications and consult on draft decisions (where appropriate) once these are available.			
MDS_ MWQ6	The assessment of impacts on marine water quality and sediments from dredging activities as described in section 21.6 of Volume 2 Chapter 21 .	6.3	No comments	No comments		Agreed
MDS_ MWQ7	The assessment of impacts on marine water quality and sediments during construction of the Beach Landing Facilities as described in section 21.6 of Volume 2 Chapter 21 .	6.3	No comments	No comments		Agreed
MDS_ MWQ8	The assessment of impacts on marine water quality and sediments during construction of the Combined Drainage Outfall as described in section 21.6 of Volume 2 Chapter 21 .	6.3	EA to confirm whether impacts will be consented via environmental permits determination.	TBC		TBC
MDS_ MWQ9	The assessment of impacts on marine water quality and sediments during construction of the Fish Recovery and Return (FRR) outfalls as described in section 21.6 of Volume 2 Chapter 21 .	6.3	EA to confirm whether impacts will be consented via environmental permits determination.	TBC		TBC
MDS_ MWQ10	The assessment of impacts on marine water quality and sediments during construction of the cooling water intake and outfalls as described in section 21.6 of Volume 2 Chapter 21 .	6.3	EA to confirm whether impacts will be consented via environmental permits determination.	TBC		TBC
MDS_ MWQ11	The assessment of impacts on marine water quality and sediments from discharges from the CDO during construction as described in section 21.6 of Volume 2 Chapter 21 and Appendices 21E and 21F .	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	The construction permitting strategy is under discussion with the EA. No construction permit applications have been submitted to date. In lieu of these can the EA please confirm if it intends to comment on construction related impacts in the examination.	SZC Comment: To be confirmed upon feedback from EA	TBC
MDS_ MW12	The assessment of impacts on marine water quality and sediments from discharges from the CDO during commissioning as described in section 21.6 of Volume 2 Chapter 21 and Appendices 21E and 21F .	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on	No comments		N/A

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			draft decisions (where appropriate) once these are available.			
MDS_MWQ13	The assessment of impacts on marine water quality and sediments from discharges during operations from the FRR as described in 21.6 of Volume 2 Chapter 21 .	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No comments		N/A
MDS_MWQ14	The assessment of impacts on marine water quality and sediments from discharges during operations from the cooling water outfall as described in 21.6 of Volume 2 Chapter 21 .	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No comments		N/A
MDS_MWQ15	The residual effects from construction impacts on marine water quality and sediments as detailed in section 21.8 of Volume 2 Chapter 21	6.3	EA to confirm whether impacts will be consented via environmental permits determination.	No comments		TBC
MDS_MWQ16	The residual effects from commissioning impacts on marine water quality and sediments as detailed in section 21.8 of Volume 2 Chapter 21	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No comments		N/A
MDS_MWQ17	The residual effects from operational impacts on marine water quality and sediments as detailed in section 21.8 of Volume 2 Chapter 21	6.3	Impacts will be consented via environmental permits determination.	No comments		N/A



SIZEWELL C PROJECT - STATEMENT OF COMMON GROUND
ENVIRONMENT AGENCY

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Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.			

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Table 2.6: Position of the Parties - SZC Co. and Environment Agency: Marine Ecology

