

Wendy McKay

Our Ref: 20026727

Lead member of the Panel of Examining Inspectors
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN
sizewellc@planninginspectorate.gov.uk

Your Ref: EN010012

Date: 12 October 2021

By email only

Dear Ms McKay

Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Deadline 10: Comments on Report on the Implications for European Sites (RIES)

Application by NNB Generation Company (SZC) Limited for an Order Granting Development Consent for the Sizewell C Project

For Deadline 10 (12th October) the Examining Authority (ExA) have requested comments on the Report on the Implications for European Sites (RIES) [PD-052], issued by the Examining Authority (15 September 2021).

We have, on occasion, made representations in issue Specific Hearings (most recently at ISH15) where we have explained that certain environmental impacts - and the associated assessments of effects under the Habitats Regulations - will be assessed by us when determining environmental permits for these process discharges. These environmental permits are either the primary regulatory control measure, or a partial control measure (the matters falling out-with our permitting regime falling instead to the DCO to control), for a number of the discharges associated with this project proposal; and it is that determination processes where the Environment Agency - acting in our role as competent authority - will reach conclusions on the potential for impacts to European Sites.

We are currently determining three operational permits

- 1) A new Radioactive Substances Activity (RSA) environmental permit application (reference EPR/HB3091DJ/A001): this is for the proposed disposals of radioactive waste to air, water and by transfer.
- 2) A new Combustion Plant environmental permit application (reference EPR/MP3731AC/A001): this is for the proposed operation of diesel generators to be used to provide back-up electrical supply at the site.
- 3) A new bespoke Water Discharge Activity (WDA) environmental permit application (reference EPR/CB3997AD/A001): this is for the proposed discharges of cooling water and liquid process effluents during operation of the power station.

In addition we are in pre-application discussion for permits that are required for the construction of the power station that have not yet been applied for.

For these permits we are the competent authority under the Habitats Regulations

OFFICIAL

We and Natural England have highlighted in the DCO process that there are areas that will be covered through the Environment Agency permitting process and this is reflected in the RIES:

- 3.2.22 The EA also stated that “some of these matters will be considered as part of the Environmental Permitting process and for this reason we are not commenting at the DCO stage.”; and
- “4.3.136
Discussions relating to impacts from changes to marine water quality are discussed below.

Note that NE [RR-0878, Issues 30-36] explained that discharges (and hence the thermal and chemical plumes, including hydrazine discharges) and the use of seasonal chlorination would be managed as part of the Water Discharge Activity (WDA) operational permit, as to be determined by the EA. NE explained it has yet to be consulted on the permit and associated HRA and would need to see further details of the proposed and final permit application before it can provide robust advice on potential impacts to designated sites and species.

The RIES produced on 15 September 2021 (reference) covers aspects for which the Environment Agency is the competent authority either in whole, or in part, for the processes that may give rise to potential effects on European Sites (see those areas identified with red text)

For example in section

“2.2.1 The Examination has focussed on a number of potential impacts on European sites and their qualifying features, including the following matters:

- *Water abstraction and supply; partially regulated through an EA licence*
- *Airborne pollution; partially regulated through an EA permit*
- *Physical interaction between species and infrastructure (fish entrapment at the cooling water intake and bird interactions with pylons and power lines);*
- *Impediment to current management practices;*
- *Disturbance to species due to light, noise and visual impacts from the Main Development Site (MDS); noise partially regulated through an EA permit for diesel generators*
- *Recreational pressure and disturbance;*
- *Changes to coastal processes and geomorphology arising from MDS;*
- *Impacts from changes to water quality (thermal plume, chemical plume, chlorination, hydrazine); regulated through an EA permit*
- *Impacts from combined drainage outfall (CDO); operational discharge from DCO regulated through an EA permit*
- *Impacts from mud drilling and bentonite; regulated through an EA permit*

- *Indirect effects on bird and marine mammal from impacts to prey species; partially regulated through an EA permit*
- *Cumulative and in combination assessment;*
- *Mitigation and monitoring plans; and*
- *Compensatory measures for the marsh harrier qualifying features of the Minsmere-Walberswick SPA and Ramsar site”*

A further example is on Page 17:

“Numerous European sites - Marine water quality

3.2.36 NE [RR-0878 Issues 30-36] highlighted concerns regarding direct exposure of foraging birds to changes in marine water quality (thermal and chemical discharges including total residual oxidant (TRO), bromoform from chlorination and hydrazine, as well as discharges from the Combined Drainage Outfall (CDO) and drilling chemical discharges).

This was relevant to the following sites and features:

- Alde-Ore Estuary SPA – Sandwich tern, little tern and lesser black-backed gull (breeding);
- Alde-Ore Estuary Ramsar – little tern;
- Humber Estuary SAC – sea lamprey and river lamprey;
- Minsmere–Walberswick SPA – little tern;
- Minsmere–Walberswick Ramsar – little tern; and
- Outer Thames Estuary – little tern, common tern and red-throated diver.”

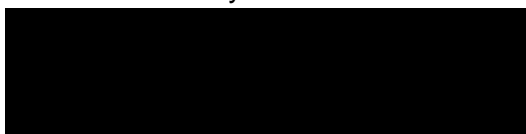
All these are considerations for the WDA environmental permit, there are also examples for the combustion plant environmental permit

“4.2.10 Regarding **combustion emissions from diesel generators during operation** (resulting in increased concentrations of NOx), NE considered [REP2-153 and REP2-071] that whilst it was reasonable for the Applicant to make an argument as to why the daily NOx exceedance was not of concern in this specific case, this must be underpinned by clear evidence.....”

We request that no conclusions are reached within the SoS HRA for the aspects that will be more properly considered by the Environment Agency as the appropriate competent authority.

We are still in the determination stage for these environmental permits and we will not reach final decisions before the close of examination, or before the SoS reaches his conclusions for the DCO. Our draft decisions are forecast for May 2022, at which time we shall consult on those decisions and the associated HRA conclusions. Final decisions are expected towards the end of 2022.

Yours sincerely



Simon Barlow
Project Manager
Sizewell C Nuclear New Build
Environment Agency

