## Minerals and Waste Local Plan Publication Stage Representation Form

### Page 1: Suffolk Minerals and Waste Local Plan Publication Stage Representation

**Q1. Please state if you are responding:**

As an agent

**Q2. Personal Details:**

*No Response*

**Q3. Agent's Details:**

<table>
<thead>
<tr>
<th>Title</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Owain</td>
</tr>
<tr>
<td>Last Name</td>
<td>Griffiths (received via email)</td>
</tr>
<tr>
<td>Job Title</td>
<td>Director of Planning Development &amp; Regeneration</td>
</tr>
<tr>
<td>Organisation</td>
<td>GVA Grimlet Ltd</td>
</tr>
<tr>
<td>Address Line 1</td>
<td>One Kingsway</td>
</tr>
<tr>
<td>Address Line 2</td>
<td>Cardiff</td>
</tr>
<tr>
<td>Address Line 3</td>
<td>Wales</td>
</tr>
<tr>
<td>Address Line 4</td>
<td>N/A</td>
</tr>
<tr>
<td>Post Code</td>
<td>CF10 3AN</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>Hidden</td>
</tr>
<tr>
<td>Email address</td>
<td>Hidden</td>
</tr>
<tr>
<td>Name and address of the person or organisation you are acting as an agent for</td>
<td>GVA Grimlet Ltd</td>
</tr>
</tbody>
</table>

**Q4. To which part of the Local Plan does this representation relate?**

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy</td>
<td>-</td>
</tr>
<tr>
<td>Policies Map</td>
<td>Sizewell</td>
</tr>
</tbody>
</table>

**Q5. Do you consider the Local Plan is**

*No Response*
Q6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See attached representation

Q7. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

No Response

Q8. SCC Response

No Response

Q9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No Response

Q10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

No Response

Q11. Your details:

<table>
<thead>
<tr>
<th>Name</th>
<th>O Griffiths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>23 July 2018</td>
</tr>
</tbody>
</table>
Dear Sir/Madam,

Suffolk County Council
Suffolk Minerals & Waste Local Plan, Pre-submission Consultation

Representation on behalf of the NDA and Magnox Limited (Respondent Number E/110)

We are writing to you on behalf of the Nuclear Decommissioning Authority (the NDA) and Magnox Limited (Magnox), in respect of the current consultation on the Minerals & Waste Local Plan (MWLP), Submission Draft (June 2018). GVA is the appointed property advisor for the NDA and Magnox, and provides planning advice across the NDA’s UK-wide estate.

This representation is made in respect of the NDA site at Sizewell ‘A’ Nuclear Power Station Site (the Sizewell ‘A’ Site), which is operated by Magnox (the Site Licence Company) on the NDA’s behalf in order to carry out the decommissioning of the site (including waste management and, where appropriate, land remediation). Decommissioning is a long process expected to occur throughout and beyond the plan period.

Previous Representations

As you will be aware, GVA previously submitted representations on behalf of the NDA and Magnox to Suffolk County Council (SCC) at the MWLP Issues and Options consultation stage on 6th February 2017, and the Preferred Options consultation stage on 11th December 2017.

The NDA and Magnox are disappointed that the Council has not properly taken account of, acknowledged or responded to its previous representations. The NDA and Magnox represent the operator of a site proposed for allocation in the MWLP (Proposed Waste Site W1) and we feel that our clients’ input into the plan-making process should be given the appropriate weight. Our clients are best positioned to comment on the alignment of the Plan with national strategies for decommissioning and radioactive waste management, as well as the likely future requirements at the site.

Response to Pre-submission Consultation

Policy WP16

At the Preferred Options stage, we suggested a number of changes to proposed Policy WP16. These suggested changes were fully justified in GVA’s letter dated 11th December 2017; reasons included:
More accurately reflecting the site’s requirements;
More accurate alignment with national strategies for decommissioning and radioactive waste management;
Consistency with the NPPF;
Interests of clarity, and
Avoiding repetition of other policies in the Plan.

