



# The Sizewell C Project

JÈG Written summaries of SZC Co.'s oral submissions  
at Preliminary Meeting Part G

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## 1 REQUESTS FOR DELAY TO THE START OF THE EXAMINATION

- 1.1.1 The Applicant responded to suggestions made by various Interested Parties at Procedural Deadline B and in oral submissions at the Preliminary Meeting that the examination should be delayed.

### *Urgency*

- 1.1.2 In response to various points made by Interested Parties challenging the urgency of determining the application for development consent for a new nuclear power station at Sizewell C, the Applicant made the following points:

- a) The urgency of the need for new nuclear generating capacity was a matter settled by National Policy Statement EN-1. As the courts had made clear (in the judgments referred to in section 1.2 of the Applicant's written submissions at Procedural Deadline B), it was not the role of individual examinations to consider whether such National Policy Statements were or were not up to date. In any event, more recent Government policy statements made clear that what was said about this issue in EN-1 remained up to date.
- b) Suggestions that there was no urgency to obtaining development consent because of the timing of a decision on funding (the Final Investment Decision ("FID")) were incorrect. FID required the development consent order ("DCO") to be in place, as well as other necessary consents. It was explained that the Applicant was working with the Government on the most appropriate funding model for Sizewell C via a separate process.
- c) Similar suggestions made by reference to the timing of the nuclear licensing process were also incorrect. Nuclear site licensing is a separate process, but the Office of Nuclear Regulation will only grant a nuclear site licence once the Applicant has demonstrated ownership of the land. That would only occur at or slightly after FID, and would require the DCO to have been granted and the compulsory acquisition powers exercised beforehand.

### *Extension to the East Anglia One North and East Anglia Two examinations*

- 1.1.3 Various Interested Parties had suggested that a delay to the commencement of the Sizewell C examination was warranted because of

the recent decision to extend the East Anglia One North and East Anglia Two examinations (“the EA examinations”).

1.1.4 The Applicant submitted that the exceptional decision made to extend the EA examinations was very specific to its particular facts, and could not be read across to the circumstances here.

1.1.5 There were three main points made about the differences between the circumstances leading to the decision made in relation to the EA examinations and the position here.

- a) The first point was that the letter from the Examining Authority (“ExA”) in the EA examinations of 1 April concerned its decision to *extend* an examination that was already underway as a result of particular difficulties that had been experienced as a result of specific events that had occurred over the previous months. It was not a decision to *delay the commencement* of an examination – which is what some Interested Parties were seeking here. The EA examinations were not being suspended because of the difficulties that had been experienced. They would continue, and hence there was nothing in their decision which would justify failing to commence the examination in this case.
- b) The second point was that the events that were relied upon by the ExA in the EA examinations as justifying the extension were the specific restrictions and two national lockdowns that were in place during the period of the examination so far. The United Kingdom is now experiencing the staged loosening of those restrictions, which is currently anticipated to continue through the period of this examination. That has beneficial implications for the ability of the ExA and Interested Parties to undertake site visits, for the potential to hold live (or blended) as well as virtual events, and generally.
- c) The third point is that in the case of the EA examinations the ExA is dealing with two simultaneous examinations into different projects, which is a highly unusual set of circumstances. By contrast, this will be a single examination, and although Sizewell C is a large and complex scheme that is exactly what the Planning Act 2008 process (with all of the timing provisions as set out in the Act and secondary legislation) was designed to deal with.

1.1.6 The points raised by Interested Parties were then addressed.

1.1.7 The general concern raised by those Interested Parties pushing for a delay relates to the practical implications of participation in both examinations at the same time.

