

**APPLICATION BY NNB GENERATION COMPANY (SZC) LIMITED**

**FOR A DCO GRANTING CONSENT FOR THE SIZEWELL C PROJECT**

---

**SUMMARY OF ORAL SUBMISSIONS  
AT THE ISH 5: LANDSCAPE AND VISUAL IMPACT  
FOR  
TOGETHER AGAINST SIZEWELL C (“TASC”)**

---

**IMPACT ON SUFFOLK COAST & HEATHS AONB**

Context

1. The Secretary of State is under a statutory duty to have regard to the “purpose of conserving and enhancing the natural beauty” of the AONB by virtue of ss.85(1) and (2)(a) Countryside and Rights of Way Act 2000.
2. Moreover, as a matter of policy, Secretary of State has explained that “substantial weight” should be afforded to that objective.<sup>1</sup>
3. The AONB designation overlaps with the Heritage Coast.<sup>2</sup> This non-statutory designation highlights the qualities of the coastline which contribute towards the special qualities of the AONB.<sup>3</sup> The Promoter acknowledges a significant adverse effect on the Heritage Coast designation.<sup>4</sup>
4. As will be well known to the ExA, the views of Natural England should carry “great or considerable weight” and should their advice on nature conservation and landscape matters should only be departed from for “cogent and compelling reasons”.<sup>5</sup> Natural England say there are

---

<sup>1</sup> EN-6, para.5.9.9.

<sup>2</sup> APP-220: ES (Vol.II) Ch.13, Fig.13.1.

<sup>3</sup> REP2-153: Written Representation of Natural England – 2 June 2021, Issue 20.

<sup>4</sup> APP-216: ES (Vol.II) Ch.13, para.13.6.154 and 13.6.324.

<sup>5</sup> *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin) *per* Beatson J at [72] and *R (Mynydd y Gwynt Ltd) v SSBEIS* [2018] EWCA Civ 231 *per* Peter Jackson LJ at [8].

“fundamental reasons of principle why the project should not be permitted in its current form”.<sup>6</sup> We agree.

#### Construction Effects (Main Site)

5. The Promoter concedes that there would be “significant” adverse effects on the natural beauty indicators and special qualities of the AONB arising from the construction on the main site.<sup>7</sup>
  
6. However, the Promoter says that is tempered due to the “wider countryside especially to the west of the construction area, would continue to support the AONB’s general countryside characteristics”.<sup>8</sup> That is plainly wrong for at least three reasons:
  - a. **First**, it is wrong to point to land outside the AONB as justification for the loss of land within the AONB. Such land is by definition of lesser quality and significance as it did not merit inclusion within the AONB.
  
  - b. **Second**, and in any event, between the AONB and the “wider countryside ... to the west” is proposed to be a large construction area and site entrance hub.<sup>9</sup> It cannot rationally be said this area of land to the west of the AONB will continue to function of countryside during the construction period. Accordingly, to the extent that the “general countryside characteristics” of the land to the west could be said to compensate for the loss of land within the AONB, that will not be the case here as the wider countryside will be severed from the AONB by the heavy urban influence of a construction area.
  
  - c. **Third**, the Promoter concedes that further works in the AONB are “likely” before 2090 in order to raise the maximum crest height of the

---

<sup>6</sup> REP2-153: Written Representation – 2 June 2021.

<sup>7</sup> APP-216: ES (Vol.II) Ch.13, para.13.6.149.

<sup>8</sup> Ibid.

<sup>9</sup> APP-159: ES Non-Technical Summary, fig.5.4.

SSSI crossing to 10.5 AOD. Those further works would clearly be outside the initial 9-12 year construction period. The Promoter says those works will result in effects equivalent to the construction phrase of the development.<sup>10</sup>

7. Those factors mean the temporary effects on the AONB arising from the construction phase should weigh heavily against the grant of consent.

#### Operational Effects (Main Site)

8. The Promoter concedes there would be “significant operational effects” on the AONB during the operational phase.<sup>11</sup>
9. Perhaps uniquely, the residual effects of this Project after construction endure on the **most** sensitive effected landscape, the AONB and Heritage Coast. Needless to say, this perverse approach: to reserve the permanent adverse effects to the most important landscape, is contrary to the hierarchy of protection at paragraphs 170-171 NPPF, which requires land of lesser quality to be used before land of the highest protection, such as AONB.
10. The Promoter seeks to temper the importance of the finding of significant adverse effects on the AONB because the effects would occur “over a very limited extent of the designation”.<sup>12</sup> That is wrong both as a matter of principle and on the facts of this proposal:
  - a. **First**, the AONB enjoys the highest statutory and policy protection as a coherent whole. It was designated for its qualities and characteristics as a single unit. Thus, harm to one (not insignificant part) of the

---

<sup>10</sup> APP-216: ES (Vol.II) Ch.13, para.13.3.41.

