



The Sizewell C Project

6.2 Volume 1 Introduction to the Environmental Statement

Chapter 3 Legislation and Policy Context

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None provided.

3. Legislation and Policy Context

3.1 Introduction

3.1.1 This chapter provides the overarching legislative and planning context to this **Environmental Statement (ES)**, including an overview of legislation and national planning policies, which are important and relevant matters when determining the application for development consent. This chapter also provides an overview of the overarching regional and local policies relevant to the Sizewell C Project.

3.1.2 The legislation and policies referenced within this chapter have been considered throughout the development of the proposals for the Sizewell C Project and the preparation of this **ES**. It should be noted that the topic-specific legislation and policy context is considered in **Appendices 6D to 6Y** of this volume. Site-specific legislation and policy considerations are further detailed within the relevant site-specific volumes of this **ES**. A **Planning Statement** (Doc Ref. 8.4) is submitted separately with the application for development consent and assesses the compliance of the Sizewell C Project with relevant policies. **Chapter 3** of the **Planning Statement** sets out the Applicant's understanding of the role of the National Policy Statements (NPS) in the determination of the Sizewell C Project.

3.1.3 Where consideration has been given to guidance and advice notes, these have been detailed in **Chapter 6** of this volume and the associated appendices, and also the technical chapters, as relevant.

3.2 Legislative context

a) Primary legislation

3.2.1 There is a wide range of primary legislation that is relevant to this **ES** more generally, but the Planning Act 2008 and Marine and Coastal Access Act 2009 are of key relevance to the applicable consenting regimes.

i. Planning Act 2008

3.2.2 The Planning Act 2008 establishes the legal framework for applying for, examining and determining applications for Nationally Significant Infrastructure Projects (NSIPs) in England and Wales. The Sizewell C Project meets the criteria of an NSIP under section 15(2) of the Planning Act 2008, as it comprises the construction of a new onshore generating station in England with a capacity of over 50 Megawatts (MW) and, therefore, would require development consent under the Planning Act 2008. The application for the development consent is submitted to the Planning

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Inspectorate (PINS) and the consent, if granted, would take the form of a Development Consent Order (DCO). The DCO for the Sizewell C Project would be granted by the Secretary of State for Business, Energy and Industrial Strategy.

3.2.3 The Planning Act 2008 also defines the concept of ‘associated development’. The principles of associated development are set out in ‘Planning Act 2008: Guidance on associated development applications for major infrastructure projects’ (Ref. 3.1). In summary, the Sizewell C Project complies with those principles:

- There is a direct relationship between each proposed associated development and Sizewell C. Each element of development either supports the construction or operation of the Sizewell C or helps to address impacts.
- None of the proposed associated development is an aim in itself and it is all subordinate to Sizewell C.
- None of the proposed associated development is only necessary as an additional source of revenue for SZC Co.
- The proposed associated development is proportionate to the nature and scale of Sizewell C.

3.2.4 The Planning Act 2008 also includes provisions for the Government to produce NPSs setting out the strategic policy framework against which applications for development consent are to be considered, see section 3.3 of this chapter. The Secretary of State is directed to have regard to certain matters in his or her decision on an application for development consent, and must decide any application in accordance with any relevant NPS, subject to specified exceptions.

3.2.5 Further information on the development consent process is provided within the **Planning Statement**.

ii. [Marine and Coastal Access Act 2009](#)

3.2.6 The Marine and Coastal Access Act 2009 amends certain provisions of the Planning Act 2008, particularly in relation to the regard to be given to marine policy documents in considering NSIPs and consulting the Marine Management Organisation (MMO).

3.2.7 The Marine and Coastal Access Act 2009 provides the legal mechanism to help ensure clean, healthy, safe, productive and biologically diverse oceans and seas by putting in place a system for improved management and

protection of the marine and coastal environment. It established a strategic marine planning system, which includes production of a marine policy statement and streamlined the marine licensing system.

3.2.8 The Sizewell C Project would involve a number of licensable marine activities. These relate to the offshore works forming part of the main development site including the cooling water system intake and outfall. A draft deemed marine licence is included in the draft DCO.

b) Secondary legislation

3.2.9 There is a raft of secondary legislation which is needed to implement the relevant parts of the primary legislation. For the purposes of the Environmental Impact Assessment (EIA), the following EIA Regulations are of key relevance, as they transpose the requirements of the EU Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU ('the EIA Directive') into the UK legislation under the above consenting regimes:

- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- The Marine Works (Environmental Impact Assessment) Regulations 2007.

3.2.10 These sets of regulations have been referred to as the Infrastructure Planning EIA Regulations, Marine Works EIA Regulations or the EIA Regulations collectively hereafter.

