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The Applicant, Statutory Parties and
Interested Parties

Your Ref:

Our Ref: EN010012

Date: 24 November 2020

Dear Sir/Madam

Planning Act 2008 (as amended)

Application by NNB Generation Company (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project

Procedural decision regarding Additional Submissions and other matters

Following the acceptance of the above application the Examining Authority (ExA) made a Procedural Decision on 23 October 2020 [[PD-005](#)] to request updated documents and clarification of various matters from the Applicant. The ExA also responded [[PD-006](#)] to the Applicant's letter of 6 October 2020 providing notification of proposed changes to the application and the intention to submit additional and revised information prior to the start of the Examination [[AS-004](#)].

The Applicant submitted correspondence on 16 November 2020 in response to these Procedural Decisions. The cover letter provided by the Applicant outlines the revised documents submitted in response to the matters raised. The ExA has today made a Procedural Decision to accept the following documents:

- Cover Letter [[AS-006](#)]
- Draft Development Consent Order Signposting Document [[AS-007](#)]
- Navigation Document [[AS-008](#)]
- Statement of Reasons Appendix B: Status of Negotiations with Owners of the Order Land [[AS-009](#)]
- Statement of Reasons Appendix C: Status of Negotiations with Statutory Undertakers [[AS-010](#)]
- Funding Statement Addendum [[AS-011](#)]
- Planning Statement Appendix 8.4J Addendum: Update on Section 106 Agreement [[AS-012](#)]
- Updated Access and Right of Way Plans [[AS-013](#)]
- Draft Development Consent Order Addendum: Proposed Changes to Draft Development Consent Order (DCO) Schedules [[AS-014](#)]
- Environmental Statement, Volume 2, Main Development Site, Chapter 12 Air Quality, Figures 12.1 – 12.2 [[AS-015](#)]

- Environmental Statement, Volume 10, Project-wide, Cumulative and Transboundary Effects Appendices 2A-2B [[AS-016](#)]
- Transport Assessment [[AS-017](#)]
- Main Development Site Flood Risk Assessment [[AS-018](#)]
- Sustainability Statement Addendum [[AS-019](#)]
- Reports Referenced in the Environmental Statement [[AS-020](#)]
- Additional Ecology Baseline Survey Reports [[AS-021](#)] [[AS-022](#)]

However, the ExA seeks clarification from the Applicant of the following points relating to the various Updates set out in Section 6 of the Notification of Proposed Project Changes [[AS-005](#)] which accompanied the letter of 6 October 2020:

- The ExA notes that the RHDHV, 2015. Sizewell C - overtopping comparison calculation on design profile (with beach erosion) report has been submitted, however Update 8 refers to the RHDHV, 2019. Sizewell C - overtopping comparison calculation on design profile (with beach erosion) report. Please can the Applicant confirm if the correct version of this report has been submitted.
- In relation to the provision of outstanding referenced reports (Update 8), there would appear to be one report missing from the Additional Submissions list, namely, CEFAS 2014 BEEMS Technical Report TR319 Edition 1: Derivation of extreme waves and surge and initial results of coastal wave model. The Applicant is requested to either provide this report or confirm that the superseded report is no longer referenced in the other submitted documents.
- Although the Applicant's cover letter summarises in Section 5 the additional information and reports enclosed with that letter, it does not identify which of those additional submissions relate to which Updates referred to in the Notification of Proposed Project Changes and those Updates which remain outstanding. The ExA's Procedural Decision [[PD-006](#)] requested the Applicant, amongst other things, to explain fully its position as regards the timing of the provision of the additional submissions. The Applicant is therefore requested to identify those Updates, if any, which remain outstanding and to set out its proposed submission dates for that information.
- The ExA notes that the Applicant has submitted a "Planning Statement Appendix 8.4J Addendum: Update on Section 106 Agreement". However the ExA's Procedural Decision [[PD-005](#)] asked for the draft Section 106 Agreement to be submitted. This is a document of equal importance to the draft DCO. Please will the Applicant submit the current stage of the drafting.
- The Applicant makes reference in the Planning Statement Appendix to the Hinkley Point C Section 106 Agreement (e.g. Appendix A paragraph 2, Appendix B paragraph 2). Please will the Applicant submit this document as executed to the Examination.

The ExA requests that the clarification and documentation sought be submitted **by 23:59 on Tuesday 8 December 2020**.

The ExA has also made a Procedural Decision to accept Additional Submissions from the following:

- Mike Taylor (correspondence dated 27 October, 18 November and 20 November 2020) [[AS-027](#)]
- Alison Downes, Stop Sizewell C [[AS-023](#)]
- Clive Tickner [[AS-024](#)]
- Nick Scarr [[AS-028](#)]
- Ridley Burnett, Southwold and Reydon Society [[AS-029](#)]
- Jennifer Wilson [[AS-026](#)]
- Cllr Craig Rivett, East Suffolk Council and Cllr Richard Rout, Suffolk County Council [[AS-025](#)]
- Sarah Morgan [[AS-030](#)]

All these Additional Submissions have been published on the project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/?ipcsection=overview>

The Applicant's public consultation on the proposed changes

The Applicant has confirmed that it is carrying out a public consultation on the proposed changes between 18 November 2020 to 18 December 2020. Interested Parties are reminded that all responses to the consultation should be sent to the Applicant who can be contacted at:

- Email: info@sizewellc.co.uk
- Telephone: 0800 197 6102 (Freephone number)

As indicated in the ExA's letter of 23 October 2020 [[PD-006](#)], the Applicant's Consultation Report to be submitted as part of any formal change request should, amongst other things, append as an Annex the consultation responses received. The ExA therefore advises that any response to the proposed change request should be sent directly to the Applicant so that it can be included in the Consultation Report and subsequently considered by the ExA.