<sup>11</sup> APP-216: ES (Vol.II) Ch.13, para.13.6.316.

<sup>12</sup> APP-216: ES (Vol.II) Ch.13, para.13.6.319.

AONB, is harm to the whole. Indeed, Natural England have advised that the scheme would “diminish the AONB as a whole”.<sup>13</sup>

b. **Second**, the acknowledged permanent harm to the AONB is in a very narrow and consequentially very sensitive section of the AONB.<sup>14</sup> What is described by Natural England its “a narrow neck”. That narrow section already accommodates the existing Sizewell site and the Galloper and Greater Gabbard substations as well as high voltage transmission lines. The Project site boundary cuts entirely across the AONB. Within that site boundary will remain:

- i. The bulk and massing of the main reactor and supporting buildings, combined with the existing development will fundamentally alter the characteristics of this narrow part of the AONB.
- ii. The highly engineered SSSI crossing access road which will serve as a permanent severance of the AONB.
- iii. The 600-space outage car park at Goose Hill.
- iv. Natural England go so far as to say this residual development would mean this part of the AONB would “primarily [be] associated with major energy generation and transmission and not natural beauty” and that the “sizeable” development site would “no longer be able to contribute to the statutory purpose”.<sup>15</sup>

c. **Third**, in no rational sense can the Project be said to fulfil the objectives of the AONB:

---

<sup>13</sup> REP2-153: Written Representation – 2 June 2021, Part II Issue 20.

<sup>14</sup> APP-220: ES (Vol.II) Ch.13, Fig.13.1.

<sup>15</sup> REP2-153: Written Representation – 2 June 2021, Part II Issue 20.

- i. The Promoter concedes it will compromise almost every one of the natural beauty and scenic quality indicators of the AONB.<sup>16</sup> Whilst the Promoter suggests there will be a positive effect on natural heritage, the Terrestrial Ecology Chapter of the ES in fact records adverse effects on the Sizewell Marshes SSSI, within and integral to the AONB.<sup>17</sup> Moreover, Natural England still has outstanding concerns with the effect on features within the SSSI, particularly the permeant loss of fen meadow habitat.<sup>18</sup>
- ii. It will introduce large scale development into an area described as being visually sensitive to new built development.<sup>19</sup>
- iii. It will introduce a significant pylon array in an area in which the existing pylons are described as having a *“substantial negative impact ... and distort the sense of scale within the landscape”*.<sup>20</sup>
- iv. The conversion of land from arable farmland to dry sandlings grassland, together with the other (largely restorative) proposals,<sup>21</sup> do not begin to outweigh the substantial residual harm. Even the Promoter cannot bring themselves to suggest that would be the case.

---

<sup>16</sup> Namely (i) Landscape quality, (ii) Scenic quality, (iii) Relative wildness, (iv) Relative tranquillity and (v) Cultural Heritage; APP-216: ES (Vol.II) Ch.13, Table 13.17, pp.147-148.

<sup>17</sup> APP-224: ES (Vol.II) Ch.14, paras.14.7.135, 14.7.158. 14.7.160.

<sup>18</sup> REP2-153: Written Representation – 2 June 2021, para.3.24.

<sup>19</sup> APP-216: ES (Vol.II) Ch.13, para.13.4.60.

<sup>20</sup> APP-216: ES (Vol.II) Ch.13, para.13.4.47.

<sup>21</sup> APP-027: SZC-SZ0701-XX-000-DRW-100141 01 (Proposed Landscape Masterplan – Doc.2.5).

11. It follows that the residual effects of the scheme will conflict with the law and policy in the following five ways:

- a. Conflict with s.85 Countryside and Rights of Way Act 2000 as it cannot be said to be **“conserving and enhancing”** the AONB.
- b. Conflict with para.5.9.9. EN-1 because it would not **“conserve the natural beauty of the landscape”**
- c. Conflict with Policy SCLP10.4 Suffolk Coastal Local Plan because it will have a **“significant adverse effect”** on the AONB.
- d. Conflicts with para.170 NPPF because it will neither **“protect and enhance”** valued landscapes.
- e. Conflicts with para.173 NPPF because it would amount to major development but would not be **“compatible with its special character”**.