3.2.11 SZC Co. has applied to the MMO for confirmation that the exception under Regulation 10(b) of the Marine Works EIA Regulations applies to the Sizewell C Project. The Regulation 10(b) exception does not remove the requirement to comply with the Marine Works EIA Regulations but rather avoids the need for a separate assessment to be carried out by the MMO where one is already being carried out by another consenting authority (in this case the Secretary of State). This **ES** has, therefore, been prepared in accordance with the requirements of the EIA Regulations with the terrestrial elements of the Sizewell C Project being assessed against the Infrastructure Planning EIA Regulations, and the marine elements (i.e. the marine licensable activities) being assessed against the Marine Works EIA Regulations. Further information on the requirements and the procedures established by the EIA Regulations is provided in **Chapter 6** of this volume.

c) European Legislation

3.2.12 At the point of submission of the DCO, the UK is within the transition period for exiting the European Union and the Euratom Treaty. The requirements under the European and Euratom Directives identified through this ES have been implemented within UK domestic legislation, and as such post the transition period, the requirements of these directives will remain in place. In addition, number of statutory instruments have been prepared and laid before Parliament address the UK departure from Euratom.

3.3 National policy context

3.3.1 This section outlines policies within national policy documents that are of particular relevance to the EIA of the Sizewell C Project.

a) National Policy Statements

3.3.2 The NPSs that are relevant to the Sizewell C Project are the Overarching National Policy Statement for Energy (NPS EN-1) (Ref. 3.2) and the National Policy Statement for Nuclear Power Generation (NPS EN-6) (Ref. 3.3). NPS EN-1 and NPS EN-6 were considered by Parliament and formally designated in July 2011. Sizewell was one of the sites listed in NPS EN-6 as potentially suitable for the deployment of new nuclear power stations in England and Wales by the end of 2025. Whilst SZC Co. remains confident that Sizewell is suitable for the deployment of a new nuclear power station, it is no longer possible for deployment to take place by the end of 2025.

3.3.3 The Ministerial Statement on Energy Infrastructure published on 7 December 2017 ('2017 Ministerial Statement') (Ref. 3.4) states that, for projects yet to apply for development consent and due to deploy beyond 2025, the Government continues to give its strong in principle support to proposals at those sites currently listed in EN-6. It goes on to state that:

“Even if EN-6 is considered not to have effect under section 104 of the Act for such a project, section 105 of the Act would apply to the decision on whether or not to grant development consent for the project”.

3.3.4 Section 105(2) of the Act provides that the Secretary of State must have regard to (a) any local impact report, (b) any matters prescribed in relation to development of the description to which the Application relates, and (c) other matters that the Secretary of State thinks are both important and relevant to the decision. **Section 3.3** of the **Planning Statement** (Doc Ref. 8.4) provides further information about the approach to decision making specifically to the Sizewell C Project.

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- 3.3.5 Between December 2017 and March 2018, the Government consulted on the siting criteria and process for a new NPS for nuclear power with single reactor capacity over 1 GW beyond 2025 (Ref. 3.5). SZC Co. nominated Sizewell as a site that is suitable for the deployment of a new nuclear power station by 2035.
- 3.3.6 In July 2018 the Government published its response to the consultation (Ref 3.6). In the response, the Government concluded that “*sites listed in EN-6 on which a new nuclear power station is anticipated to deploy after 2025 will continue to be considered appropriate sites and retain strong Government support during the designation of the new NPS*” (paragraph 3.10). This includes the Sizewell C site.
- 3.3.7 The Government confirmed that for those sites, decisions on whether to grant development consent will be made under section 105 of the Act and that both NPS EN-1 and NPS EN-6 “*incorporate information, assessments and statements which will continue to be important and relevant*” to such decisions (paragraph 3.11).
- 3.3.8 The Government stated that when designated the new NPS will have effect for the purposes of section 104 of the Act for listed sites capable of deploying between 2026-2035. The Government further stated that a published new NPS in draft form would be an important and relevant consideration under section 105(2)(c) of the Act in relation to any development consent decision taken before the new NPS is designated (paragraph 3.12).
- 3.3.9 In addition, the Government stated that NPS “*EN-1 is based on a wide range of modelling outputs and is written with future economic and technological changes in mind*” (paragraph 3.8). It confirmed that it does not intend to review NPS EN -1 and “*continues to believe nuclear has an important role to play in the UK’s energy future as we transition to the low-carbon economy*” (paragraph 3.9).
- 3.3.10 The Government stated that when designated the new NPS will have effect for the purposes of section 104 of the Act for listed sites capable of deploying between 2026-2035. The Government further stated that a published new NPS in draft form would be an important and relevant consideration under section 105(2)(c) of the Act in relation to any development consent decision taken before the new NPS is designated (paragraph 3.12).
- b) **Overarching NPS for Energy (NPS EN-1) (July 2011)**
- 3.3.11 NPS EN-1, when combined with the relevant technology-specific energy NPS, provides the primary basis for decisions on applications for energy

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developments such as this. It establishes the need for all types of energy infrastructure covered by the NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. In addition to considerations of nuclear specific policies outlined in the NPS EN-6, NPS EN-1 sets generic policies which are relevant to all energy NSIPs.