SCC has prepared a document as part of its evidence base entitled ‘Responses to Preferred Options Consultation (March 2018)’. Section 5 of this report details GVA’s comments on Policy WP16. SCC has responded by stating “Existing wording is preferred.” No changes have therefore been made to proposed Policy WP16 in the Submission Draft (June 2018) document. However, it is our view that the Council has not substantiated its reasons for not making our proposed changes. It is our view that the comments made in relation to proposed Policy WP16 in GVA’s letter dated 11th December 2017 still stand.

For clarity, we do not consider the Plan to be ‘sound’ in its current form. Policy WP16 is not consistent with the NPPF and could be better aligned with the NDA Strategy (2016), which has been recognised as national policy for radioactive waste management in the planning arena.

Paragraph 19.11 – Ecology

At the Preferred Options stage, GVA also made comments in relation to allocation W1 (Sizewell A) and the supporting text provided in Chapter 19, primarily concerning paragraphs 19.11 and 19.18. In SCC’s ‘Responses’ document, the Council have responded to this element of our representation by stating that the AONB reference will be removed from the ecology section. However, despite the intention of the Council noted in the ‘Responses’ document, this change has not been made in the Submission Draft. This appears to be a consistent issue as we have noticed at least one other instance where the Council has stated a change will be made in the ‘Responses’ document, but has not carried that intention through to the Submission Draft.

Paragraph 19.18 – Floods

The Council’s ‘Responses’ document provides no commentary on the detail provided in respect of surface water and groundwater flooding in GVA’s letter of 11th December 2017.

With regards to groundwater flooding, as previously stated Sizewell A site was raised considerably over the surrounding land when it was built, and therefore groundwater level would be expected to be well below current site ground level, and this is demonstrated to be the case by site groundwater monitoring. There is a series of groundwater monitoring boreholes at the site which show that groundwater is always well below (by more than 7m) current site ground level at Sizewell A. Even at high tide, the site is not at any risk of ground-level flooding from groundwater (time-series data during the tidal cycle are available). The “high/intermediate risk of groundwater flooding” statement at paragraph 19.18 is therefore factually incorrect.

As stated in our previous representations, the risk of surface water flooding from extreme rainfall events is also over-stated. The Environment Agency maps indicate that only a very small proportion of the site is at risk and these areas are restricted to access roads and hard standing. Magnox’s internal flood risk consultant reviewed the position in respect of surface water flooding at the site and has confirmed that surface water flooding from extreme rainfall (and indeed from local watercourses or from the sea) is not a significant risk at the site (please see Annex 1 of this letter).

Both groundwater and surface water would be assessed in more detail in respect of specific applications, as and when they arise.
<table>
<thead>
<tr>
<th>Policy / Paragraph</th>
<th>Change Requested</th>
<th>Reason</th>
<th>Legal Compliance / Soundness</th>
</tr>
</thead>
<tbody>
<tr>
<td>WP16 (paras 1 and 2)</td>
<td>Change “treatment and storage” to ‘management’.</td>
<td>More accurately reflects the on-site requirements at Sizewell A, which may not be limited to treatment or interim storage (e.g. could include disposal). The NDA Strategy refers to ‘integrated waste management’ including minimisation, reuse and recycling, waste processing, packaging, storage, records management, transport and final disposal.</td>
<td>Not consistent with national policy as the NDA Strategy is recognised as national policy for radioactive waste management in the planning arena.</td>
</tr>
<tr>
<td>WP16 (a)</td>
<td>Include national strategies for ‘decommissioning’.</td>
<td>The key document (the NDA Strategy) relates to decommissioning and remediation, as well as radioactive waste management.</td>
<td>Not consistent with national policy as the NDA Strategy is recognised as national policy for radioactive waste management in the planning arena.</td>
</tr>
<tr>
<td>WP16 (b)</td>
<td>Remove clause (b)</td>
<td>Given that the NPPF restricts the requirement to demonstrate ‘exceptional circumstances’ to major developments in respect of AONBs, it would be inappropriate, and not in accordance with the NPPF, to require such demonstration in relation to developments within an AONB which are not considered ‘major’¹.</td>
<td>Not consistent with national policy. See paragraph 116 of the NPPF.</td>
</tr>
<tr>
<td>WP16 (e)</td>
<td>Use wording ‘where practicable’ instead of “unless it is demonstrated to be economically unviable”.</td>
<td>To be consistent with the NDA Strategy (section 7.10, page 94). “Where practicable” is a term commonly used within the nuclear industry and takes into account proportionality, whereas “economically unviable” is not used and appears not to take into account proportionality.</td>
<td>Not consistent with national policy as the NDA Strategy is recognised as national policy for radioactive waste management in the planning arena.</td>
</tr>
<tr>
<td>WP16 (f)</td>
<td>Remove clause (f)</td>
<td>Policy GP4 would be applicable to the proposals in any case, so the change requested is in the interest of keeping the policy succinct.</td>
<td>Not consistent with national policy. The NPPF says plans should be succinct at paragraph 17.</td>
</tr>
<tr>
<td>19.11</td>
<td>Remove reference to AONBs under ‘Ecology’ heading.</td>
<td>AONBs are landscape designations.</td>
<td>Not consistent with national policy. The NPPF seeks to conserve landscape and</td>
</tr>
</tbody>
</table>