12. More alarmingly is Natural England’s view that the residual cumulative effects would:

- a. Functionally remove the land of the development site from the AONB; and
- b. Functionally sever the AONB at its narrowest point, effecting both the continuity and extent over which the statutory purpose is delivered.<sup>22</sup>

13. What that advice is not so subtly saying, is that if the Project were to be consented and implemented, this land would come under pressure to be removed from the AONB altogether on a future boundary review.

14. Such a destructive result reveals that one would struggle to design a Project which caused **more** harm to the landscape.

#### Relevance of inclusion within EN-6

---

<sup>22</sup> REP2-153: Written Representation – 2 June 2021, Part II Issue 20.

15. The inclusion of a site at Sizewell in EN-6 should carry limited weight in the determination of this Project for the following reasons:

- a. The size of the site was 117ha compared with the present 370ha proposal.
- b. The site size was on the basis of a single reactor,<sup>23</sup> compared with current the twin reactor proposal.
- c. The construction period was 5 years compared with the proposed 9-12 years.
- d. The assessment expressly excluded consideration of the access road impact; indeed it says: “there is no presumption that development will take place in the area of the access road”.<sup>24</sup>
- e. The acknowledged harm (which was manifestly less than now accepted) was only seen as acceptable because it met the Government’s objective of deployment before 2025, that is plainly not the case here.<sup>25</sup>

16. When those considerations are understood, the inclusion within EN-6 provides no real support for the serious and widespread landscape harm caused by this Project.

---

<sup>23</sup> EN-6, para.3.3.1.

<sup>24</sup> EN-6 Annex C, para.C.8.69 & C.8.117.

<sup>25</sup> EN-6 Annex C, para. C.8.83.

## MAIN DEVELOPMENT SITE DESIGN CONSIDERATIONS

### Proposed Design and Effect on Sizewell B

17. TASC do not accept the design of the Project has been successful:

- a. The Promoter accepts it has **not** considered alternative reactor designs. There is no explanation for that beyond that this reactor design is approved by the Office for Nuclear Regulation.<sup>26</sup> There is no evidence the Promoter has explored alternative designs with the ONR. It is notable that the ONR has approved (or is considering) a number of alternative designs for deployment in the UK, in addition to EDF's UK European Pressure Reactor™, for example:
  - i. AP1000® (Westinghouse).
  - ii. UK Advanced Boiling Water Reactor (Hitachi-GE).
  - iii. UK HPR1000 (General Nuclear Systems) (under consideration).<sup>27</sup>
- b. The "axial alignment" showing the changing design of nuclear power stations is totally irrelevant to the AONB.
- c. It is not clear how the AONB designation was considered by the design council.
- d. The design and finish of the main buildings will be compromised by the mass of overhead cabling.

18. There would be a significant and adverse effect on the design solution of Sizewell B:

- a. It would introduce large prominent structures which would be dominant over Sizewell B. That will be particularly evident from Coastguard Cottages.<sup>28</sup>

---

<sup>26</sup> APP-159: Non-technical summary, para.3.2(b) p.8.

<sup>27</sup> <https://www.onr.org.uk/new-reactors/faq.htm#q5>.

<sup>28</sup> APP-223: fig.13.10.66.



- b. The Project would introduce far greater massing and spread of industrial development.

### **SIZEWELL LINK ROAD**

19. The link road will form a new permanent 6.8km, 60mph, carriageway running from A12 south of Yoxford to join the B1122. It will take 24 months to build.
20. It will be outside the AONB<sup>29</sup> but will fall (almost exclusively) within the Ancient Estate Claylands LCT.<sup>30</sup> A small area would be within the Special Landscape Area.
21. The promoter accepts the permanent effects would be of a “high magnitude and would result in moderate adverse effects”.<sup>31</sup>
22. That is coupled with the effects of lighting, which are assessed to be of a “high magnitude and a moderate adverse effect”<sup>32</sup> however, the Promoter suggests that to be not significant “given the relative lack of existing artificial lighting within this LCT”.<sup>33</sup>
23. We say that conclusion is perverse. As the Promoter explains “[t]he SLA is generally relatively dark with little existing light pollution”.<sup>34</sup> The External Light Pollution Map shows this to be an area of very low levels of light. ”.<sup>35</sup> If an area is not affected by artificial lighting, the introduction of a 6.8km stretch of lit road (either within and adjacent to it) is likely to be significant.
24. The link road is said by Natural England to be within the setting of the AONB.<sup>36</sup>

---

<sup>29</sup> APP-459, ES (Vol.6) Chapter 6, fig.6.1.

<sup>30</sup> APP-458, ES (Vol.6) Chapter 6, fig.6B.1

<sup>31</sup> APP-457, ES (Vol.6) Chapter 6, para.6.6.55.