3.3.12 At the outset, section 3.1 of NPS EN-1 confirms that all applications for development consent for the types of infrastructure covered by the energy NPSs should be assessed on the basis that the need for those types of infrastructure has been demonstrated by the Government and that this need is urgent (paragraph 3.1.3 and 3.2.3).

3.3.13 **Table 3.1** provides a summary of key NPS EN-1 policies relevant to this ES and includes cross-references to demonstrate how this policy has been incorporated. Topic-specific NPS policies, such as noise and air quality, which are relevant to the Sizewell C Project as a whole, are covered in respective **Appendices 6D to 6Y** of this volume.

Table 3.1: Summary of relevant NPS EN-1 policy regarding this ES.

Summary of Policy	Consideration within this ES
<p>Section 4.1: General points</p> <p>In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the PINS should take into account:</p> <ul style="list-style-type: none"> its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; <p>and</p> <ul style="list-style-type: none"> its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts. <p>In this context, the PINS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.</p>	<p>The ES identifies the likely significant effects of the Sizewell C Project, including both adverse and beneficial effects, cumulative effects and proposed measures to avoid, reduce or compensate for any adverse impacts. The assessment of effects and mitigation measures are reported within the relevant technical chapters of Volumes 2 to 10 of this ES.</p>
<p>Section 4.2: Environmental Statement</p> <p>All proposals for projects that are subject to the EIA Directive must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by the project, including direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.</p> <p>To consider the potential effects, including benefits, of a proposal for a project, the applicant should set out information on the likely significant social and economic effects of the development, and show how any likely significant negative effects would be avoided or mitigated. This information could include matters such as employment, equality, community cohesion and well-being.</p> <p>For the purposes of this NPS and the technology-specific NPSs, this ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project. If relevant, the commissioning phase would also need to be considered.</p> <p>When considering cumulative effects, this ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of</p>	<p>This ES has been prepared in accordance with the EIA Regulations 2017¹ which transpose the requirements of the EIA Directive into the UK legislation. The ES presents an assessment of likely significant effects, including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, and mitigation measures within the relevant technical chapters of Volumes 2 to 10 of this ES.</p> <p>Volume 2, Chapter 9 of this ES presents the socio-economic assessment of the proposed development.</p> <p>All phases of the Sizewell C Project have been considered within this ES, including construction, commissioning, operation, removal and reinstatement (where applicable) and decommissioning. Although it is noted that only a high level assessment of the decommissioning phase has been undertaken, as a separate EIA would need to be undertaken to assess these works.</p> <p>Cumulative effects with other</p>

¹ As explained at 3.2.10, the Marine Works EIA Regulations also apply to the marine elements of the Project and these aspects of the Project have been duly assessed against these Regulations as well.

Summary of Policy	Consideration within this ES
<p>other development.</p> <p>Consideration should be given to how the accumulation of, and interrelationship between, effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.</p>	<p>development are presented in Volume 10 of this ES. Interrelationships are identified within each topic-specific chapter in Volumes 2 to 9 of this ES, with a summary of these provided within Volume 10 of this ES. Sizewell C Project-wide effects, i.e. those across both the main development site and the associated developments are also presented in Volume 10 of this ES.</p>
<p>Section 4.3: Habitats and Species Regulations</p> <p>Under the Habitats and Species Regulations consideration must be given to whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. In the event that an appropriate assessment is required, the applicant must provide information as may reasonably be required to enable the appropriate assessment to be conducted. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects.</p>	<p>An assessment of the proposed development under the Habitats Regulations (the Conservation of Habitats and Species Regulations 2017) has been undertaken and is reported within a standalone document submitted with the DCO application. Where relevant, this ES refers to the Shadow Habitats Regulations Assessment Report (Doc Ref. 5.10).</p>
<p>Section 4.4: Alternatives</p> <p>Applicants are obliged to include in their ES, as a matter of fact, information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant’s choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.</p> <p>In some circumstances, where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements. The consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner.</p>	<p>Strategic Sizewell C Project alternatives are presented in Volume 1, Chapter 4 of this ES. Site-specific alternatives for the main development site are presented in Volume 2, Chapter 6 of this ES and for the off-site associated developments are presented in Volumes 3 to 9, Chapter 3 of this ES.</p>

