



The Planning Inspectorate

National Infrastructure
Planning
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To the Applicant, Interested Parties,
Additional Interested Parties and
Additional Affected Persons.

Your Ref:

Our Ref: EN010012

Date: 8 June 2021

Dear Sir/Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure Rules 2010) – Rule 13

The Infrastructure Planning (Compulsory Acquisition) Regulations 2021 – Reg 14

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

Notification of hearings and response to the notice by the Applicant of intention to submit a request for changes to the application

Notification of Issue Specific Hearings

The Examination Timetable at Annex D of the Examining Authority's (ExA) Rule 8 letter, dated 21 April 2021, included dates for Issue Specific Hearings (ISHs) in July 2021.

ISHs are held to explore in detail a specific issue or set of issues arising from the application. Ultimately, it is for the ExA to decide what Issue Specific Hearings will be held and what they will be about having taken into account all the Examination documents before them. However, the ExA is grateful for the comments submitted regarding potential topics for the Issue Specific Hearings.

Advice note 8.5 states "*The Examining Authority will choose whether to hold such hearings, what they will be about and how many will be held. An Issue Specific Hearing will be held, not necessarily because an issue is regarded as more important than other issues, but because the Examining Authority thinks it is necessary to find out more or to clarify matters that are already before them, for example, in an application document or a representation*".

We are now writing to confirm the arrangements for the following hearings:

- An Issue Specific Hearing on the draft Development Consent Order (DCO) and the s.106 agreement / Deed of obligation to include:
 - DCO
 - Securing mitigation, Code of Construction Practice, oLEMPs and related documentation
 - The deemed marine licence
 - Limits of deviation and the parameter plans
 - Appeals and dispute resolution
 - Tailpieces and EIA.
 - The s.106 agreement / Deed of obligation
 - The Sizewell Special Arrangements
 - Securing the participation of third parties
 - Enforcement practicalities - mechanisms, damages, injunctions and penalties
 - Land currently controlled by the Applicant.
 - Adequacy of “reasonable endeavours” as a standard.
- An Issue Specific Hearing on Traffic and Transport (Part 1) to include:
 - Freight Management Strategy.
 - Transport Strategy relating to Associated Development Sites.
 - Transport Assessments approach and modelling.
- An Issue Specific Hearing on Traffic and Transport (Part 2) to include:
 - Consideration of the proposed monitoring and control mechanisms relating to traffic and transport.
 - Consideration of local transport impacts.
- An Issue Specific Hearing on Socio-economic and community issues to include:
- In respect of socio-economics;
 - Impacts on and opportunities for:
 - the local economy,
 - local businesses,
 - supply chain,
 - employment impacts,
 - required skills and education initiatives,
 - tourism impacts and
 - monitoring and mitigation measures.
- In respect of community issues to include;
 - Demographic modelling (including gravity model),
 - Housing and accommodation strategy,
 - Emergency services impacts,
 - Sports and recreation,
 - Community safety,
 - Health
 - Monitoring and mitigation measures.
- An Issue Specific Hearing on Landscape and visual impact and design to include:
 - Potential impact on the setting of protected landscapes, including the AONB