Timing of the Examination and submission of Written Representations

The Applicant has set out in Section 5 of the Notification of Proposed Project Changes indicative programme dates in relation to the steps in Figure 1 of AN16. On the assumption that the documentation and formal change request is submitted in line with those dates the ExA proposes that the Preliminary Meeting (PM) should not be held until after the steps 1 to 4 in Figure 1 have been taken i.e. February/March 2021. As such the ExA will be able to include information about the material change request in the Rule 6¹ letter inviting people to the PM and direct Interested Parties to the information provided by the Applicant about the material change request. It will also allow the ExA to take account of the request in the draft Examination Timetable and include time for discussion about the materiality of the proposed changes and the examination of the proposed changes in the draft PM agenda. This would enable all Interested Parties to be fully informed before the PM and to facilitate a focussed discussion about how a changed application, if accepted, might be examined.

¹ Rule 6 of The Infrastructure Planning (Examination Procedure) Rules 2010

After the PM the ExA will send a letter setting out the decisions the ExA has made about the requested changes and how the application will be examined and the Examination Timetable to everyone who was invited to the Meeting. The Timetable will include a Deadline for the submission of Written Representations, including representations in response to:

- the Additional Submissions accepted at the discretion of the ExA; and
- any formal change to the application accepted by the ExA.

The ExA also notes that it has discretion, under section 89 of the Planning Act 2008, to accept Written Representations from persons who are not registered Interested Parties² and, taking account of natural justice, would carefully consider exercising this discretion in the circumstances of this case. Similarly, if a person has not registered as an Interested Party and wishes to speak at a hearing, it is also at the discretion of the ExA whether or not to allow this³. If the hearing is busy, Interested Parties will be given priority over others.

The ExA also confirms that people who have a legal interest in land affected by the application that have not previously been identified by the Applicant can make a request to the Examining Authority to become an Interested Party under section 102A of the Planning Act 2008 by providing details of their legal interest in the land. [A form is available](#) on the project page of the National Infrastructure Planning website to allow such persons to do this.

In addition the ExA requests that the Applicant, when they become aware that there has been a change of ownership or new interest in land, make the relevant persons aware that they can make a request to the ExA to become an Interested Party and that this can be done by filling in the relevant form on the project page of the National Infrastructure Planning website. Confirmation that such persons have been informed of their right to request to become an Interested Party should be provided with any Schedule of Changes to the Book of Reference submitted during the Examination.

Other matters

Headings in the Environmental Statement

Some of the documents in the Environmental Statement are extremely long, or cover multiple aspects of a large subject. Within them, there are headings, sub-headings, sub-sub-headings and so on. However not all the headings are numbered or lettered. The headings are not integrated into the decimal numbering system of the paragraphs which makes it difficult and time-consuming to be sure under which heading a particular sub-heading sits. To take an example, the Marine Ecology and Fisheries chapter [[APP-317](#)] is 693 pages long. Within that, the Fish ecology section is 209 pages long and contains 861 consecutively numbered paragraphs (22.8.1 – 22.8.861). They are broken up by headings some (but not all) of which are lettered, or have Roman numbers and some of which have different typefaces. Will the Applicant please supply a revised version, in clean and track change, of the Chapters listed in the Annex to this Procedural Decision with a numbering or lettering system which links each sub-heading to the heading under which it sits in the hierarchy,

² See Rule 10(3) of The Infrastructure Planning (Examination Procedure) Rules 2010

³ See Rule 14(10) of The Infrastructure Planning (Examination Procedure) Rules 2010

without disturbing the existing system. The ExA's suggested lettering system is described in the Annex.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided in this letter.

Yours faithfully

Wendy McKay

Wendy McKay
Lead member of the Panel of Examining Inspectors

Annex

Headings in the Environmental Statement

For the reasons stated in the section of this Procedural Decision titled **Headings in the Environmental Statement** the ExA requests that the Applicant supplies a revised version, in clean and in track change, of the Chapters listed below with a numbering or lettering system which links each sub-heading to the heading under which it sits in the hierarchy, without disturbing the existing system which should remain in place, and preferably without affecting the page numbers.

The ExA suggests a lettering system as follows:

Section heading – assessment	as at present, for example, 22.8 – Fish ecology
Main heading	A.
Sub-heading	A.a
Sub-sub-heading	A.a.a
Next sub-sub-heading	A.a.b
Next sub-sub-sub-heading	A.a.b.a
Next sub-heading	A.b
Next Main heading	B
Next sub-heading	B.a

And so on. If there are more than 26 of a level of heading, then when z is reached use aa, ab – az, ba, and so on. If the Applicant has any questions, please discuss them with the Case Manager.

Please will the Applicant do this for the following Chapters: Main site terrestrial ecology [[APP-224](#)]; Marine Water Quality [[APP-314](#)]; Marine ecology [[APP-317](#)].

In each case it would be appreciated if an index with hyperlinks to each heading could be added. The ExA suggests this is placed at the last page of the Chapter so as to avoid disturbing the existing page numbering.

The Applicant's attention is also drawn to para 21.6.191 of [[APP-314](#)] where the heading number jumps to vii – Fish recovery and return, from iv – cooling water discharges, making it difficult to follow.

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