<sup>32</sup> APP-457, ES (Vol.6) Chapter 6, para.6.6.57.

<sup>33</sup> Ibid.

<sup>34</sup> APP-458, ES (Vol.6) Chapter 6, Appendix 6B, para.1.4.29.

<sup>35</sup> APP-458, ES (Vol.6) Chapter 6, Appendix 6B, fig.6B.1.

<sup>36</sup> REP2-153: Written Representation – 2 June 2021, Part II Issue 20.

25. As such, policy SCLP6.3 Suffolk Coastal Local Plan is engaged and breached, because it provides that development in the setting of the AONB, development should “h) [m]inimises light pollution from artificial light sources and ensures the retention of dark skies”.

#### **SOUTHERN PARK AND RIDE**

26. This development comprises 26.4ha of predominantly agricultural land north-east of Wickham Market. It will take 12-18 months to build.

27. A small part of the development is within the Special Landscape Area, the majority lies within the Plateau Estate Farmlands.<sup>37</sup> The loss of an open agricultural field to the development is acknowledged to be a moderate adverse effect.<sup>38</sup>

28. The northern part of the site, lies in a dark area, as shown on the External Light Pollution Map.<sup>39</sup> That is acknowledged to give rise to moderate adverse effects “given the relative lack of existing artificial lighting in the vicinity of the northern part of the site”.<sup>40</sup>

29. That conflicts with policies SCLP6.4 and SCLP10.4 Suffolk Coastal Local Plan, which provides that anywhere across the plan area development should:

“Policy SCLP6.4 ...

f) Minimise[...] light pollution from artificial light sources and ensures the retention of dark skies;”

“Policy SCLP10.4 ...

“... protect and enhance the tranquillity and dark skies across the plan area.”

---

<sup>37</sup> APP-392 ES (Vol.3) Chapter 6, figs.6.1 and 6.3.

<sup>38</sup> APP-390 ES (Vol.3) Chapter 6, para.6.6.39.

<sup>39</sup> APP-391, ES (Vol.3) Chapter 6, Appendix 6B, fig.6B.1.

<sup>40</sup> APP-390 ES (Vol.3) Chapter 6, para.6.6.41.

## TWO VILLAGE BYPASS

30. The bypass will comprise a new permanent, 2.4km, 60mph, single carriageway road which will depart from the A12 south-west of Stratford St Andrew before re-joining the A12 east of Farnham. It will take 24-months to build.
31. It will fall outside the AONB but a large section would be within the Special Landscape Area. The road would run through the Rolling Estate Sandlands, Valley Meadowlands and Plateau Estate Farmlands LCTs.<sup>41</sup>
32. The assessment is of a permanent:
- a. Moderate-adverse effect on the Rolling Estate Sandlands.<sup>42</sup>
  - b. Moderate-adverse effect on the Valley Meadowlands.<sup>43</sup>
  - c. Moderate-adverse effect on the Rolling Estate Claylands.<sup>44</sup>
33. There is again an acknowledged adverse effect arising on all three LCTs from lighting.<sup>45</sup> This is within an area with very low levels of light, as shown on the External Light Pollution Map.<sup>46</sup>
34. Again, that conflicts with policies SCLP6.4 and SCLP10.4 Suffolk Coastal Local Plan, which provides that anywhere across the plan area development should:
- “Policy SCLP6.4 ...
- f) Minimise[...] light pollution from artificial light sources and ensures the retention of dark skies;”

---

<sup>41</sup> APP-424, ES (Vol.5) Chapter 6, fig. 6.3.

<sup>42</sup> APP-421, ES (Vol.5) Chapter 6, para.6.6.59.

<sup>43</sup> APP-421, ES (Vol.5) Chapter 6, para.6.6.63.

<sup>44</sup> APP-421, ES (Vol.5) Chapter 6, para.6.6.67.

<sup>45</sup> APP-421, ES (Vol.5) Chapter 6, paras.6.6.61, 6.6.65 and 6.6.69.

<sup>46</sup> APP-422, ES (Vol.5) Chapter 6, Appendix 6B, fig.6B.1.

“Policy SCLP10.4 ...

“... protect and enhance the tranquillity and dark skies across the plan area.”

**CONCLUSION**

35. TASC therefore invite the ExA to find the scheme conflicts with local and national policy as a consequence of the landscape harm, and therefore recommend to the Secretary of State that the landscape effects weigh heavily against the grant of development consent for the Sizewell C Project.

**ASHLEY BOWES**

CORNERSTONE BARRISTERS  
2-3 GRAY'S INN SQUARE  
LONDON, WC1R 5JH

XX July 2021.