

101075283

Revision 03

Marine Technical Forum

TERMS OF REFERENCE

NOT PROTECTIVELY MARKED

ESTABLISHMENT

1. The Sizewell C Marine Technical Forum (MTF) was established in 2015 to facilitate consultation on marine elements of the Sizewell C project with statutory and interested stakeholders. These updated Terms of Reference establish the MTF in its post-consent format as required by the Deed of Obligation between East Suffolk Council, Suffolk County Council and Sizewell C Limited, relating to the construction and operation of Sizewell C nuclear power station (“the Project”), Suffolk.
2. Start date: 1st January 2024
3. End date: end of decommissioning of Sizewell C, unless otherwise agreed.
4. Signatories: Sizewell C Ltd, East Suffolk Council, Marine Management Organisation, Environment Agency, Natural England.

PURPOSE

5. To inform the process of submissions to discharge Deemed Marine Licence conditions and Development Consent Order requirements that relate to the coastal and/or marine environments.
6. To provide a forum for the discharging authorities, consultees and other invited parties to review and respond to proposed applications for Conditions and Requirements to be discharged ahead of formal submission.
7. To review monitoring plans and reports and recommend any need for further monitoring and/or mitigation or cessation of monitoring.
8. To agree the need to, and approve, the release of monies from the Fish Contingency Fund to address materially new or materially different environmental effects on fish caused the Project by way of fish habitat creation and/or enhancement.

SCOPE

9. THE MTF provides a dedicated means for review and discussion of all monitoring and mitigation plans that relate to the marine environment prior to submission for approval by the discharging authority, including:
 - DCO Requirement 12 – Coastal Processes Monitoring and Mitigation Plan (Terrestrial)

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- DCO Requirement 19 – Design details of Marine Infrastructure
- DCO Requirement 29 – Removal and Reinstatement, where this relates to Work No. 1A(aa) (temporary marine bulk import facility) and Work No. 1A(ii) (temporary desalination plant).
- DML Condition 14 – Coastal Processes Monitoring and Mitigation Plan (Marine)
- DML Condition 36 – Beach Landing Facility and Temporary Marine Bulk Import Facility
- DML Condition 37 – Soft Coastal Defence Feature Construction Method Statement
- DML Condition 38 – Combined Drainage Outfall Construction Method Statement
- DML Condition 39 – *Sabellaria* Reef Monitoring and Management Plan
- DML Condition 41 – Cooling Water Intake, Outfall and Fish Recovery and Return System Design Details
- DML Condition 42 – Cooling Water Intake and Outfall Construction Method Statement
- DML Condition 44 – Fish Impingement and Entrainment Monitoring Plan
- DML Condition 45 – Smelt Monitoring and Mitigation Plan
- DML Condition 46 – Desalination Plant design and Construction Method Statement
- DML Condition 46 – Temporary Desalination Plant (intake, outfall, and headworks)
- Deed of Obligation – Fish Contingency Fund
- Any relevant subsequent Requirements or Conditions in the event of any variations to consents.
- Any subsequent separate Marine Licence application material for Sizewell C, as necessary.

CHAIR AND MEMBERSHIP

10. The MTF will be chaired by an independent and impartial Chairperson who has experience of regulatory matters in the marine environment. The Chairperson will be appointed by Sizewell C Ltd with the approval and confidence

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of the MTF core members. The Chairperson will contribute to technical and management discussions and will be able to vote in relation to the Fish Contingency Fund.

11. Secretariat will be provided by Sizewell C Ltd. The Secretariat will provide administrative support to Sizewell C Ltd and the Chairperson, making meeting arrangements, circulating agendas and reports, taking and issuing minutes and any other similar activities required to ensure the smooth running of the MTF. The Secretariat will not have voting rights.
12. The MTF will comprise Core members and Participating members.
13. Core members include Sizewell C and statutory stakeholders and organisations with legal authority for marine issues, and are:
 - Sizewell C Limited,
 - East Suffolk Council,
 - Marine Management Organisation,
 - Environment Agency, and
 - Natural England.
14. Core member organisations each have one vote when voting in relation to the Fish Contingency Fund.
15. Core members can nominate representatives from within their organisation for attendance at their discretion based on the business of the meeting.
16. Attendance by core members is non-statutory and chargeable under the respective financial arrangements for their organisation. Members will determine attendance from their respective organisations as appropriate to reflect this.
17. Participation of Core members within the MTF does not affect any organisation's statutory role and statements made at the MTF are made without prejudice to that role.

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18. Participating members are non-statutory stakeholders that have a relevant interest in certain marine topics or activities of the Project. Attendance of Participating members at any given meeting is at the invitation of the Chairperson with the approval of the Core members. Participating members may include:

- Eastern Inshore Fisheries and Conservation Authority,
- Royal Society for the Protection of Birds,
- Sizewell B,
- Suffolk County Council,
- Suffolk Wildlife Trust,
- any other organisation agreed by the core members and Chairperson.

19. Participating members have no voting rights.

20. The Chairperson and all Core members must be present, or their absence agreed in advance, for a meeting to be quorate.

21. Core members should use reasonable endeavours to attend and not unreasonably decline attendance.

22. Where Core members are unable to attend they are invited to provide written representations ahead of the meeting.

MARINE TECHNICAL WORKING GROUP

23. Prior to construction of activities in the marine environment commencing, Sizewell C Ltd will establish a Marine Technical Working Group (MTWG). The MTWG will be internal to Sizewell C Ltd and will operate under its own Terms of Reference, meeting monthly to discuss and manage marine matters at Sizewell C construction site and identify issues for escalation to the MTF.