¹ As the Council will be aware, ‘major’ in this context does not comprise the statutory definition contained within The Town and Country Planning (Development Management Procedure) (England) Order 2015 [as amended].
**Conclusion**

While the NDA and Magnox are supportive of the proposed allocation of Sizewell A in the Submission Draft, we maintain our previous stance that certain changes are required to proposed Policy WP16 and the text included within Chapter 19 (Sizewell “A” Nuclear Power Station). Therefore, GVA would like to reiterate the importance of the comments made previously, and would refer the Council / the Inspector to our representation dated 11th December 2017 in particular.

It should be noted that our clients are disappointed with SCC’s general lack of response to our previous comments, particularly having taken the time to show representatives of SCC around the Sizewell A site in 2017.

If you require any clarity in respect of this representation, then please contact us.

Yours faithfully,

Owain Griffiths  
MRTPI MRICS  
Director of Planning Development & Regeneration  

For and on behalf of GVA Grimley Ltd

cc.  Anna Clark – NDA  
     Laura Johnson - NDA  
     Stewart Swift – NDA  
     David Loudon – NDA  
     Frank Wrigley – NDA  
     Jonathan Jenkin – NDA  
     Stephen Wilmott – Magnox Limited  
     Roger Wayford – Magnox Limited
Annex 1 – Email from Magnox Principal Consultant - Hazards

From: David K Anderson (Magnox)
Sent: 23 November 2017 13:24
To: Stephen Willmott (Magnox)
Subject: EA Flood Modelling

Stephen,

Further to our earlier conversation I can confirm that the Environment Agency general pluvial flood modelling should not be regarded as providing an accurate indication of the flooding potential on our sites (and Sizewell A in particular). The reason is that this is generalised catchment modelling based on a digital terrain model derived from LiDAR data. This model does not include an detailed representation of buildings and, further, does not include engineered drainage and cannot, therefore, produce results that are representative of reality for the locality. The EA itself states that the modelling is not adequate to quantify the risk to individual properties – precisely for these reasons.

The point about Sizewell is that the site level (~9.45m AOD) is much higher than the surrounding land (that dips down to ~0.8m AOD) and the site is profiled to assist run-off. Thus gross flooding of the site as a consequence of extreme rainfall is not possible. Another obvious point here is that the site is higher than the surrounding catchment and is not, therefore, vulnerable to run-off from surrounding land.

Regards
Dave

David Anderson
Principal Consultant – Hazards
Magnox Limited
Technical Department
Oldbury Technical Centre
Oldbury Naite
Oldbury on Severn
Bristol
BS35 1RQ

The information contained in this email may be commercially sensitive and/or legally privileged. If you have received this message in error, you are on notice of its status. Please notify the sender immediately by reply e-mail and then delete this message from your system. You must not disclose it to any other person, copy or distribute it or use it for any purpose.

Views expressed in this email are not necessarily those of Magnox Limited.

Magnox Limited is a company registered in England under Company number 2264251, owned by Cavendish Fluor Partnership Limited. Registered Office: Oldbury Technical Centre, Oldbury Naite, Thornbury, South Gloucestershire, BS35 1RQ