Summary of Policy	Consideration within this ES
<p>Section 4.5: Criteria for good design</p> <p>Energy infrastructure developments need to be sustainable and, having regard to regulatory and other constraints, be as attractive, durable and adaptable as they can be. Applicants must take into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible and demonstrate good design in respect of siting relative to existing landscape character, landform and vegetation.</p> <p>Applicants should be able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected.</p>	<p>The requirements for good design have been considered throughout design development. Design principles for the proposed development are summarised in the Sizewell C Main Development Site Design and Access Statement (Doc Ref. 8.1) and Associated Development Design Principles (Doc Ref. 8.3) document. Where relevant to this ES, these have also been summarised within Volumes 2 and 9, Chapter 2 of this ES.</p>
<p>Section 4.8: Climate change adaptation</p> <p>Applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. The ES should set out how the proposal will take account of the projected impacts of climate change.</p>	<p>Climate change resilience of the Sizewell C Project and in-combination climate impacts have been assessed within this ES in Volume 2, Chapter 26.</p>
<p>Section 4.10: Pollution control and other environmental regulatory regimes</p> <p>The planning and pollution control systems are separate but complementary. The PINS should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate them.</p> <p>Wherever possible, applicants are encouraged to submit applications for environmental permits and other necessary consents at the same time as applying for development consent.</p> <p>The PINS should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with the Environment Agency and/or the pollution control authority, and other relevant bodies, the PINS should be satisfied, before consenting any potentially polluting developments, that:</p> <ul style="list-style-type: none"> • the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the site are not such that the cumulative effects 	<p>Details of other environmental permits, consents and licences required for the Sizewell C Project are included in Chapter 5 of this volume and the Schedule of Other Consents, Licences and Agreements (Doc Ref. 5.11).</p>

Summary of Policy	Consideration within this ES
<p>of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.</p>	
<p>Section 4.11: Safety Some energy infrastructure will be subject to the Control of Major Accident Hazards Regulations. The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes.</p>	<p>Chapter 27 of Volume 2 presents an assessment of the Major Accidents and Disasters (MA&D) that have the potential to arise during the construction and operation of the Sizewell C power station,</p>
<p>Section 4.12: Hazardous substances All establishments wishing to hold stocks of certain hazardous substances above a threshold need hazardous substances consent.</p>	<p>Details of other environmental permits, consents and licences required for the Sizewell C Project (including hazardous substance consent) are included in Chapter 5 of this volume and the Schedule of Other Consents, Licences and Agreements (Doc Ref. 5.11).</p>
<p>Section 4.13: Health impacts The ES should assess the health effects on human beings for each element of the project, identifying any adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate. Cumulative impacts on health should also be considered.</p>	<p>Likely significant effects on health and wellbeing have been assessed within this ES in Volume 2, Chapter 28.</p>
<p>Section 5: Generic impacts This section outlines policy and guidance on the assessment of impacts that may arise from the proposed development. Generic impacts are in addition to the nuclear-specific impacts and specific siting impacts outlined in NPS EN-6 and comprise the following:</p> <ul style="list-style-type: none"> • air quality and emissions; • biodiversity and geological conservation; • civil and military aviation and defence interests; • coastal change; • dust, odour, artificial light, smoke, steam and insect infestation; • flood risk; • historic environment; • landscape and visual; • land use including open space, green infrastructure and Green Belt; 	<p>As confirmed by the consultation responses of the Ministry of Defence and the National Air Traffic Service appended to the EIA scoping opinion, provided in Appendix 6B of this volume, there is no aviation infrastructure within 40 kilometres (km) of the site and the proposed development will not be in proximity to areas used for military activities. Therefore, no existing civil and military aviation and defence infrastructure is considered to experience likely significant effects as a result of the proposed development.</p> <p>All other potential impacts are considered within the relevant topic-specific chapters in Volumes 2 to 9 of this ES.</p>

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Summary of Policy	Consideration within this ES
<ul style="list-style-type: none"> • noise and vibration; • socio-economic; • traffic and transport; • waste management; and • water quality and resources. 	

c) NPS for Nuclear Power Generation (NPS EN-6) (July 2011)