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_MEF1	The overarching methodology for the assessment of impacts on marine ecology and fisheries as detailed in Volume 1 Appendix 6R and section 22.3 of Volume 2 Chapter 22 of the ES.	6.3	<p>The Environment Agency has concerns with some of the methods being used to produce predicted numbers of impinged fish at SZC. We also have concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA Regs.</p> <p>We consider assessments should be revised to take account of these concerns.</p>	<p>SZC Co is in disagreement with Environment Agency on methods used for assessment of impacts on fish, in particular use of EAV vs EAV/SPF and scale of assessment.</p> <p>There are minor methodological issues to resolve on calculation LVSE mitigation.</p> <p>Further information provided in the the January 2021 submission (ES Addendum Appendix 2.17.A).</p> <p>Workshop held with EA on SPP103 scale of assessment on 12 March. Excel model used in assessment has been provided to EA for review.</p>	<p>SZC Comment: EA to complete review of the Additional Information in Appendix 2.17.A) – BEEMS reports.</p> <p>Meeting to discuss method for scale of assessment held on 12 March – awaiting EA feedback. Excel modelling tool that has been developed has been shared with the EA – awaiting feedback.</p> <p>Environment Agency Comment: EA to provide detailed comments in Written Representation. We consider that assessments should take account of these concerns.</p>	Not Agreed
MDS_MEF2	The construction mitigation, management and monitoring measures detailed in Part B section 12 of the Code of Construction Practice .		No comments	No comments		Agreed
MDS_MEF4	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 22.5 of Volume 2 Chapter 22 and referenced appendices. In particular the-fish monitoring plan (ML Condition 50).	6.3	<p>EA consider amendments are required to DCO/DML</p> <p>In particular further information is required from SZC Co on the ability to meet DML 50 'Fish monitoring' and what can be achieved if monitoring shows adverse impacts</p> <p>s106 agreement may be required to address monitoring, mitigation/compensation requirements.</p> <p>EA understand that revised DCO and DML will be submitted to ExA at Deadline 2</p> <p>Use of 'Repulsive Technologies' EA considers SZC Co have not demonstrated "good design" of</p>	<p>SZC Co is progressing work on DML 50 'fish monitoring' and definition of the mitigation options available, if monitoring indicates potential adverse effects, although these are limited. Trigger levels will need to be carefully set to distinguish natural baseline variation in fish populations from project related effects.</p> <p>SZC Co has no 'in principle' concerns in using the s106 to address monitoring, mitigation / compensation requirements if appropriate.</p> <p>We believe that the cooling water system for Sizewell C has demonstrably been designed to avoid and reduce adverse environmental effects as set out in the ES. No significant adverse effects on marine ecology have been assessed after application of primary, secondary and</p>	<p>EA Comment: Further discussion is required on DCO/DML, S106 agreement and Environment Agency are awaiting proposals from Applicant.</p> <p>Additionally, further information should be submitted into examination on the potential use of 'repulsive technologies'</p> <p>SZC Comment: SZC Co has no 'in principle' concerns in using the s106 to provide additional mitigation/compensation such as fish passes if appropriate. We are awaiting advice from EA on existing programmes/schemes in the</p>	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			cooling water system. In particular there is little justification for omitting “repulsive technologies”, including AFD. EA considers further evidence should be submitted into the Examination.	tertiary mitigation as outlined in the Mitigation Route map (MRM). Note an updated version of the MRM was submitted at Deadline 1.	locality for improving migratory fish passage that we could build upon	
MDS_MEF5	The securing mechanisms to control impacts on marine ecology and fisheries on the main development site as detailed in the Mitigation Route Map including: <ul style="list-style-type: none"> - DCO Article 3 (Scheme design) - Requirement 2 (PW: CoCP) - Deemed Marine Licence Conditions, in particular Conditions 11, 17, 18, 21, 24, 35, 39, 40, 44, 45, 4, 49 and 50. WDA (Operational) Permit		EA consider amendments are required to DCO/DML In particular further information is required from EDF on the ability to meet DML 50 ‘Fish monitoring’ and what can be achieve if monitoring shows adverse impacts S106 agreement may be required to address monitoring, mitigation/compensation requirements. EA understand that revised DCO and DML will be submitted to ExA at Deadline 2 Use of ‘Repulsive Technologies’ EA considers SZC Co have not demonstrated “good design” of cooling water system. In particular there is little justification for omitting “repulsive technologies”, including AFD. EA considers further evidence should be submitted into the Examination.	As per MDS_MEF4	EA Comment: Further discussion is required on DCO/DML, S106 agreement and the Environment Agency are awaiting further proposals from the Applicant SZC Comment: As per MDS_MEF4	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_MEF6	The baseline for <i>plankton</i> as detailed in sections 22.6b) of Volume 2 Chapter 22 and Appendices 22A (phytoplankton) and 22B (zooplankton) of the ES.	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEE7	The assessment of impacts on <i>plankton</i> as detailed in section 22.6 c) and d) of Volume 2 Chapter 22 and Appendix 22G of the ES.	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEF8	The proposed mitigation measures and monitoring to mitigate impacts on <i>plankton</i> as detailed in section 22.12 of Volume 2 Chapter 22 .	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEF9	The residual effects for <i>plankton</i> as detailed in section 22.13 of Volume 2 Chapter 22		Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
MDS_MEF10	The baseline for <i>benthic ecology</i> as detailed in section 22.7 b) Volume 2 Chapter 22 and Appendix 22C of the ES.	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEF11	The assessment of impacts on <i>benthic ecology</i> as detailed in section 22.7 c) and d) of Volume 2 Chapter 22 and Appendix 22I of the ES.	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEF12	The proposed mitigation measures and monitoring to mitigate impacts on <i>benthic ecology</i> as detailed in section 22.12 of Volume 2 Chapter 22 of the ES.	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEF13	The residual effects for <i>benthic ecology</i> as detailed in section 22.13 of Volume 2 Chapter 22	6.3	Impacts will be consented via environmental permits determination. As an environmental regulator EA will assess these in environmental permit applications and consult on draft decisions (where appropriate) once these are available.	No further work considered necessary for the examination.		TBC
MDS_MEF14	The baseline for <i>fish</i> as detailed in section 22.8 b) of Volume 2 Chapter 22 and Appendix 22D of the ES.	6.3	The Environment Agency has concerns with some of the data	As per MDS_MEF1	SZC Co Comment: As per MDS_MEF1	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			<p>and methods being used to produce predicted numbers of impinged fish at SZC. We also have concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA regs.</p> <p>We consider assessments should be revised to take account of these concerns.</p>			
MDS_MEF15	The assessment of impacts on <i>fish</i> as detailed in section 22.8c) and d) of Volume 2 Chapter 22 and Appendices 22I and 22L of the ES.	6.3	<p>The Environment Agency has concerns with some of the methods being used to produce predicted numbers of impinged fish at SZC. We also have concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA regs.</p> <p>We consider assessments should be revised to take account of these concerns.</p>	As per MDS_MEF1	<p>SZC Co Comment: As per MDS_MEF1</p>	Not Agreed
MDS_MEF16	The proposed mitigation measures and monitoring to mitigate impacts on <i>fish</i> as detailed in section 22.12 of Volume 2 Chapter 22 of the ES.	6.3	<p>The Environment Agency has concerns with some of the methods being used to produce predicted numbers of impinged fish at SZC. We also have concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA regs.</p> <p>We consider assessments should be revised to take account of these concerns.</p>	As per MDS_MEF1	<p>SZC Co Comment: As per MDS_MEF1</p>	Not Agreed
MDS_MEF17	The residual effects for <i>fish</i> as detailed in section 22.13 of Volume 2 Chapter 22	6.3	<p>The Environment Agency has concerns with some of the methods being used to produce predicted numbers of impinged</p>	As per MDS_MEF1	<p>SZC Co Comment: As per MDS_MEF1</p>	Not Agreed

NOT PROTECTIVELY MARKED

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
			<p>fish at SZC. We also have concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA Regs.</p> <p>We consider assessments should be revised to take account of these concerns.</p>			

NOT PROTECTIVELY MARKED

Table 2.7: Position of the Parties - SZC Co. and Environment Agency: Flood Risk Assessments