MEETINGS

24. Sizewell C Ltd will provide a draft 12-month look-ahead for meetings, and their likely content, at the start of each calendar year for dates to be agreed with MTF members to facilitate planning, resourcing and attendance.

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25. In addition, a forward plan for release of technical reports will be released and reviewed quarterly to allow resourcing of technical experts.
26. As a minimum, meetings should take place every three months, unless otherwise agreed by the core members.
27. Engagement will follow the terms outlined below:
 - Agenda and Papers are to be circulated by the Secretariat not less than 10 working days prior to the meeting date.
 - MTF members will respond to complex information (i.e. technical reports) within 20 working days of receipt.
 - Draft Minutes are to be circulated by the Secretariat within 5 working days of the meeting.
 - MTF members will review, amend and/or approve the draft minutes within 10 working days of receipt.
 - Approved minutes to be circulated by the Secretariat within 20 working days of the meeting.
 - It is accepted that on a largescale project like Sizewell C it may not be possible to adhere to these timelines and all MTF members will use reasonable endeavours to meet any exceptional timeframes.
28. The Secretariat will record all issues raised during a meeting, whether they were addressed and, if not, the plan for resolution. Where a question has not been able to be answered satisfactorily during a meeting, Sizewell C Ltd will follow-up with a notification to all MTF members within a timescale agreed at the meeting.
29. The MTF will work to encourage unanimous agreement wherever possible and each organisation to confirm its position in writing.
30. MTF members are expected to engage fully in discussions and provide feedback as requested.
31. The Chairperson will produce an Annual Report for release no later than 10 December each year. The Chairperson's Annual Report will be issued to the Environment Review Group to allow review of MTF effectiveness, efficiency and for ERG to keep apprised of developments.

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NOT PROTECTIVELY MARKED**SHORELINE MANAGEMENT ARRANGEMENTS**

32. Prior to construction works of the sea defences or other marine infrastructure, if agreement can be found with Sizewell B, the existing Sizewell B Shoreline Management Group will be merged with the Sizewell C MTF, with the working arrangements to be confirmed. If agreement with Sizewell B cannot be found, Sizewell C Ltd will work with Sizewell B to develop working arrangements such that coastal management arrangements are complimentary, data are shared and that transparent reporting between sites is facilitated.

PUBLICATION OF MTF MATERIAL

33. Pursuant to Schedule 1 (Article 7) of the Deed of Obligation, East Suffolk Council will host an online publication portal that shall provide access to publicly available information including approved documents; discharging details for Requirements; approved notes of MTF meetings; public information requests; and the publication of spent contributions under the Deed of Obligation.
34. Subject to nuclear safety or commercial sensitivity, to be determined by Sizewell C Ltd, all monitoring reports reviewed by the MTF in the course of discharging Marine Licence Conditions and DCO Requirements will be made available to the public.
35. For DCO Requirements 12 and 19 specifically, where East Suffolk Council will necessarily release submitted material into the public domain, East Suffolk Council will assimilate public and member feedback that it agrees with into its own response to the MTF, acknowledging the parties that have contributed if possible. Feedback supplied must be relevant to Requirement 12 and 19 and the receptors described.
36. Where bilateral engagement has taken place between Sizewell C Ltd and other MTF members, Sizewell C Ltd will share the relevant outcome and/or advice with the MTF for transparency.

RELEASE OF FUNDS FROM THE FISH CONTINGENCY FUND

37. Pursuant to Paragraph 9.4 of Schedule 11 (Natural Environment) of the Deed of Obligation, the MTF is responsible for instructing the release of monies from the Fish Contingency Fund (FCF). The FCF comprises a total of £750,000 of which a maximum £250,000 can be used for mitigation of impacts on smelt and migratory fish.
38. The decision to release monies from the FCF will be based upon interrogation of the monitoring results from the Smelt Monitoring Plan (SMP; pursuant to DML Condition 45) and the Fish Impingement and Entrainment

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Monitoring Plan (FIEMP; pursuant to DML Condition 44) which will define thresholds for the potential need for mitigation.

39. Where monitoring plan thresholds are exceeded, Sizewell C Ltd will, in discussion with MTF members, propose a suitable mitigation scheme for approval by MTF members.
40. Release of all, or part, of the FCF and approval of accompanying scheme proposal(s) will be decided by a vote of core members determined by majority decision.

RESOLUTION PROCESS

41. Any core member can request the Chairperson to refer any matter that cannot be resolved to the Environment Review Group (ERG) for escalation.
42. Where matters related to Marine Licencing, the MTF or the marine environment are tabled for discussion at ERG, the ERG will not be considered quorate without the MMO being present.
43. Discussions held or decisions made by the ERG do not affect any organisation's statutory role and statements made at the ERG are made without prejudice to that role.

AMENDMENTS

44. Amendments to these Terms of Reference can be proposed by any core member and made by unanimous agreement of the core members.

Contact details for each organisation (updated as required and to be reviewed January each year)

Sizewell C:	marine.sizewell@sizewellc.com
East Suffolk Council:	CoastalManagement@eastsuffolk.gov.uk
Marine Management Organisation:	Laura.Calvert@marinemanagement.org.uk
Environment Agency:	SizewellCINN@environment-agency.gov.uk
Natural England:	Adam.Chambers@naturalengland.org.uk
EIFCA:	JudithStoutt@eastern-ifca.gov.uk
RSPB:	Adam.Rowlands@rspb.org.uk
Sizewell B:	Mark.Halpin@edf-energy.com
SWT:	Ben.Mcfarland@suffolkwildlifetrust.org