



Planning Inspectorate - sizewellc@planninginspectorate.gov.uk
By email only

RSPB PINs Ref: 20026628
SWT PINs Ref: 20026359

7th April 2021

Dear Madam,

**Re: The Sizewell C Project Development Consent Order Application, PINs Reference: EN010012
Response for Procedural Deadline B**

Thank you for the Preliminary Meeting and this further chance to respond to other parties written and oral submissions on procedural matters.

In addition to our Response to the Rule 6 letter/Procedural Deadline A response and points made orally during the Preliminary meeting, we wish to make a few additional points/

First, we thought it would be useful to briefly set out the points made orally:

1. Integration of information – we supported both East Suffolk and Suffolk County Councils' request for all relevant information to be integrated into one set of application documents. We are grateful to EDF for agreeing to provide a signposting document including for the Environmental Statement (ES) and the Change Application ES Addenda (should that Application be approved) ensuring clarity for all on which parts of the ES are no longer relevant.
2. The Initial Statement of Common Ground (SoCG) - we raised the issue of the deadline for the Initial SoCG being so close to the Examining Authority's proposed deadline for determining the Change Application and suggested further time should be allowed so that the Initial SoCG can reflect those changes should they be accepted.

We also agreed to discuss with both Friends of the Earth and the Applicant the suggestion for expanding our SoCG to include Friends of the Earth. We have now discussed and agree with both parties that expanding the SoCG to include Friends of the Earth would not be possible since, although we have no fundamental differences with Friends of the Earth's objections and concerns, our SoCG needs to cover further issues.

3. Site Visits - we suggested that actual routes are proposed for the Examining Authority's site visits (both accompanied and unaccompanied). The Applicant has helpfully been in touch already to discuss and we will be responding to their proposed site itineraries to be submitted as part of Procedural Deadline B.

The Examiners' Initial Assessment of the Principal Issues - Annex C

We refer back to our detailed comments in our Rule 6 Response and wish to add that we welcome the confirmation that coastal processes will be considered as a Principal Issue.

Draft Development Consent Order – as mentioned in our Rule 6 Response, we welcome the inclusion of all other regulatory approvals and environmental permits as well as s.106 agreements and other obligations and agreements within this topic.

In addition we support the Environment Agency's comments made during the Preliminary Hearing about the possibility of there being a requirement for an Article 4.7 derogation under the Water Framework Directive due to the impacts of the SSSI crossing and also the Environment Agency's point regarding the importance of the cooling water system and issues relating to marine ecology and Water Framework Directive compliance.

The Applicant's proposed changes to the Application – Annex B

In addition to the points made in our Rule 6 response, we wanted to support the Environment Agency and others highlighting the time required to assess the modelling of the proposed changes to the Beach Landing Facilities and coastal defences. We also support the Environment Agency raising the issue that the proposals for the Beach Landing Facility in the Change Application are different to those in the Change consultation and that the design details for the Soft Coastal Defence Feature were lacking in the Change consultation.

We believe the absence of detail regarding the proposed changes makes it very challenging to assess their potential impacts (as set out in more detail in our Change Consultation Response). The approach to the coastal defences has the potential to influence the neighbouring frontage of our RSPB Minsmere reserve and the Minsmere – Walberswick protected site, so the detail of these changes is of great importance.

Draft Examination Timetable – Annex D, Rule 6 Letter

We do need to repeat our concerns about the amount of information involved and potential for further additional information to be introduced and our support of other parties' comments on insufficient time being available. As Interested Parties, we are being put at a serious disadvantage concerning our ability to respond adequately to the Sizewell C Application. This is a highly complex and detailed application. We need to know when precisely the decision on materiality of the Changes will be made and whether they will form part of the Development Consent Order or otherwise and **crucially** be given sufficient time after the making of this decision to prepare for the deadline for submission of Written Representations. For example, we would be extremely concerned if this decision was made at the same time as the Rule 8 letter was sent out meaning the deadline for those Written Representations is set.

We note with interest that the Secretary of State for Business, Energy and Industrial Strategy (BEIS) has agreed to a 3 month extension to the Examination periods for the East Anglia ONE North (EA1N) and East Anglia TWO (EA2) Offshore Wind Farms, following the Planning Inspectorate's request due to:

- The impact of the Covid-19 restrictions and two national lockdowns on the ability of Interested Parties, Local Authorities and Statutory Bodies to engage effectively in the Examinations;
- The impact of the Covid-19 restrictions and two national lockdowns on the ability of the Panels and Case Teams to examine the applications fully and produce robust recommendation reports that would enable the SoS to reach decisions within the statutory timescales; and
- The range, scale and pace of the two simultaneous Examinations during this unprecedented time, leading to a strain on delivery by participants.¹

And did want to bring to your attention particularly the third reason which we believe is comparable to the situation for this Sizewell C application when account is taken of the Change Application as well as more generally the complexity and amount of information involved.

Open Floor and Issue Specific Hearings

We note the strong views expressed by many that these must be held in person. However whilst wishing to support others' preference, we would be grateful for consideration of hybrid hearings where

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-004696-EA1N_EA2%20-%20Rule%208%20Letter%20for%20amended%20Extension%20Exam%20Timetable%20.pdf

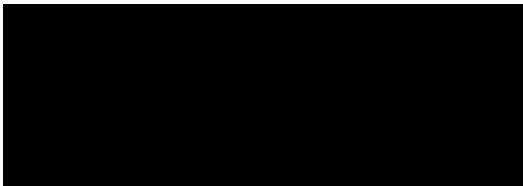
participants can also attend virtually, due to most of our team not being based in Suffolk and the very real challenge (and expense) of securing accommodation during the busy holiday season. As you have heard the area is visited in the summer months by many and following the last year it is predicted that people's desire to get away within the UK will have greatly increased.

Participation in Preliminary Meeting Part 2

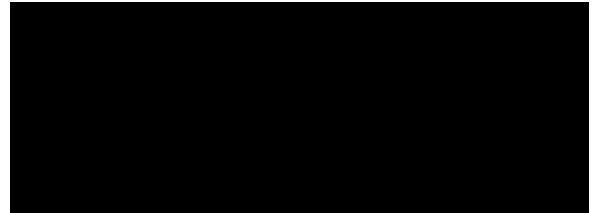
We wish to request the right to participate in Part 2 of the Preliminary Meeting should you determine Part 2 is necessary. Again I will be representing (Teams allowing) both the RSPB and Suffolk Wildlife Trust (SWT) but in light of the technical difficulties I experienced during Part 1, please could we request a second colleague is registered and allowed to speak should I disappear into the ether again? I can contact Michele Gregory to provide details and request a second participation invitation for Part 2 should this be acceptable to you.

Should you wish to discuss any of the issues raised in this letter with us in further detail please do not hesitate to contact us.

Yours faithfully



Rosie Sutherland
Head of Environmental Law and in house solicitor
The RSPB



Ben McFarland
Head of Conservation
Suffolk Wildlife Trust

Cc Michele Gregory, PINs Case Manager for the Sizewell C Application
Carly Vince, Chief Planning Officer, EDF Energy/Sizewell C