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
Main development site						
			The main area of concern is over the main development site fluvial hydrology, particularly in the use of a limited number of historic flood events and the way in which these flood events have been used to derive the rainfall runoff model parameters.	Noted. This and the limited number of other remaining issues were discussed with the EA at a workshop on 22 April 2021. SZC Co. has received (13th May 2021) guidance from the EA on how to address the technical requirement and is progressing with this work.	SZC Comment: EA guidance received and progressing with the technical work. No insurmountable issues have been identified.	Not Agreed
MDS_FRA1	The methodology for the assessment of impacts on on-site and off-site flood risk as detailed in the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.2	No comments	No comments		Agreed
MDS_FRA2	The methodology for the application of climate change allowance presented in section 4 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.2	No comments	No comments		Agreed
MDS_FRA3	The baseline for areas at risk for each flood risk source presented in section 5 of the Flood Risk Assessment .	5.2	No comments	No comments		Agreed
MDS_FRA4	The assessment of on-site flood risk at the main platform area resulting from all sources of flood risk as presented in section 7 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.2	No comments	No comments		Agreed
MDS_FRA5	The assessment of on-site flood risk at the SSSI crossing area resulting from all sources of flood risk as presented in section 8 of the Flood Risk Assessment .	5.2	The current design of the SSSI crossing (January 2021 accepted change) is acceptable from a flood risk perspective, but this must be reassessed when the design changes.	Potential need to update assessment following ongoing design review of SSSI crossing	SZC Comment: Potential need to update assessment following ongoing design review of SSSI crossing	Not Agreed
MDS_FRA6	The assessment of on-site flood risk at the Temporary Construction Area resulting from all sources of flood risk as presented in section 9 of the Flood Risk Assessment .	5.2	No comments	No comments		Agreed
MDS_FRA7	The assessment of on-site flood risk at the Land East of the Eastlands Industrial Estate Flood Risk area resulting from all sources of flood risk as presented in section 10 of the Flood Risk Assessment .	5.2	No comments	No comments		Agreed
MDS_FRA8	The assessment of off-site impact on coastal flood risk resulting from the development as presented in section 11.1 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.2	The floodplain would experience a 0.24m increase in flood depths at tank traps, this must be addressed.	This predominately affects EDF land although very limited areas of third party land would also be affected. There would be no adverse effects	EA Comment: There remains flood risk at tank traps that must be addressed.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
				associated with the modelled flood extents, depths and/or durations.	SZC Comment: A report is being drafted to characterize the off-site flooding risk in the floodplain. This will be shared with affected landowners and then submitted into the examination	
MDS_FRA9	The assessment of off-site impact on flood risk from breach of defences resulting from the development as presented in section 11.2 of the Flood Risk Assessment .	5.2	No comments	No comments		Agreed
MDS_FRA10	The assessment of off-site impact on fluvial flood risk resulting from the development as presented in section 11.3 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.2	No comments	No comments		Agreed
MDS_FRA11	The assessment of off-site impact on reservoir flood risk resulting from the development as presented in section 11.6 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.2	No comments	No comments		Agreed
MDS_FRA12	The accurate description of residual risk as presented in the Flood Risk Emergency Plan, as provided in the Flood Risk Assessment Addendum .	5.2	The EA is specifically agreeing that the content is based on appropriate information rather than making a judgement on safety. The Emergency Planner and Examining Authority will need to determine whether the Flood Response Emergency Plan is adequate to ensure the safety of the site and occupants in a breach flood event.	No comments		Agreed
Two village bypass						
2VBP_FRA20	The methodology for the assessment of impacts on on-site and off-site flood risk as detailed in the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.5	No comments	No comments		Agreed
2VBP_FRA21	The methodology for the application of climate change allowance presented in section 5 of the Flood Risk Assessment .	5.5	No comments	No comments		Agreed
2VBP_FRA22	The baseline for areas at risk for each flood risk source presented in section 4 of the Flood Risk Assessment .	5.5	No comments	No comments		Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
2VBP_FRA23	The assessment of on-site flood risk at the Two Village Bypass crossing resulting from all sources of flood risk as presented in section 7.1 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.5	No comments	No comments		Agreed
2VBP_FRA24	The assessment of on-site flood risk to the proposed Two Village Bypass carriageway, during the operational phase and after construction is complete, as presented in the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.5	No comments	No comments		Agreed
2VBP_FRA25	The assessment of impact on off-site flood risk from all sources of flooding resulting from the Two Village Bypass crossing as presented in section 7.2 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.5	Landowner agreement to increased flood risk has been provided to EA. It is for the Examining Authority to determine whether this approach is sufficient in absence of compensatory flood storage.	No comments		Agreed
2VBP_FRA26	The accurate description of residual risk as presented in the Flood Risk Emergency Plan, as provided in the Flood Risk Assessment Addendum .	5.5	No comments	No comments		Agreed
Sizewell link road						
2VBP_FRA26a			There are discrepancies between the crossing designs shown in the modelling report and what is represented in the hydraulic model, particularly at crossings SW1 and SW2. It is unclear whether this is perhaps due to the crossing designs not yet being finalised, but if this is the case then a robust explanation is required to support the conclusions of the fluvial modelling.	Noted – to be followed up.	EA Comment: We anticipate further engagement with SZC Co. to resolve outstanding issues.	Not Agreed
SLR_FRA27	The methodology for the assessment of impacts on on-site and off-site flood risk as detailed in the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.6	No comments.	No comments	SZC Co. Comment: SZC Co. has started to review the comments.	Agreed
SLR_FRA28	The methodology for the application of climate change allowance presented in the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .		No comments.	No comments	SZC Co. Comment: SZC Co. has started to review the comments.	Agreed
SLR_FRA29	The baseline for areas at risk for each flood risk source presented in section 4 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.6	No comments.	No comments	SZC Co. Comment: SZC Co. has started to review the comments.	Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
SLR_FRA30	The assessment of on-site flood risk at the Sizewell Link Road crossings resulting from all sources of flood risk as presented in section 7.2 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.6	Increased flood risk is shown onsite, on land upstream of SLR crossings SW3, SW6 and SW7. Further details are provided in the Written Representation.	Noted	SZC Co. Comment: SZC Co. has started to review the comments. EA Comment: We anticipate further engagement with SZC Co. to resolve outstanding issues.	Not Agreed
SLR_FRA31	The assessment of impact on off-site flood risk from all sources of flooding resulting from the Sizewell Link Road crossings as presented in section 7.3 of the Flood Risk Assessment and as updated by the Flood Risk Assessment Addendum .	5.6	No comments.	No comments	SZC Co. Comment: SZC Co. has started to review the comments.	Agreed
SLR_FRA32	The accurate description of residual risk as presented in the Flood Risk Emergency Plan, as provided in the Flood Risk Assessment Addendum .	5.6	No comments.	No comments	SZC Co. Comment: SZC Co. has started to review the comments.	Agreed