- Adequacy of the LVIA
 - Potential roles/need for a design champion, design review panel and design code
 - Effect of temporary and permanent lighting at the Main Development Site and Associated Development Sites
 - Specific proposals and alternatives to include pylons, spoil heaps, borrow pits, SSSI crossing, design of the power station and ancillary buildings, temporary and permanent beach landing facilities, accommodation campus, planting in Pillbox Field and coastal defences
 - Mitigation and controls
 - Cumulative effects.
- An Issue Specific Hearing on coastal geomorphology to include:
 - Potential impact on coastal processes from the proposed hard coastal sea defence and the soft coastal sea defence and the temporary and permanent beach landing facilities
 - Adequacy of climate change adaptation measures, resilience and consequential impacts on coastal change arising from those measures
 - Mitigation and controls including the Coastal Monitoring and Mitigation Plan.
- An Issue Specific Hearing on biodiversity and ecology to include:
 - Terrestrial ecology
 - Minsmere
 - The marsh harrier, HRA and IROPI
 - The Sizewell Marshes SSSI – the SSSI crossing, fen meadow replacement and mitigation, and other flora and fauna by reason of which it is of special interest
 - Protected species
 - Other designated sites
 - Ancient woodland and veteran trees
 - Duties under ss.28G and 28I of the Wildlife and Countryside Act 1981 and the effects of s.28P
 - Duties under ss. 40 and 41 Natural Environment and Rural Communities Act 2006
 - Letters of no impediment.
 - Marine ecology
 - HRA, European and similar sites
 - Cooling water system, acoustic fish deterrents
 - Fisheries, fish stocks, sabellaria spinosa; seals
 - Other marine issues and marine water quality
 - Marine navigation.

Important information about these hearings can be found in Annex A.

Detailed Agendas for the Issue specific Hearings will be published on the Project page of the National Infrastructure Planning website five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Deadlines

<https://infrastructure.planninginspectorate.gov.uk>



The ExA has been asked to accept a number of late submissions for Deadline 2. It will respond separately in relation to those requests. All parties are reminded that where a Deadline is set on a date for the submission of any documents to the ExA, the documents must be received by the ExA by 23.59 on that day. Persons submitting documents are requested to ensure that they allow sufficient time to submit their documents to ensure that submissions do not breach this time requirement. The acceptance of documents received after the expiry of a Deadline is subject to the exercise of discretion by the ExA.

Notice by Applicant of intention to submit a request for changes to the application

The Applicant gave notice in its Deadline 2 submission dated 2 June 2021 of its [intention to submit a request to make further changes to the application](#). In accordance with The Planning Inspectorate's 'Advice Note 16: How to request a change which may be material' (AN16), a Notification Report has been provided identifying the nature of the changes proposed and advises of the Applicant's intention to request that the changes described can be accepted.

The Notification Report identifies three proposed changes and sets out the detail of these in Section 2.3. An indicative programme is also included at Section 5, and this anticipates a formal request for changes, in accordance with Step 4 of AN16, to be made on 23 July 2021. Section 4 of the Notification Report sets out the consultation the Applicant proposes to undertake and how this would be reported.

The Applicant seeks advice from the Examining Authority (ExA) on the procedural implications of the proposed changes and on the need, scale and nature of the consultation to be carried out.

Materiality of the proposed changes

In the Applicant's view the proposed changes are not material. It is ultimately for the ExA to decide whether a proposed change is material and the ExA does not at this stage have sufficient information to reach a view as to materiality.

It is noted that the Applicant acknowledges that proposed change 18iii may necessitate the Compulsory Acquisition of "additional land" as defined in The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) and this may give rise to new materially different or likely significant environmental effects. The Applicant has confirmed that discussions are underway with the landowner in respect to obtaining a private treaty agreement for the acquisition of the land. However, should such an agreement not be reached then the CA Regulations will be invoked. The Applicant is asked to demonstrate how such a process would be accommodated within the examination timetable.

In addition, the Applicant has not made any comment as to whether there would be any change as to land of which Temporary Possession (TP) is sought and this should be clarified.

On receipt of the formal change request, such factors may lead the ExA to conclude that the changes taken together are material. This means that before accepting the

material changes for Examination, the ExA will need to have the following information provided with the change request:

- the information identified in paragraphs (a) to (d) in Figure 3 of AN16;
- if landowner consent is not received and the CA Regulations are engaged, the information prescribed by Regulation 5 of the CA Regulations and clarification that the procedural requirements of the CA Regulations can be met (see paragraph (e) of Figure 3 of AN16); and
- evidence that any new or different environmental effects have been adequately assessed and subject to publicity and that any consultation bodies have been consulted (see paragraph (f) of Figure 3 of AN16).