- 1.1.8 The ExA appointed to undertake the EA examinations was careful in its own decision to address that very concern. In the ExA's letter of 1 April it made reference to the Sizewell C project and to the second part of the Preliminary Meeting, and made clear it was aware that many parties would be participating in both. It explained:
- “With this in mind, we have sought to ensure that the amended timetable in the Annex avoids likely events and busy periods in the draft timetable for that examination as far as is possible.”*
- 1.1.9 That is reflected in the amended timetable for the EA examinations.
- 1.1.10 It was noted that neither of the two Councils had said that they would be unable to meet the deadlines in this examination that they are currently working towards.
- 1.1.11 Indeed, it was notable that no Interested Party had identified any *specific* timetabling problems that would arise notwithstanding the care taken by the ExA undertaking the EA examinations to plan its own extended timetable with the objective of avoiding such problems.
- 1.1.12 More generally, it was submitted that the planning system (thanks both to the Planning Inspectorate and participants in its various processes) had demonstrated that it was capable of continuing to function effectively despite the COVID restrictions, with a number of examinations into NSIPs and major public inquiries being successfully conducted using remote means during lockdown.
- 1.1.13 The Applicant submitted that was important for the continued economic health of the country, for confidence in the planning system, and thus for the public interest, to ensure that applications for development proposals continue to be scrutinised and determined expeditiously in the way Parliament has considered appropriate via the Planning Act 2008.
- 1.1.14 Furthermore, as the ExA explained at the last Preliminary Meeting and in its letter dated 22 January, the decision to move the Preliminary Meeting back to late March/early April expressly took account of the impact of the pandemic. Nothing has changed in the interim which would justify a different decision now as to when the examination ought to commence.

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## 2 THE APPLICANT'S PROPOSED CHANGES TO THE APPLICATION

- 2.1.1 The Applicant responded to suggestions by Interested Parties that if the application was accepted, it should be required to prepare a further consolidated set of all application documents.
- 2.1.2 It was pointed out that the original request for a signposting document made by the RRSP/Suffolk Wildlife Trust at Procedural Deadline A had made clear that it was *not* suggested that a consolidated Environmental Statement needed to be prepared. That reflected an implicit recognition that such a step would be disproportionate and would give rise to unnecessary delay and cost.
- 2.1.3 The Applicant did not consider that a further signposting document was needed, but had nevertheless voluntarily produced one at Procedural Deadline B in order to assist the RSPB/Suffolk Wildlife Trust and other Interested Parties in understanding the relationship between the original and addendum documents.

## 3 DRAFT EXAMINATION TIMETABLE

- 3.1.1 The Applicant indicated that it did not oppose the minor amendments to the draft timetable sought on behalf of East Suffolk Council ("ESC") and supported by Suffolk County Council ("SCC"), and could see some benefit in the Statement of Common Ground with the Councils being moved back to Deadline 2 so that it could be as complete and robust as possible.

## 4 COASTAL DEFENCES

- 4.1.1 The Applicant confirmed that the coastal defence modelling described at the first preliminary meeting was limited to modelling in relation to the soft coastal defence (SCDF), not the hard coastal defence (HCDF). The HCDF does not impact on coastal processes; it is protected by the SCDF and is a terrestrial component. The modelling is concerned with the operation of the SCDF and, particularly, the degree to which and the frequency with which that needs to be replenished so that it maintains a continuous transport of sediment along the coast. The modelling will help to define the trigger point at which intervention becomes necessary to manage the SCDF.
- 4.1.2 At the first preliminary meeting, the Applicant explained that the further modelling was being undertaken to two levels of detail. The timing of that modelling was explained at the first preliminary meeting to be late May and June. By way of update, the applicant advised that the first element of the

modelling (one dimensional modelling which will include an estimate of the extent of erosion volumes from the SCDF) is now expected before the end of April. Subject to direction from the ExA, the Applicant's intention is to share that modelling with the interested stakeholders. There may be an opportunity for them to review and feedback on the modelling, which may require some "top and tailing" of the modelling report so that it could then be submitted at Deadline 2.

4.1.3 It is not the Applicant's intention to undertake further modelling in relation to the HCDF but design work has continued on the detailed design of the HCDF. The Applicant is due to receive drawings together with a technical note on the design during April. Again, subject to direction from the ExA, the Applicant's intention was to share this with interested stakeholders so that it may be reviewed and submitted to the examination. The detailed design is reserved by requirement and not necessary for the coastal processes monitoring but it is certainly a matter of interest for a number of stakeholders and the Applicant would be happy to share the emerging design proposals.

4.1.4 The second level of detail for the coastal processes monitoring is still scheduled to be received by the applicant before the end of June and the current expected delivery date is 20 June.