- 3.3.14** NPS EN-6 identifies eight potentially suitable sites for the deployment of a new nuclear power station before the end of 2025, including Sizewell (paragraph 4.1.1). The Government's decision making process for the site selection has been informed by, among other things, the Nuclear Appraisal of Sustainability (Ref. 3.6) and Habitats Regulations Assessment (Ref. 3.7) conducted at a strategic level for each site and the NPS as a whole, responses to the public consultation on the drafts of the NPS and Parliamentary scrutiny of the NPS.
- 3.3.15** The Government also concluded in NPS EN-6 that there are imperative reasons of overriding public interest (IROPI) in making these eight sites available as potential sites for development and listing them in NPS EN-6 despite the inability, at that stage, to rule out potential adverse effects on sites of European nature conservation importance (paragraph A.6.6). This takes into account the need for sites to be available for potential deployment by the end of 2025, the lack of alternatives, and the consideration given to compensatory measures. The IROPI case is based on fulfilling the Government's energy policy objectives whilst contributing to the goal of delivering sustainable low-carbon sources of energy as a means of reducing the effects of damaging climate change and ensuring security of energy supplies.
- 3.3.16** Annex C to NPS EN-6 provides site assessments for the eight identified sites and paragraph C.8.6 advises that from the information provided by nominators and an independent assessment, the Government is satisfied that Sizewell is credible as a potentially suitable site for a new nuclear power station.
- 3.3.17** Paragraph C.8.126 summarises that the assessment outlines a number of areas which will require further consideration by the applicant, the Secretary of State and/or the regulators, including effects and mitigating actions of coastal erosion, effects on biodiversity (including the Sites of Special Scientific Interest (SSSIs)), and the visual impact on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The issues raised in the site assessment are considered within the relevant topic-specific chapters of this ES.
- 3.3.18** Section 2.10 of NPS EN-6 refers to the effects of climate change and states that this ES should set out how the development incorporates adaptation measures to take account of the effects of climate change, including:
- coastal erosion and increased likelihood of storm surge and rising sea levels;

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- effects of higher temperatures levels; and
 - increased risk of drought which could lead to lack of available process water levels.
- 3.3.19 Where relevant, the effects of climate change have been considered within the site-specific topic chapters of this ES, however an overall summary is provided within **Volume 2, Chapter 26** of this ES.
- 3.3.20 Section 2.11 of NPS EN-6 states that the Secretary of State does not need to consider whether effective arrangements will exist for the management and disposal of nuclear waste produced by nuclear power stations when determining an application for a new nuclear power station, as the Government is sufficiently satisfied that suitable arrangements can be put in place. Additionally, in relation to the interim storage, disposal and transport of radioactive waste, applications for development consent should be determined on the basis that the relevant licensing and permitting regimes will be properly applied and enforced. Note that a chapter outlining the types of radioactive waste and methods for its management is provided in **Volume 2, Chapter 7** of this ES.
- 3.3.21 Part 3 of NPS EN-6 outlines policy and guidance on nuclear-specific impacts and specific siting considerations. Nuclear specific impacts are in addition to the generic impacts outlined in NPS EN-1 and comprise the following:
- flood risk (including tsunami and storm surge) (refer to the site-specific **Flood Risk Assessments** (Doc Ref. 5.2 – 5.9));
 - water quality and resources, provided in **Volume 2, Chapters 19 to 24** and **Volumes 3 to 9, Chapter 12** and **Volume 10, Chapters 3 and 4**;
 - coastal change, provided in **Volume 2, Chapter 20** and **Volume 10, Chapter 3 and 4**;
 - biodiversity and geological conservation, provided in **Volume 2, Chapters 16 and 22, Volumes 3 to 9, Chapter 7** and **Volume 10, Chapters 3 and 4**;
 - landscape and visual, provided in **Volume 2, Chapter 13, Volumes 3 to 9, Chapter 6** and **Volume 10, Chapters 3 and 4**;
 - socio-economic, provided in **Volume 2, Chapter 9**; and
 - human health and well-being, provided in **Volume 2, Chapter 28**.

3.3.22 Section 3.5 of NPS EN-6 identifies ‘flags for local consideration’ which set out requirements for further assessment at site-specific level. These include:

- proximity to civil aircraft movements;
- access to transmission networks;
- impact on significant infrastructure and resources; and
- size of site to accommodate construction and decommissioning.

3.3.23 It is noted that there is no aviation infrastructure within 40km of the site, therefore no likely significant effects on civil aircraft movements as a result of the Sizewell C Project are considered to occur. All other local considerations of NPS EN-6 listed above have influenced the development of the Sizewell C Project proposals, as set out in **Volume 2, Chapters 2 to 6** and **Volumes 3 to 9, Chapters 2 and 3** of this ES.

3.3.24 ‘Other flags for local consideration’ that will be assessed separately at the time of the development consent application by the Office of Nuclear Regulation (ONR) include:

- demographics;
- seismic risk (vibratory ground motion);
- capable faulting;
- non-seismic ground conditions;
- emergency planning (the ONR will work together with the local authority or other emergency planning authority);
- meteorological conditions; and
- proximity to mining, drilling and other underground operations.