Table 2.8: Position of the Parties - SZC Co. and Environment Agency: Water Framework Directive Assessment

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
Methodology						
WFD1-1	The methodology for the WFD compliance assessment as detailed in Part 1 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
Main development site						
WFD2-1	The screening assessment presented in section 2.3 of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-2	The scoping of impacts of project activities on water body quality elements presented in section 2.4b) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-3	The scoping of impacts of project activities on INNS presented in section 2.4c) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-4	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 2.4d) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-5	The baseline for quality elements at risk for each water body presented in section 2.5 of Part 2 of the WFD Compliance Assessment .	8.14	Invertebrates at good in the Leiston Beck, fish at good in the Ore & Alde Updated WFD addendum has made changes	Noted. No further comments		Agreed
WFD2-6	The assessment of impacts resulting from initial site preparation presented in section 2.5h) of Part 2 of the WFD Compliance Assessment .	8.14	This will be reassessed once the outstanding information on the coastal defence features has been provided.	Noted.	SZC Comment: 1D modelling report on SCDF to be provided at Deadline 2. 2D modelling report to follow. EA will be consulted on draft EA Comment: Awaiting outstanding modelling reports.	Not Agreed
WFD2-7	The assessment of impacts resulting from earthworks for platform development presented in section 2.5i) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-8	The assessment of impacts resulting from the construction of marine structures presented in section 2.5j) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-9	The assessment of impacts resulting from the discharge of foul, surface and any other water presented in section 2.5k) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WFD2-10	The assessment of impacts resulting from the discharge of commissioning water via the CDO presented in section 2.5l) of Part 2 of the WFD Compliance Assessment .	8.14	Hydrazine concentration confirmed as 15µg l ⁻¹ . Assessment of this concentration is being undertaken as part of the WDA permit.	The assessment in the WFD part 2 utilised 30µg l ⁻¹ . Prior to DCO submission the discharge concentration was revised to 15µg l ⁻¹ as it was determined that this better reflected the expected discharge concentrations (see TR306 Revision 5) however not in time for the WFD compliance assessment to be updated. It should be noted that the assessment using 15µg l ⁻¹ gives rise to much smaller areas over which the PNECs are exceeded (more than 50% reduction for both surface and seabed concentrations).		N/A
WFD2-11	The assessment of impacts resulting from the presence of the power station presented in section 2.5m) of Part 2 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD2-12	The assessment of impacts resulting from the presence of the permanent SSSI crossing presented in section 2.5n) of Part 2 of the WFD Compliance Assessment .	8.14	Invertebrate connectivity in the Leiston Beck. Disagreement that the new SSSI crossing design (January 2021 accepted change) reduces fragmentation to an acceptable level. Comprehensive evidence provided to SZC Co on this issue. Awaiting further design optimisation for the SSSI crossing to reduce this impact to an acceptable level. We understand width can be reduced to approximately 15m and soffit height will be increased, and await confirmation at Deadline 4.	SZC Co does not accept that the SSSI Crossing would cause habitat fragmentation to invertebrates. However we are carrying out a design review to consider if the design of the structure could be optimised to further reduce impacts on the SSSI from fragmentation. This work is ongoing but we are confident that at the end of construction the width of the single span bridge can be reduced from 40m to approximately 15m. It will also be possible to increase the soffit level although the design review has not yet concluded in this respect. Details of the optimised design to be provided at Deadline 4.	EA Comment: Awaiting further design optimisation for the SSSI crossing. SZC Co Comment: Details of optimised design of SSSI crossing to be provided at Deadline 4.	Not Agreed
WFD2-13	The assessment of impacts resulting from the presence of marine structures presented in section 2.5o) of Part 2 of the WFD Compliance Assessment .	8.14	This will be reassessed once the outstanding information on the coastal defence features has been provided.	Noted.	EA Comment: Awaiting outstanding modelling reports.	Not Agreed
WFD2-14	The assessment of impacts resulting from the presence of coastal defence structures presented in section 2.5p) of Part 2 of the WFD Compliance Assessment .	8.14	This will be reassessed once the outstanding information on the coastal defence features has been provided.	Noted.	EA Comment: Awaiting outstanding modelling reports.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WFD2-15	The assessment of impacts resulting from cooling water discharge presented in section 2.5q) of Part 2 of the WFD Compliance Assessment .	8.14	WDA	Noted.		N/A
WFD2-16	The assessment of impacts resulting from the cooling water system intake presented in section 2.5r) of Part 2 of the WFD Compliance Assessment .	8.14	Potential for deterioration of the fish element in the Ore & Alde and the Blyth TraC waterbodies. Uncertainty around actual entrapment losses from LVSE, EAV, Bulk CIMP sample data and appropriateness of some stock units.	Further information is presented in the WFD Addendum based on Cefas report SPP108 (ES Addendum Appendix 2.17.A). SZC Co understands EA has run additional TFCI scenarios for Alde/Ore and assessment passes, but stated by EA to be marginal. Potential for DCO requirement for monitoring and, if required, mitigation/compensation. Potential to also consider using s106. Meeting held to discuss (16 March 2021); SZC Co view remains no impact has been demonstrated by the project. Impingement monitoring at SZC is already a commitment as a Condition on the DML; SZC Co considering additional monitoring in Alde-Ore to support its assessment. Trigger levels will need to be carefully set to discriminate natural baseline variation in fish populations from project effects.	Environment Agency Comment: Further discussion is required on DCO/DML, S106 agreement and Environment Agency are awaiting proposals from Applicant. SZC Comment: SZC Co has no 'in principle' concerns in using the s106 to provide additional mitigation/ compensation such as fish passes if needed. We are awaiting advice from EA on existing programmes/schemes in the locality for improving migratory fish passage that we could build upon	Not Agreed
WFD2-17	The assessment of impacts resulting from the discharge of trade effluent from the FRR system presented in section 2.5s) of Part 2 of the WFD Compliance Assessment .	8.14	It may change if the LVSE impingement factor or other factors used in assessing entrapment losses change.	Any such changes would be trivial and would not affect the assessment outcome.		Not Agreed
Associated development sites (all)						
WFD3-1	The summary of embedded control measures presented in section 3.3 of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
Northern park and ride						
WFD3-2	The screening assessment presented in section 3.4b) of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-3	The scoping of impacts of project activities on water body quality elements presented in section 3.4c)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-4	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 3.4c)iii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WFD3-5	The scoping of impacts of project activities on protected areas presented in section 3.4c)iv of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
Southern park and ride						
WFD3-6	The screening assessment presented in section 3.5b) of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-7	The scoping of impacts of project activities on water body quality elements presented in section 3.5c)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-8	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 3.5c)iii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-9	The scoping of impacts of project activities on protected areas presented in section 3.5c)iv of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
Two village bypass						
WFD3-10	The screening assessment presented in section 3.6b) of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-11	The scoping of impacts of project activities on water body quality elements presented in section 3.6c)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-12	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 3.6c)iii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-13	The scoping of impacts of project activities on protected areas presented in section 3.6c)iv of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-14	The baseline for quality elements at risk presented in section 3.6d)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-15	The assessment of impacts resulting from the construction of watercourse crossings presented in section 3.6d)iii of Part 3 of the WFD Compliance Assessment .	8.14	Acceptable mitigation for loss of watercourses and floodplain grazing meadow has been proposed.	Noted		Agreed
WFD3-16	The assessment of impacts resulting from the operation of watercourse crossings presented in section 3.6d)iv of Part 3 of the WFD Compliance Assessment .	8.14	Acceptable mitigation for loss of watercourses and floodplain grazing meadow has been proposed.	Noted		Agreed
Sizewell link road						

