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Your Ref:  
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Date: 4 February 2012

Dear Ms Fulcher

### **Sizewell C Joint Local Authority Group**

Thank you for your letter of 26 January 2013, regarding the Sizewell C Joint Local Authority Group (JLAG).

My colleagues and I have met jointly with officers from Suffolk Coastal District Council (SCDC), Suffolk County Council and EDF Energy on two occasions so far, to discuss the application process. Notes of both these meetings have been published on our Sizewell C project page on the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/projects/eastern/sizewell-c-new-nuclear-power-station/>

I and a colleague have also given advice to Councillors, officers and a local MP at Suffolk Coastal District Council Offices, again focussing on the application process.

The Planning Inspectorate's role before an application is submitted is to provide impartial advice to developers, members of the public, local authorities and others such as campaign groups, about the application process.

With this in mind, I would be happy to meet directly with representatives of Suffolk Coastal FOE for an informal discussion about the process and how to engage with it at different stages. Discussion of the merits of the scheme is for the examination stage. We have to be extremely careful not to prejudice the ability of the Examining Authority to properly and impartially examine the application, if an application is made and accepted for examination. Perhaps you could call me if you think this would be helpful and we can discuss this further.

### **JLAG**

Generally, we encourage local authorities to work together to share resources and reduce costs if they can. As such, in principle we support the joint working that is being undertaken by the Suffolk authorities. It is for those authorities to decide their own working arrangements, schemes of delegation and how communities are represented in terms of the political make-up of JLAG. The Planning Inspectorate is not in a position to comment on

this. You can make your concerns known to the local authorities via their formal complaints procedures in the first instance. You indicated in your letter that you have already done this. The Councils will be able to advise you about how to escalate any complaint to the Local Government Ombudsman if you are not satisfied with their response.

Any consultation activities undertaken by JLAG have no direct bearing on the decision by the Planning Inspectorate as to whether or not the application can be accepted for examination, when it is submitted. Only the developer's consultation is assessed against the requirements of the Planning Act 2008 (The Act) and the relevant secondary legislation. However, without wishing to comment directly about the activities of JLAG, it is not uncommon in my experience for local authorities to set up working groups in the way you have described, in order to inform their own corporate view on different aspects of the proposal. The fact that you were not chosen to take part does not preclude you from making comments about the proposal directly to the developer at the pre application stage.

### **Statement of Community Consultation**

The Act sets down duties that the developer must fulfil, including consulting local authorities about the content of the Statement of Community Consultation (SoCC). The Act does not require developers to consult other organisations or the wider community about the SoCC. There is no obligation on local authorities to consult the local community about how they wanted to be consulted. Local authorities are not required to comment on the SoCC, but if they do make comments on it the developer must have regard to them.

The Act requires that a summary of the SoCC and details about where the public can inspect a full copy of it are published in a local newspaper. I understand a copy of the SoCC in respect of the Sizewell C proposal can be found on EDF Energy's Sizewell C consultation website and also on the Councils' respective websites.

Once the application is submitted to the Planning Inspectorate we invite the relevant local authorities to send us their views about the adequacy of the consultation undertaken by the developer and in particular, for the Councils to comment on the extent to which the developer has complied with the commitments set out in the SoCC. The Planning Inspectorate is not bound by the views of the local authorities, but must have regard to them in deciding whether or not to accept the application for examination.

### **The corporate view of the Local Authorities about the proposal**

A local authority is at liberty to form its own corporate view about whether or not it supports the principle of the proposed development. As a democratically elected body it is of course answerable to the electorate.

It is for the relevant local authorities, if they so wish, to prepare a Local Impact Report and make written representations during an examination, where they may express their views in support (or not) of the proposals. However, it is for the Examining Authority appointed by the Secretary of State to consider **all** relevant and important matters, before making a recommendation to the relevant Secretary of State.

I hope I have been able to shed some light on the pre application stage for you. I would reiterate that your views about EDF Energy's proposals need to be made directly to them at this stage and it is not necessary for FOE or any other individual or organisation to be part of JLAG. In preparing their application for submission to the Planning Inspectorate the applicant (EDF) is under a duty to have regard to the comments made to them. We will be

checking their application documentation, in particular the Consultation Report, to verify they have complied with this duty.

I have copied this letter to EDF Energy and the Councils and will publish it on our website as advice under section 51 of the Act. This will ensure that everyone concerned is aware of the Planning Inspectorate's position in respect of the matters you have raised.

Yours sincerely

*Mark Wilson*

Mark Wilson  
Principal Case Manger

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Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.