3.3.25 However, these considerations are for the ONR rather than the PINS and detailed assessments of these considerations will be subject to a separate regulatory regime (i.e. a Nuclear Site Licence).

d) [Appraisal of Sustainability: Site Report for Sizewell](#)

3.3.26 The Appraisal of Sustainability: Site Report for Sizewell identified the following potential effects of particular note for the Sizewell C Project:

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- Although set in the context of the existing Sizewell B nuclear power station, the Sizewell C Project may have an adverse impact on landscape character and an adverse visual impact on a nationally designated landscape which could not be fully mitigated (this is considered within the landscape and visual impact assessment in **Volume 2, Chapter 13** of this ES).
- Potential adverse effects on at least five nature conservation sites of UK and European importance, including Minsmere to Walberswick Heaths and Marshes, Sizewell Marshes, Leiston–Aldeburgh SSSI, the Outer Thames Estuary, and the Alde-Ore Estuary; and effects on water quality and fish/shellfish populations in nearby coastal waters due to the abstraction and release of sea water for cooling (this is addressed within the terrestrial ecology and ornithology and marine ecology assessments in **Volume 2, Chapters 16** and **22** of this ES).
- There are existing sand and shingle flood defences in place, which may require upgrading to protect the site for the full life time of Sizewell C, which may have potential effects on erosion and visual appearance of the coastline. These effects could be significant, but mitigation opportunities could be available following further study (this is addressed within the coastal geomorphology and hydrodynamics assessment **Volume 2, Chapter 20** of this ES and the **Flood Risk Assessments**).
- Positive effects for employment and well-being (this is addressed within the socio-economic assessment in **Volume 2, Chapter 9** of this ES and the health and wellbeing assessment in **Volume 2, Chapter 28** of this ES).

e) UK Marine Policy Statement

3.3.27 The Marine Policy Statement (Ref. 3.8) sets the framework for preparing marine plans and taking decisions affecting the marine environment. The Marine Policy Statement also sets the direction for marine licensing. In deciding a DCO application the Secretary of State must have regard to any relevant NPS and the appropriate marine policy documents (if any) determined in accordance with section 59 of the Marine and Coastal Access Act 2009.

3.3.28 The Marine Policy Statement states that decisions on activities in the UK marine area must be made in accordance with the relevant marine plan. Potential benefits and adverse effects of the proposed development and its activities should be taken into account, including any cumulative effects with other projects. The level of assessment undertaken should be proportionate to the scale and impact of the Sizewell C Project, as well as

the sensitivity of the environment concerned, and comply with the EIA Directive. Where required, a Habitats Regulations Assessment and Water Framework Directive Assessment should also be prepared.

3.3.29 Chapter 2 of the Marine Policy Statement lists detailed considerations for the assessment of the following topics:

- marine ecology and biodiversity;
- air quality;
- noise;
- ecological and chemical water quality and resources;
- seascape;
- historic environment;
- climate change adaptation and mitigation; and
- coastal change and flooding.

3.3.30 These considerations have been referred to within the relevant topic assessments in this **ES**, refer to **Volume 2, Chapters 11, 12, 19, 21 to 24** and **26** of this ES.

3.3.31 Chapter 3 of the Marine Policy Statement sets out policy objectives for the key activities that take place in the marine environment. The following are of relevance to the Sizewell C Project:

- consideration of marine protected areas;
- energy production and infrastructure development;
- ports and shipping;
- marine dredging and disposal;
- fisheries;
- surface water management and waste water treatment and disposal; and
- tourism and recreation.

3.3.32 Due regard to these considerations has been given within **Volume 2, Chapters 9, 15, 19** and **21 to 24** of this ES.

f) National Planning Policy Framework (June 2019)

3.3.33 The National Planning Policy Framework (NPPF) (Ref 3.9) sets out the Government's planning policy at the national level, though it does not contain specific policies for nationally significant infrastructure projects. These are to be determined in accordance with the decision-making framework in the Act and relevant NPSs for major infrastructure, as well as any other matters that are relevant (which may include the NPPF). The NPPF confirms this at paragraph 5:

"The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy and may be a material consideration in preparing plans and making decisions on planning applications."

3.3.34 The Planning Practice Guidance (Ref 3.10) provides a web based guidance resource across a number of different topics, first published in 2014 to replace a number of Government Circulars, and most recently updated in October 2019.

g) Government's 25 Year Environment Plan

3.3.35 The Government published its 25 Year Environment Plan in 2018, entitled 'A Green Future: Our 25 Year Plan to Improve the Environment' (the 'Plan') (Ref. 3.11), which sets out how the Government intends to improve the natural health of the UK. It lays out the Government's ambition to protect and enhance the environment and includes the aims to embed the 'environmental net gain' principle into all forms of development, to minimise waste and reduce its environmental impacts by promoting reuse and to reduce pollution (to land, water and air).

3.3.36 The Plan sets out actions that the Government intends to take and targets for managing land sustainably, recovering nature and enhancing landscapes, improving health and wellbeing, increasing resource efficiency, reducing pollution and waste, securing clean and healthy seas and protecting and improving the global environment.

3.3.37 The requirements of the Plan, including the environmental net gain principle have been considered in the development of the Sizewell C Project proposals. Refer to **Appendices 6D to 6Y** of this volume for further information on topic specific objectives of the Plan.