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WFD3-17	The screening assessment presented in section 3.7b) of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-18	The scoping of impacts of project activities on water body quality elements presented in section 3.7c)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-19	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 3.7c)iii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-20	The scoping of impacts of project activities on protected areas presented in section 3.7c)iv of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-21	The baseline for quality elements at risk presented in section 3.7d)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-22	The assessment of impacts resulting from the construction of watercourse crossings presented in section 3.7d)iii of Part 3 of the WFD Compliance Assessment .	8.14	Awaiting confirmation of discussions between SZC and IDB to identify if acceptable mitigation can be secured to offset loss of watercourses and fragmentation.	Meeting held 16 March. Use of portal culverts to minimise impacts is welcomed. SZC Co to consider further discussions with the IDB regarding the long-term management of the watercourses.	EA Comment: SZC Co to confirm mitigation for watercourse crossings at SLR.	Not Agreed
WFD3-23	The assessment of impacts resulting from the operation of watercourse crossings presented in section 3.7d)iv of Part 3 of the WFD Compliance Assessment .	8.14	Awaiting confirmation of discussions between SZC and IDB to identify if acceptable mitigation can be secured to offset loss of watercourses and fragmentation.	As for WFD3-22	EA Comment: SZC Co to confirm mitigation for watercourse crossings at SLR.	Not Agreed
Yoxford and other highway improvements						
WFD3-24	The scoping assessment presented in section 3.8b) of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-25	The scoping of impacts of project activities on water body quality elements presented in section 3.8c)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-26	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 3.8c)iii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-27	The scoping of impacts of project activities on protected areas presented in section 3.8c)iv of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
Freight Management Facility						
WFD3-28	The screening assessment presented in section 3.9b) of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WFD3-29	The scoping of impacts of project activities on water body quality elements presented in section 3.9c)ii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-30	The scoping of impacts of project activities on RBMP improvement or mitigation measures presented in section 3.9c)iii of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
WFD3-31	The scoping of impacts of project activities on protected areas presented in section 3.9c)iv of Part 3 of the WFD Compliance Assessment .	8.14	No comments	No comments		Agreed
Cumulative effects						
WFD4-1	The methodology for the assessment of cumulative effects as detailed in section 4.1b) and section 4.4b) of Part 4 of the WFD Compliance Assessment .	8.14	Cumulative effects cannot be concluded while outstanding components of the WFD assessment are not agreed.	Noted – no significant issues expected.		Not Agreed
WFD4-2	The assessment of project wide effects presented in section 4.3 of Part 4 of the WFD Compliance Assessment .	8.14	Cumulative effects cannot be concluded while outstanding components of the WFD assessment are not agreed.	As per WFD4-1		Not Agreed
WFD4-3	The assessment of cumulative effects with other projects presented in section 4.4 of Part 4 of the WFD Compliance Assessment .	8.14	Cumulative effects cannot be concluded while outstanding components of the WFD assessment are not agreed.	As per WFD4-1		Not Agreed

Table 2.9: Position of the Parties - SZC Co. and Environment Agency: Eels Regulations Assessment

