

Planning Inspectorate  
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By email only

18th December 2020

**The Sizewell C Project Development Consent Order Application**  
**Planning Inspectorate Reference: EN010012**

The RSPB and Suffolk Wildlife Trust (SWT) wrote to the Planning Inspectorate (PINS) in May 2020<sup>1</sup> to express our concerns relating to the adequacy of the DCO Application for the Sizewell C project.

We were very concerned that critical environmental information was missing or inadequate and the information submitted would not be sufficient to fully and robustly assess all possible impacts of the application on neighbouring designated conservation sites and their habitats and species as well as biodiversity in the surrounding area more generally.

The Application was accepted for Examination on 24 June 2020 and registration of Interested Parties closed on 30 September. Our Relevant Representations [RR-1059 (RSPB) and RR-1180 (SWT)] restated our concerns about several potential environmental impacts where critical underpinning evidence was missing or inadequate meaning it is not possible to properly assess the Application and all its potential impacts on protected sites and species and biodiversity in the surrounding area.

We also note that a key document relating to Sizewell Marshes SSSI water quality has been removed from the DCO submission: 'Volume 2 Main Development Site Chapter 18 Geology and Land Quality Appendix F of Appendix 18A - Ground Investigation on Sizewell C Construction Site Area and Associated Development'. We are concerned how the Applicant will ensure water quality to the SSSI will not be affected, now that this document has been removed.

The Examining Authority's Initial Assessment of the Principal Issues<sup>2</sup> for the Sizewell C project published on 23 October 2020 had regard to consideration by the Examining Authority of the Application documents and of Relevant Representations received in respect of them.

As you are aware the Applicant is currently carrying out a public consultation on proposed changes between 18 November 2020 and 18 December 2020. We believe the need for this additional consultation on proposed changes following the Application confirms our concerns regarding the adequacy of the DCO Application, as raised in our previous letter to PINS<sup>3</sup>. The additional material being consulted on contains some significant changes to the DCO Application, and we are again concerned about the lack of detail in the underpinning evidence for several potential environmental

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<sup>1</sup> Concerns relating to likely adequacy of application documentation. Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-Advice-00133-1-RSPB%20SWT%20letter%20to%20PINS%20re%20SzC.pdf>

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-002500-Sizewell%20C%20Initial%20Assessment%20of%20Principal%20Issues.pdf>

<sup>3</sup> Concerns relating to likely adequacy of application documentation. Available at <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-Advice-00133-1-RSPB%20SWT%20letter%20to%20PINS%20re%20SzC.pdf>

impacts. These details are required to enable review of the relative environmental impacts of the proposed changes and the DCO Application.

We understand a formal change Application arising from consideration of consultation responses and significant additional impact assessments will be submitted to the Planning Inspectorate in January 2021. We do not believe that there is sufficient time in the process for the Applicant to adequately consider the responses received and incorporate these into the revised detailed information that is expected to accompany its change Application in January. We are also concerned about the timescales for further modelling and assessment work to be conducted by the Applicant (as set out in its consultation document) and for statutory and non-statutory consultees to adequately review and respond to the significant additional impact assessments that will be provided at this time. We are therefore concerned that there is insufficient time available to conduct this process to an appropriate standard and that PINS and Interested Parties will not have adequate information to assess the Application at the start of the Examination.

We have concerns over the adequacy of the change consultation to inform PINS' further assessment of principal issues and the agenda for the Preliminary Meeting and to inform Interested Parties to facilitate a focussed discussion about how a changed Application might be examined.

The Environment Agency, Marine Management Organisation and Natural England raised significant concerns around missing information in the pre-application consultations and the challenge of the proposed timelines for Sizewell C with PINS<sup>4</sup> before submission of the DCO application and echoed the concerns in our original letter.

#### Procedural Requirements

We are concerned that the change application does not meet the requirements of PINS Advice Note 16<sup>5</sup> which states at Section 1.3

*The justification for making a material change after an application has been accepted for examination must be robust and there should be good reasons as to why the matters driving the change were not identified and dealt with proactively at the Pre-application stage.*

We are also concerned that the additional consultation does not meet the requirements of PINS Advice note 7<sup>6</sup> section 8, to provide enough Preliminary Environmental Information to enable consultees to understand the likely environmental effects of the Proposed Development to inform their consultation responses.

In addition, we are also concerned that the additional consultation does not contain sufficient detail to meet the requirements of PINS further advice notes as follows:

AN16 Section 4, Figure 3f

*If the proposed change results in any new or different likely significant environmental effects, provision of other environmental information and confirmation that:*

*i. the effects have been adequately assessed and that the environmental information has been subject to publicity. Whilst not statutorily required, the publicity should reflect the requirements of*

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<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-Advice-00065-1-200120 Sizewell C DEFRA group meeting draft note.pdf>

<sup>5</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>

<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf>

*The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations);*

AN16 Section 6.4

*If an applicant wishes to proceed with a request in advance of the Preliminary Meeting, as much information as possible (see (a) to (g) of Figure 3) should be provided with the request;*

AN16 Section 6.5 advises that all Interested Parties be fully informed before the Preliminary Meeting to facilitate a focussed discussion about how a changed application might be examined; and

AN 8.3<sup>7</sup>, for Interested Parties to be fully informed to influence how the application will be Examined at the Preliminary Meeting.

We are therefore writing to respectfully request that:

- the change Application is carefully considered to ensure that all the necessary information and evidence to inform the required environmental assessments is included, and if this should not be the case, acceptance of the change Application is declined until such information has been provided; and
- there is sufficient time for the statutory and non-statutory consultees to adequately review and respond to the significant additional impact assessments that will be provided in January 2021

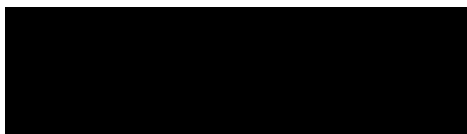
to fulfil consultation requirements and ensure the Examining Authority has all the necessary information before it.

Should you wish to discuss any of the issues raised in this letter with us in further detail please do not hesitate to contact [valerie.wheeler@rspb.org.uk](mailto:valerie.wheeler@rspb.org.uk), [jacqui.miller@rspb.org.uk](mailto:jacqui.miller@rspb.org.uk), [adam.rowlands@rspb.org.uk](mailto:adam.rowlands@rspb.org.uk) or [ben.mcfarland@suffolkwildlifetrust.org](mailto:ben.mcfarland@suffolkwildlifetrust.org).

Yours faithfully



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<sup>7</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/06/Advice-note-8-3v4.pdf>