3.4 Regional policy context

3.4.1 There are a number of regional policy documents which are relevant to the Sizewell C Project, and as such, have been considered within the technical assessments within this ES. These include but are not limited to:

- East Inshore and East Offshore Marine Plan (Ref. 3.12);
- Suffolk Local Transport Plan 2011–2031 (Ref. 3.13);
- Suffolk Growth Strategy 2013 (Ref. 3.14);
- Transforming Suffolk: Suffolk’s Community Strategy 2008–2028 (Ref. 3.15);
- Draft Local Industrial Strategy for Norfolk and Suffolk 2019 (Ref. 3.16);
- East Norfolk and Suffolk Economic Strategy, November 2017 (Ref. 3.17);
- Suffolk Flood Risk Management Strategy (Ref. 3.18);
- Suffolk Waste Core Strategy, March 2011 (Ref. 3.19);
- Suffolk Minerals Core Strategy, September 2008 (Ref. 3.20);
- Suffolk Minerals Site Specific Allocations DPD, September 2009 (Ref. 3.21);
- Suffolk’s Nature Strategy, 2015 (Ref. 3.22);
- Suffolk Local Biodiversity Action Plan (BAP), May 2012 (Ref. 3.23); and
- Suffolk Shoreline Management Plan (SMP7, Policy Development Zone 4: Dunwich Cliffs to Thorpeness) (Ref. 3.24).

3.4.2 Refer to **Appendices 6D to 6Y** of this volume for further information on the topic specific requirements of these regional policy documents.

3.5 Local policy context

3.5.1 Although the relevant NPSs provide the primary policy against which proposals for NSIPs should be decided, local policy documents may also be considered to be important and relevant to decision-making.

3.5.2 Furthermore, section 105 of the Planning Act 2008 requires the decision maker to have regard to any local impact reports prepared by relevant local authorities. It is anticipated that the local impact reports will rely in part on

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local policy to provide a context for their assessment. On this basis, this ES has considered current and emerging local policy documents relevant to the Sizewell C Project which are likely to inform the local impact reports prepared by the relevant local authorities and which may be relevant and important in their own right.

3.5.3 Any site-specific variations in local policies are explained in the technical assessment chapters of the main development site, provided in **Volume 2** of this ES, and the off-site associated developments, provided in **Volumes 3 to 9** of this ES.

a) **East Suffolk Council**

3.5.4 The main development site and the off-site associated development sites are located within the administrative area of East Suffolk Council (ESC), within the former district of Suffolk Coastal. ESC was created on 1 April 2019 when the former Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC) merged.

i. **Development Plan for East Suffolk**

3.5.5 The development plan for East Suffolk comprises those development plan documents that were adopted by the two former authorities. The Sizewell C DCO application site lies entirely within the former Suffolk Coastal District. The development plan documents of the former SCDC comprise:

- The Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) (Ref. 3.25);
- The Site Allocations and Area Specific Policies Development Plan Document (January 2017) (Ref. 3.26);
- The Suffolk Coastal Local Plan remaining Saved Policies – July 2018 (Ref. 3.27);
- The Area Action Plan for the Felixstowe Peninsula (January 2017) (Ref. 3.28); and
- The Leiston Neighbourhood Plan 2015-2029 (Ref. 3.29).

3.5.6 The strategies of the Local Plan may be considered important and relevant, but where these relate to generic issues, such as the protection of the environment, the relevant policy tests are those set out in the NPS.

3.5.7 Of key relevance is the Strategic Policy SP13 Nuclear Energy (of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies) which deals specifically with the Sizewell C Project.

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The policy states that decisions on the potential locations of any new nuclear power stations would be taken at national level as required by the Planning Act 2008. SCDC (now ESC) would be a statutory consultee for such a proposal and would be restricted to focus only on the nature and suitability of those proposals. Hence, the policy requires consideration of local issues without indicating any support or otherwise for the concept of nuclear power.

3.5.8 The local issues that need to be adequately addressed consist of at least the following:

- proposed layout and design;
- grid connection/power line changes;
- landscape/visual character assessment including cumulative effects;
- coastal erosion/coast protection issues;
- coastal access including the heritage coastal walk;
- ecological impacts on nearby designated sites;
- construction management;
- a sustainable procurement policy;
- transport issues such as the routing of vehicles during construction, improvements to the road system (including the A12), and use of rail and sea for access all having regard to such factors as residential amenity;
- social issues – local community issues during the long construction period and the housing of workers in the local area;
- economic impacts upon the area (including tourism) during and after construction;
- the off-site need for associated land, notably during construction;
- site decommissioning; and
- on-site storage of nuclear waste.

3.5.9 Furthermore, this ESC seeks the opportunity to maximise the potential benefits, notably in respect of:

- Opportunities to achieve renown with its associated economic benefits, e.g. a reputation as a ‘centre of nuclear excellence’.