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
EEL-1	The methodology for the Eels Regulations Compliance Assessment as detailed in section 2 of the Eels Regulations Compliance Assessment .		No comments	No comments		Agreed
EEL-2	The baseline information presented in section 3 of the Eels Regulations Compliance Assessment .		EA are awaiting proposals from SZC. EA consider Requirements for monitoring, mitigation/compensation should be secured via a DCO requirement/DML Condition and S106 Agreement. Strategic advice on types of mitigation/compensation has been provided	Additional information has been provided in the ES Addendum (Appendix 2.17.A) . Meeting held 15 March. SZC Co remains of the view very low eel numbers caught and no impact predicted but considering opportunity for a Requirement for further monitoring or mitigation by way of eel passes secured in s106. We are awaiting advice from EA on existing programmes/schemes in the locality for improving migratory fish passage that we could build upon	EA Comment: EA are awaiting proposals from SZC. EA consider Requirements for monitoring, mitigation/compensation should be secured via a DCO requirement/DML Condition and S106 Agreement. Strategic advice on types of mitigation/compensation has been provided SZC Co Comment: SZC Co has no 'in principle' concerns in using the s106 to provide additional mitigation/ compensation such as eel passes if needed. We are awaiting advice from EA on existing programmes/schemes in the locality for improving migratory fish passage that we could build upon	Not Agreed
EEL-3	The potential onshore construction and operational components that could impact upon eels identified in section 4.2 of the Eels Regulations Compliance Assessment .		Clarity is required on the securing mechanisms for the proposed water control structures and associated eel pass designs.	The only control structure is that proposed on the realigned Sizewell Drain within Sizewell Marshes SSSI. This would be designed to have fine tuning capability for enhanced water level control and would incorporate an eel pass.	EA Comment: It is unclear how eel pass designs this will be secured via DCO requirements SZC comment: Further engagement is to be carried out with the EA on the design of the control structure to be installed on the realigned Sizewell drain, including eel passage. This will also include clarification on relevant securing mechanisms.	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
EEL-4	The potential offshore construction and operational components that could impact upon eels identified in section 4.3 of the Eels Regulations Compliance Assessment .		Potential impact of entrapment is not agreed	As for EEL-2	<p>EA Comment: EA are awaiting position from SZC. EA consider Requirements for monitoring, mitigation/compensation should be secured via a DCO requirement/DML Condition and S106 Agreement.</p> <p>SZC Comment: As per EEL-2</p>	Not Agreed
EEL-5	The assessment of the impacts of onshore activities on eels in section 5.2 of the Eels Regulations Compliance Assessment .		Clarity is required on the securing mechanisms for the proposed water control structures and associated eel pass designs.	As for EEL-3	<p>EA Comment: It is unclear how eel pass designs this will be secured via DCO requirements</p> <p>SZC Comment: As per EEL-3</p>	Not Agreed
EEL-6	The assessment of the impacts of offshore activities on eels in section 5.2 of the Eels Regulations Compliance Assessment .		Potential impact of entrapment is not agreed	Noted.	<p>EA Comment: EA are awaiting position from SZC. EA consider Requirements for monitoring, mitigation/compensation should be secured via a DCO requirement/DML Condition and S106 Agreement.</p> <p>SZC Comment: As per EEL-2</p>	Not Agreed
EEL-7	The scope of mitigation and monitoring requirements identified in section 6.2 of the Eels Regulations Compliance Assessment .		EA are awaiting position from SZC. EA consider Requirements for monitoring, mitigation/compensation should be secured via a DCO requirement/DML Condition and S106 Agreement.	The Eels Regulations Compliance Assessment includes a commitment to continued monitoring of fish and eels impingement at SZC but erroneously for entrainment (which will be extremely difficult at SZC). SZC Co assessing whether entrainment <u>can</u> be done at SZC. As for EEL-2, SZC Co considers the available data show the project will not have an impact on eels but is considering what further monitoring and mitigation can be provided. SZC	<p>EA Comment: EA are awaiting position from SZC. EA consider Requirements for monitoring, mitigation/compensation should be secured via a DCO requirement/DML Condition and S106 Agreement.</p> <p>SZC Comment: As per EEL-2</p>	Not Agreed

NOT PROTECTIVELY MARKED

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
				<p>Co has no 'in principle' concerns with using the s106 to secure mitigation/compensation to close out any remaining uncertainty/residual impact subject to demonstration of need. Awaiting feedback from EA on potential mitigation/compensation opportunities to consider.</p> <p>Marine Licence Condition 50 (May 2020 version) obliges SZC Co to monitor impingement . Condition 50 commitment remains in amended DCO.</p>		

NOT PROTECTIVELY MARKED

Table 2.10: Position of the Parties - SZC Co. and Environment Agency: Waste & Materials Management

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
M&W_1	The methodology for the assessment of material and waste impacts as detailed in Volume 1 Appendix 6D and Volume 2 Chapter Section 8.3 of the ES.	6.2 6.3	No comments	No comments		Agreed
M&W_2	The baseline environment, including material use and current waste generation and operational waste management facilities, as detailed in section 8.4 of Volume 2 Chapter 8 of the ES.	6.3	No comments	No comments		Agreed
M&W_3	The proposed primary, secondary and tertiary mitigation measures to mitigate impacts as detailed in section 18.5 7 of Volume 2 Chapter 8 including the Waste Managment Strategy , the outline Site Waste Management Plan (Appendix 8A) , the Materials Managment Strategy (Appendix 3B) and part B section 13 and part C section 12 of the CoCP .	6.3	No comments	No comments		Agreed
M&W_4	The assessment of impacts of material resource use and waste generation as a result of the Sizewell C Project as detailed in section 8.6 of Volume 2 Chapter 8 .	6.3	No comments	No comments		Agreed
M&W_5	The residual effects conclusions as detailed in section in section 8.7 of Volume 2 Chapter 8	6.3	KPIs not yet agreed as per Volume 2 Chapter 8 Conventional Waste Management 8.7.4 (p45)	SZC Co will submit an annex to the Conventional Waste Management Strategy into the examination to set KPIs at Deadline 5.	SZC Comment: KPIs are being drafted, shared informally with the EA for feedback and submitted into the examination at Deadline 5.	Not Agreed
M&W_6	Requirement 2 (PW:CoCP) to secure the control of impacts associated with waste and material resources.	3.1	No comments	No comments		Agreed
M&W_7	The borrow pit risk assessment as detailed in the ES Appendix 18E .	6.3	No comments	No comments		Agreed

Table 2.11: Position of the Parties - SZC Co. and Environment Agency: Potable & Non Potable Water Supply

