Dear Ms Feeney

**Suffolk Minerals and Waste Local Plan Examination**

**Attendance at Hearing Sessions**

We are writing to you on behalf of the Nuclear Decommissioning Authority (the NDA) and Magnox Limited (Magnox), in respect of the forthcoming Examination for the Minerals & Waste Local Plan (MWLP). Avison Young is the appointed property advisor for the NDA and Magnox, and provides planning advice across the NDA’s UK-wide estate.

This letter relates to 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.

**Attendance at Hearings**

The NDA and Magnox would like to confirm their intention to appear at the Hearing session relating to Waste Policies and Sites (Matter 4) currently timetabled for 25/26 June.

Whilst it is appreciated that the Examination process is based on the matters and issues that the Inspector has identified and that the hearings do not represent an opportunity to repeat a case already set out in written representations, the NDA and Magnox would like to express their concern that a number of points previously raised have not, in our view, been given due consideration by the County Council (as set out in the “Responses to Submission Draft Consultation” document, March 2019), have not been included within the Inspector’s Matters Issues and therefore remain unresolved.

The NDA and Magnox would therefore like to reiterate these important points to the Inspector at the Hearing sessions and have briefly set out below the key issues – please note these matters were primarily previously set out in full in our representation letter to the Pre-Submission Consultation.
Draft version of the Plan on 27 July 2018, in addition we have also added some small further points of related relevant clarification.

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<thead>
<tr>
<th>Policy / Paragraph</th>
<th>Change / Clarification Requested</th>
<th>Comment</th>
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<tr>
<td>Para 6.10</td>
<td>As drafted para 6.10 states that “Only if the proposal includes the importation of radioactive waste from elsewhere would it be determined by the County Council.”</td>
<td>It is our understanding that the County Council are responsible for all planning applications relating to minerals and waste in the County.</td>
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<td>WP16 (paras 1 and 2 of policy text)</td>
<td>Change “treatment and storage” to ‘management’.</td>
<td>The NDA/Magnox do not agree that on site disposal of radioactive waste is necessarily inconsistent with the preference for moving waste up the waste hierarchy. Alternative options higher up the waste hierarchy would have been examined and ruled out prior to arriving at a proposal for on-site disposal, and the Environment Agency would require demonstration of this via the site permit issued in Environmental Permitting Regulations. On-site disposal (which can take a variety of forms) is the NDA and Magnox strategy at some sites (e.g. Winfrith) and no decision has yet been made on this matter with respect to Sizewell A. Both the NDA and the Environment Agency require Magnox to investigate this option for all sites including Sizewell A. NDA’s Strategy 4 will include on-site disposal as an option for consideration and therefore it should not be precluded. The policy title and scope should therefore be extended to include disposal of radioactive waste (and should contain a presumption in favour).</td>
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<td>WP16 (para 1 of policy text)</td>
<td>Change “may be granted...” to “will be granted”.</td>
<td>Provides a more positive tone for the policy, in that planning permission will be subject to meeting criteria within the policy and the other relevant policies in the Plan. It is our view that change would ensure that the Plan is positively prepared and in line with the requirement for the presumption in favour of sustainable development as set out in the NPPF.</td>
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<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. As drafted the wording is not consistent with national policy as the NDA Strategy is recognised as national policy for radioactive waste management in the planning arena.</td>
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<td>Para 19.18 and Policy WS1(f)</td>
<td>Remove supporting text in relation to groundwater and surface water flooding and simply require applications to be accompanied by appropriate flooding and drainage assessments.</td>
<td>With regards to groundwater flooding, it should be noted that Sizewell A site was raised considerably over the surrounding land when it was built, in part because of the 1953 east coast flood event. Magnox’s groundwater monitoring shows 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 flooding from groundwater. Magnox’s groundwater monitoring demonstrates that the site is not at...</td>
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intermediate/high risk of ground-level flooding from this source.

If Suffolk’s flood team has evidence to the contrary, it should be provided. Magnox believes that not only is the stated groundwater flood risk on the Sizewell A site not supported by evidence, it is contrary to the evidence.

With regards to flooding from rainfall, whether this would occur on the Sizewell A site or not depends upon the site topography and engineered drainage capability. It is unclear what evidence the Council has which shows that the Sizewell A site engineered drainage capability is exceeded in the quoted rainfall events. If there is no evidence then the statement should be removed.

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

Yours sincerely

Matt Verlander MRTPI
Director

For and on behalf of Avison Young

cc. Frank Wigley - NDA
    Michael Hughes - NDA
    Jonathan Jenkin - NDA
    Stephen Wilmot - Magnox
    Roger Wayford - Magnox