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- The long-term implications for housing, both temporary and permanent.
- The benefits (including financial contributions) to be made available to local communities.

3.5.10 Where relevant to the EIA, this ES considers the local issues and opportunities as identified above. Refer to **Appendices 6D to 6Y** of this volume and the **Planning Statement** for further information.

iii. Suffolk Coastal Final Draft Local Plan (January 2019)

3.5.11 The Local Plan is in the process of being updated, with the Final Draft Local Plan submitted to the Secretary of State for Examination in Public on 29 March 2019. An examination took place through the summer of 2019 and the Plan is expected to be adopted in early 2020.

3.5.12 The emerging Local Plan takes a positive approach to the prospective development of Sizewell C, recognising its importance to the economic growth of the country (paragraph 3.2) and the significant opportunities that can arise from the scale of investment proposed (paragraph 3.13). This includes, for instance, a recognition that the development of Sizewell C would support the strategic growth of Saxmundham (paragraph 3.31).

3.5.13 Draft Policy Suffolk Local Coastal Plan 3.4: Proposals for Major Energy Infrastructure Projects state that the Council, in its role as consultee on NSIPs, will take into consideration the nature, scale, extent and potential impact of proposals, including cumulative impacts throughout the lifetime of the development. Specifically, the Council will consider major energy infrastructure projects against the following policy requirements:

- Relevant Neighbourhood Plan policies, strategies and visions.
- Appropriate packages of local community benefit to be provided by the developer to offset and compensate the burden and disturbance experienced by the local community for hosting major infrastructure projects.
- Community safety and cohesion impacts.
- Requirement for a robust Environmental Impact Assessment.
- Requirement for a robust Habitats Regulations Assessment.
- Requirement for robust assessment of the potential impacts on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

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- Appropriate flood and erosion defences, including the effects of climate change are incorporated into the project to protect the site during the construction, operational and decommissioning stages.
- Appropriate road and highway measures are introduced (including diversion routes) for construction, operational and commercial traffic to reduce the pressure on the local communities.
- The development and associated infrastructure proposals are to deliver positive outcomes for the local community and surrounding environment.
- Economic and community benefits where feasible are maximised through agreement of strategies in relation to employment, education and training opportunities for the local community.
- Measures to ensure the successful decommissioning and restoration of the site through appropriate landscaping is delivered to minimise and mitigate the environmental and social harm caused during operational stages of projects.
- Cumulative impacts of projects are taken into account and do not cause significant adverse impacts.
- Appropriate monitoring measures during construction, operating and decommissioning phases to ensure mitigation measures remain relevant and effective.

3.5.14 The emerging local plan contains a number of site-specific policies including policies relating to some of the proposed associated development sites.

3.5.15 Where relevant to the EIA, these local issues have been considered within this ES. Refer to **Appendices 6D to 6Y** of this volume and the **Planning Statement** for further information.

iv. [Supplementary Planning Documents and Supplementary Planning Guidance](#)

3.5.16 ESC has published Supplementary Planning Documents and Supplementary Planning Guidance on a range of issues, including conservation area appraisals for Leiston (Ref. 3.30), Darsham (Ref. 3.31) and Wickham Market (Ref. 3.32) and nature conservation (Ref. 3.33). Where relevant, these have been referred to within this ES.

b) Neighbourhood plans

3.5.17 The Localism Act 2011 introduced powers for neighbourhood plans to be prepared by local communities. Neighbourhood plans are intended to support the strategic development needs set out in the Local Plan and plan positively to support local development. A neighbourhood plan, like a Local Plan, becomes part of the statutory development plan for an area once it has been agreed by a majority at a referendum, and has legal effect once it is made (brought into legal force) by the local planning authority.

i. Leiston Neighbourhood Plan 2015–2029

3.5.18 Paragraph 2.8 of the Leiston Neighbourhood Plan 2015–2029 (Ref. 3.29) states that nuclear power matters are not ones that the Neighbourhood Plan can deal with in its policies but recognises that the decision over whether Sizewell C does proceed will influence the future of the parish. Therefore, the context provided by the Neighbourhood Plan is intended, as far as is possible, to help positively influence the outcomes for the parish, no matter what the final decision on Sizewell C. The Neighbourhood Plan also contains policies and guidance relevant to various environmental assessments within **Volume 2** of this ES.

ii. Wickham Market Neighbourhood Plan 2019 – Draft

3.5.19 Paragraph 5.5 of the Wickham Market Neighbourhood Plan notes the potential for negative impacts on the Wickham Market Parish and the importance to develop the southern park and ride of the Sizewell C Project in line with the Landscape Character Assessment developed by the Neighbourhood Plan. The relevant policies of the Wickham Market Neighbourhood Plan have been considered within **Volume 4** of this ES.

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