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WS-1	Potable water supply		There is currently no agreed potable water supply strategy.	<p>SZC Co's preferred potable water source is Northumbrian Water Limited's (NWL's) Barsham Water Treatment Works.</p> <p>An EA-led Water Industry National Environment Programme (WINEP) has been commissioned by NWL that will determine resource availability for the Sizewell C Project. This report is for NWL's entire Northern/Central Water Resource Zone although an interim report for the SZC project is due in June.</p> <p>The EA has confirmed that its 'Waveney Augmentation Groundwater Scheme' (WAGS) that maintains base flows in the River Waveney would not be a constraint to supplying Sizewell C provided there is no net increase in NWL's licensed abstraction from the river of 13.6Ml/d, although the WINEP report is needed to confirm resource availability.</p> <p>The structure and content of the interim WINEP report has been shared with the EA, which has confirmed that it will provide sufficient evidence to demonstrate resource availability for SZC.</p> <p>In tandem with this WINEP study, SZC Co has been developing its Water Supply Strategy for the Sizewell C project. This covers both potable and non potable water demand. Demand profiles have been produced for both. It is our intention to share an informal draft of this strategy with the EA in late June on conclusion of the interim WINEP study for SZC. It is intended that the strategy and supporting evidence will be submitted into the examination at Deadline 4.</p>	<p>SZC Comment:</p> <p>Interim Northern/Central WRZ WINEP report on resource availability for Sizewell C due in early June</p> <p>We intend to submit a 'Water Supply Strategy' for the Sizewell C Project, including potable and non potable water streams, at Deadline 4.</p>	Not Agreed

Ref.	Matter	Book ref.	Environment Agency Position	SZC Co. Position	Further Action / Additional Information	Agreed / Not Agreed
WS-2	Non-potable water supply		There is currently no agreed non-potable water supply strategy.	SZC Co has continued to investigate non-potable water demand and sources to minimise use of potable water. Re-purposing of treated foul sewage from Sizewell B and Sizewell C is the preferred strategy, alongside winter storage at the proposed Water Resource Storage Area (WRSA) included in the Jan 2021 change application. Demand profiles have been developed which has been taken into account in the demand forecast for potable water (which also takes account of recycling). This information will be provided in the Water Supply Strategy for the Sizewell C project that is to be shared with the EA in mid/late June before submission into the examination at Deadline 4.	SZC Co Comment: As per WS-1	Not Agreed

APPENDIX A: ENGAGEMENT ON THE SOCG

- A.1.1. The preparation of this SoCG has been informed by a programme of discussions between SZC Co. and the Environment Agency following submission of the DCO application. The relevant meetings are summarised in **Table 1** and **Table 2**.

Table 1: SOCG meetings held between SZC Co. and the Environment Agency

Date	Scope of the Meeting
17 June 2020 15 July 2020 10 August 2020 15 September 2020 13 October 2020 12 January 2021 9 February 2021 9 March 2021 12 April 2021 11 May 2021	Joint SZC / EA L4 meeting on the DCO and permit applications.
1 June 2020 1 July 2020 29 July 2020 26 August 2020 9 September 2020 22 September 2020 7 October 2020 21 October 2020 4 November 2020 18 November 2020 2 December 2020 16 December 2020 13 January 2021 27 January 2021 10 February 2021 24 February 2021	Regular DCO Progress and SoCG Meetings

Date	Scope of the Meeting
10 March 2021 21 April 2021 5 May 2021 19 May 2021	

Table 2: Technical meetings held between SCZ Co. and the Environment Agency

Date	Sope of the Meeting
13 February 2020	MDS and AD FRAs
12 May 2020	Water level management
7 July 2020	Water level management
8 July 2020	Groundwater / surface water modelling
5 August 2020	MDS and AD FRAs and FREPs
10 September 2020	Water level management
16 October 2020	MDS and AD FRAs and FREPs
23 November 2020	MDS and AD FRAs and FREPs
14 December 2020	MDS and AD FRAs and FREPs
17 December 2020	LEEIE drainage design strategy
11 January 2021	Water Supply
25 January 2021	Two village bypass design review
8 February 2021	Water Supply
18 February 2021	Construction water discharge consenting meeting
18 February 2021	Adoptable Highways (AD6) Preliminary Design

Date	Sope of the Meeting
19 February 2021	Construction water abstractions (groundwater) consenting
22 February 2021	Construction FRAPs
1 March 2021	WFD construction consenting
8 March 2021	Water Supply
8 March 2021	MDS and AD FRAs and FREPs
15 March 2021	Marine Technical Forum – BLF detailed coastal processes modelling & update on 1 D modelling of proposed SCDF
15 March 2021	Eels Regulations Compliance
16 March 2021	Terrestrial Ecology Monitoring & Mitigation Plan (TEMMP)
16 March 2021	Water Framework Directive Compliance
18 March 2021	Adoptable Highways (AD6) Preliminary Design
12 April 2021	Water Supply
20 April 2021	Adoptable Highways (AD6) Preliminary Design
22 April 2021	MDS FRA and FREP

APPENDIX B: ENVIRONMENT AGENCY'S SUMMARY POSITION STATEMENT

The Environment Agency's position in relation to each topic is summarised as follows (See Tables 2.1 to 2.11 for further details in each topic area):

- Land Quality
 - No issues
- Groundwater & Surface Water
 - No issues
- Terrestrial (inc Freshwater) Ecology
 - The Environment Agency does not agree that the design of the SSSI crossing within the MDS is suitable, specifically in respect to the physical barrier and shading impacting the invertebrate assemblage in Leiston Beck. The Environment Agency awaits the outcome of the design review that SZC Co is undertaking of the proposed single span bridge.
 - The Sizewell Link Road crosses multiple ditches, some of which are main rivers, but these have not been identified as a habitat by the applicant and so the appropriate surveying and mitigation has not been conducted. SZC Co maintains that adequate surveys have been carried out. Engagement continues on this matter.
- Coastal Geomorphology & Hydrodynamics
 - The accepted changes to the DCO include an enhancement to the permanent Beach Landing Facility, an additional temporary Beach Landing Facility, and revisions to the Coastal Defences. The BLF modelling report submitted by SZC Co at Procedural Deadline 2 is being reviewed. The Environment Agency cannot confirm agreement with this assessment until this review is complete.
 - Modelling of the proposed Soft Coastal Defences will not be received until June, and we cannot confirm agreement until after our review has completed, which may take a number of months.
- Marine Water Quality
 - Many of the of the underlying assessments, identified impacts and mitigation measures will be considered as part of ongoing or future Water Discharge Activity permit determinations. As an

environmental regulator, the Environment Agency will assess these in the relevant environmental permit applications and consult on draft decisions (where appropriate) once these are available.

