

**From:** [REDACTED]  
**To:** [enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk); SizewellC  
**Cc:** [REDACTED]  
**Subject:** Application by NNB Nuclear Generation (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project (the "Project") (your ref = EN010012)  
**Date:** 05 May 2021 16:33:42  
**Attachments:** [Letter\\_TASC to SoFS \(05-05-2021\) FINAL \(as sent\).pdf](#)  
**Importance:** High

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Dear Secretaries of State,

Please see the attached letter [sent by email only](#).

Please kindly:

- acknowledge safe receipt
- provide a substantive response by no later than 5pm on 2 June 2021

Kind regards,

**Rowan Smith (pronouns: he/him), Assistant Solicitor to Jamie Beagent**

**Leigh Day** Priory House, 25 St John's Lane, London EC1M 4LB  
Tel: 020 3780 0474 Fax: 020 7253 4433 DX 53326 Clerkenwell



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**FAO: (1) Secretary of State for BEIS; (2)  
Secretary of State for Department of HCLG**

By email only: [enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk);  
[sizewellc@planninginspectorate.gov.uk](mailto:sizewellc@planninginspectorate.gov.uk)

Copied to: NNB Generation Company (SZC)  
Limited [\[REDACTED\]@nnb-edfenergy.com](mailto: [REDACTED]@nnb-edfenergy.com)

[REDACTED]  
Email: [REDACTED]  
[REDACTED]

Your Ref: EN010012

Our Ref: RWS/JEK/00127327/3

Date: 5 May 2021

Dear Secretaries of State,

**Re: Application by NNB Nuclear Generation (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project (the “Project”)**

## Introduction

1. We write on behalf of our client, Together Against Sizewell C (“TASC”). TASC is a registered Interested Party in the public examination of the Project, and is presently engaged preparing its Written Representations. We have been instructed by TASC to advise them on that process.

## Issue

2. The current National Policy Statements for energy infrastructure (“NPS EN-1 to 6”) were designated in July 2011. The Project was one of the sites listed in NPS EN-6 as potentially suitable for the deployment of new nuclear power stations in England and Wales by the end of 2025.
3. On 7 December 2017, the Written Ministerial Statement on Energy Infrastructure was published (“the WMS”)<sup>1</sup>. Given deployment of the Project can no longer take place by the end of 2025, the WMS appeared to confirm that NPS EN-1 and EN-6 no longer had effect in respect of the Project for the purposes of s. 104 of the Planning Act 2008 (“PA 2008”). The WMS went on to state that, in deciding whether or not to grant development consent to the Project, the Secretary of State would nevertheless be required, under s. 105(2)(c) of the PA 2008, to have regard to the content of NPS EN-1 and EN-6, unless they have been suspended or revoked.

<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2017-12-07/HLWS316>  
Leigh Day [postbox@leighday.co.uk](mailto:postbox@leighday.co.uk) - [www.leighday.co.uk](http://www.leighday.co.uk)

4. On 23 April 2021, the Secretary of State for the Department for Business, Energy and Industrial Strategy (“BEIS”) announced a review (the “Review”) of NPS EN-1 to EN6. The Secretary of State for BEIS aims to make any amendments to NPS EN-1 to 6 following the Review by the end of 2021. As part of the Review, the Secretary of State for BEIS is consulting statutory bodies and relevant technical experts on the scope of the Appraisal of Sustainability (“AoS”) and approach to the Habitat Regulations Assessment (“HRA”) with a deadline for responses set at 6 May 2021<sup>2</sup>.
5. The legal basis for the Review is contained in s. 6 of the Planning Act 2008 (“PA 2008”). Under s. 11 of the PA 2008, the Secretary of State for BEIS has the power to suspend the operation of NPS EN-1 to 6 until the Review has been completed. Under s. 108 of the PA 2008, the Secretary of State for the Department of Housing, Communities and Local Government (“HCLG”) has the power to suspend any decision-making process in relation to an application for development consent during a review of a NPS which “has effect” in relation to such an application.

## Request

6. TASC requests that the Secretaries of State:
  - a. confirm that NPS EN-1 to 6 do not have effect in respect of the Project for the purposes of s. 104 of the PA 2008.
7. If para 6 a. is confirmed, then TASC requests that the Secretaries of State:
  - a. confirm that NPS EN-1 to 6 are suspended under s. 11 of the PA 2008 pending the completion of the Review; and
  - b. as a consequence, confirm that on a discretionary basis the Project decision-making process is suspended unless and until either: (i) the suspension of the operation of NPS EN-1 to 6 is lifted; or (ii) a new NPS, which has effect in respect of the Project for the purposes of s. 104 of the PA 2008, is designated.
8. If the Secretaries of State refuse to do so, please explain why in your response.
9. If para 6 a. is not confirmed, then TASC requests that the Secretaries of State:

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<sup>2</sup> <https://www.gov.uk/government/publications/energy-national-policy-statements-review-scope-of-appraisal-of-sustainability-and-approach-to-habitats-regulations-assessment>

- a. confirm that the Project decision-making process is suspended under s. 108 of the PA 2008 pending the completion of the Review.

10. If the Secretaries of State refuse to do so, please explain why in your response.

## Next steps

11. The deadline for TASC's written representations is 2 June 2021. TASC requests a substantive response to this letter from the Secretaries of State by 5pm on the same deadline.
12. Please send your response to both Rowan Smith (solicitor) and Julia Eriksen (paralegal) using the details in our letterhead.

Yours faithfully