- Marine Ecology
 - The Environment Agency has concerns with some of the methods being used to produce predicted numbers of impinged fish at Sizewell C. The Environment Agency also has concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA Regs. We continue to engage with SZC Co on these issues and additional information has been shared. While some progress is being made, significant concerns remain.
- Flood Risk Assessments
 - The Environment Agency has conducted comprehensive reviews of the Flood Risk Assessments and associated modelling of the Main Development Site, Two Village Bypass, and Sizewell Link Road. Flood Risk Assessments were also prepared for the remaining Associated Development Sites, although requiring less detail, and verifying that they are not at risk of flooding.
 - The Main Development Site hydraulic modelling has not been agreed and the FRA demonstrates increased off-site flood risk.
 - The Two Village Bypass modelling is agreed. The Flood Risk Assessment demonstrates an increase in flood risk contrary to national policy. SZC Co. has sought and secured rights to flood from the landowner and this mitigation has been agreed between the Environment Agency and SZC Co.
 - The Sizewell Link Road modelling and Flood Risk Assessment have been revised since the original submission of the DCO. The modelling has not been agreed, and the FRA demonstrates increased on-site flood risk.
- Water Framework Directive Assessment
 - The Environment Agency has concerns with some of the methods being used to produce predicted numbers of impinged fish at SZC. We also have concerns with some of the methods and stock areas being used to assess the impact of that impingement on some species of relevance under the WFD and the EIA Regs.

NOT PROTECTIVELY MARKED

- In addition, EA are awaiting the outcome of SZC Co's design review for the SSSI Crossing. The Environment Agency will then consider if the revised proposals reduce WFD impacts to an acceptable level. As stated above we are continuing to engage with SZC Co on these issues. The applicant has shared additional information that is helpful, although some significant concerns remain.
- **Shadow Habitats Regulations Assessment**
 - The Environment Agency will defer to NE as Statutory Nature Conservation Body for DCO advice, hence no table is provided.
 - The Environment Agency is a competent authority for the purposes of the Habitats Regulations when determining applications for permits, consents and licences for which it is the regulatory authority.
 - A number of permits will be required for construction and operation. Three Environmental Permit applications for the operation of the power station have been submitted to the EA:
 - a bespoke Water Discharge Activity permit - required for the proposed discharges of cooling water and liquid process effluents into the marine environment, during operation of the power station
 - a Combustion Activity permit - required for the proposed operation of diesel generators, to be used to provide back-up electrical supply at the site, and
 - a Radioactive Substances Regulations permit - necessary for the proposed disposal of operational radioactive waste emissions to air, and water, and by transfer
 - There are complex overlapping Habitats Regulations Assessment (HRA) needs that fall across these permit decisions and the DCO decision, especially where there are project-wide in combination impacts on the marine environment. Despite our repeated advice, and that in PINS Advice Note 11 (Annex D), the applicant has chosen to not submit their applications for these environmental permits well in advance of the DCO Application. We are a competent authority and must undertake an HRA as part of our determination process. It is currently our projection that our permit decisions - and associated HRA conclusions - will not be available within the Examination timescale, due to the submission strategy adopted by the applicant. We consider that our permit determination HRA conclusion should have assisted with the

within project in combination HRA for the DCO application and its absence could result in challenges to the HRA process – at a DCO decision level.

- Eels Regulations Assessment
 - The Environment Agency understands that a further revision to the Eels Regulations Compliance Assessment will be available at D3. No update of the supporting study SPP104 ‘Worst case glass eel entrainment assessment for Sizewell C ‘ is expected.
 - We consider that the scale and impact of entrainment has not been quantified with certainty. Appendix 22O – Eels Regulations Compliance Assessment states that in order to ensure compliance with the Eels Regulations, “ongoing entrainment and impingement monitoring of eels at Sizewell C (should be) to be undertaken to implement alternative measures if deemed necessary.” We understand that the applicant’s position is that entrainment monitoring is not feasible, but we have yet to see evidence of this.
 - We understand that the applicant is in the process of developing a survey protocol for glass eels in the Sizewell area to a resolution that would be acceptable to the Environment Agency. However we understand that the applicant is concerned this may not be feasible or cost effective. We are agreed in principle to an alternative approach in which the applicant would fund fish improvement measures under the s106 and await proposals to be presented.
- Waste & Materials Management
 - The Environment Agency understands that the applicant proposes to introduce targets/KPI for waste and resource management and submit an annex to the Conventional Waste Management Strategy into the examination at Deadline 5. The Environment Agency wish to be consulted on these proposals, including proposed securing mechanism (e.g DCO requirement).
- Potable & Non Potable Water Supply
 - We are aware that the applicant’s preferred potable water source is Northumbrian Water Limited’s (NWL’s) Barsham Water Treatment Works and that a Water Industry National Environment Programme (WINEP) study is underway that will determine resource availability.

- We cannot confirm if the proposed potable water resource needed to supply the Sizewell C Project is acceptable until the WINEP study is available. We understand that an interim version of this study will be available in June 2021. The Environment Agency has reviewed the proposed contents of this report provided by NWL and is satisfied that it is appropriate. We understand that once this report is available the applicant will complete its Water Supply Strategy and submit it into the examination at Deadline D4.
- We consider that the Water Supply Strategy should include (but not limited to), water demand profiles and consideration of potable and non potable water.
- Whilst we understand that the proposed Barsham to Sizewell Water Transfer Scheme would not form part of the DCO, matters relating to the applicant's Water Supply Strategy may need to be secured via DCO Requirements/s106 depending upon the proposals.