The Applicant is also advised that it is, of course, possible that the ExA may consider one or more proposed change is acceptable as a change (whether or not material), but another or others not. The Applicant is therefore asked to consider the interdependence of these with each other.

Consultation

Whether or not the proposed changes are material the ExA considers that, in order to ensure fairness, appropriate and proportionate non-statutory consultation should be carried out before the change request is submitted. The Notification Report confirmed that public consultation on the proposed changes would take place between 11 June and midday 12 July 2021. The ExA agrees that the consultation must engage all those persons identified in the Planning Act 2008 under section 42 (a) to (d) (including any section 42 persons **not** originally consulted on the application but who may now be affected by the proposed changes), the Marine Management Organisation (MMO), the local authorities and persons with an interest in the land (giving a minimum of 28 days).

The Applicant should also consider whether or not persons not already registered to participate in the Examination (and not falling within section 42) might need an opportunity to comment (such as persons living, or commercial entities operating, outside the Order limits).

The Applicant proposes, and the ExA agrees, that the public should be consulted through a newsletter and publication in appropriate newspapers. The ExA also considers that site notices should be posted. In addition, the Applicant also proposes, and the ExA agrees, that parish councils within the areas affected by the proposed changes will be offered meetings to discuss the proposed changes.

The ExA recognises that public exhibitions cannot take place due to the current restrictions in place due to the COVID-19 pandemic, however the Applicant should ensure that access to physical documents is available for those who are unable to access material online.

The Applicant also proposes to submit a Consultation Statement, and the ExA recommends that this:

- lists the persons (affected by the changes) under section 42 (a) to (d) who have been consulted (identifying particularly any new persons i.e. those who

- were consulted in relation to the proposed change but not in relation to the original application);
- identifies (within the above list) those section 42 (d) persons who are “affected persons”, meaning those persons over whose land Compulsory Acquisition powers will be exercised. It is noted that if the CA Regulations are engaged the Applicant will also need to submit a request for additional land and identify the additional Affected Persons;
 - provides justification as to why any person under section 42 (a) to (d) is not affected by the proposed changes and has not therefore been consulted (if any);
 - provides copies of any newspaper notices or site notices; and
 - appends as an annex any consultation responses received, and details of how the Applicant has had regard to the consultees’ comments made in response to the non-statutory consultation.

If the ExA decides to accept the changes (whether or not material), all Interested Parties will have an opportunity to make representations on the changed application in writing or orally at Hearings during the Examination. Nonetheless, if the ExA is not satisfied with the extent of non-statutory consultation undertaken by the Applicant the ExA may request that further non-statutory consultation is carried out to safeguard the interests of and/or inform those potentially impacted by the changes who are not already involved in the Examination.

Next steps

The Applicant is asked to ensure that the change request, that is intended to be submitted on 23 July 2021, responds fully to the points made above and contains sufficient information to enable the ExA to consider whether that change request, individually and as a whole, can be accepted.

Yours faithfully,

Wendy McKay

Lead Member of the Examining Authority, on behalf of the Panel

This communication does not constitute legal advice.
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Notification of the date, time and place of Issue Specific Hearings to be held from Tuesday 6 July to Friday 9 July 2021 and 13 to 16 July 2021.

Date	Hearing	Time	Venue
Tuesday 6 July 2021	Issue Specific Hearing 1 (ISH1) the draft DCO and s.106 agreement / Deed of obligation	Start: 10.00am (Arrangements Conference: 9.30am)	By Virtual Means (see below)
Wednesday 7 July 2021	Issue Specific Hearing 2 (ISH2) Traffic and Transport	Start: 10.00am (Arrangements Conference: 9.30am)	
Thursday 8 July 2021	Issue Specific Hearing 3 (ISH3) Traffic and Transport	Start: 10.00am (Arrangements Conference: 9.30am)	
Friday 9 July 2021	Issue Specific Hearing 4 (ISH4) Socio-economic and Community Issues	Start: 10.00am (Arrangements Conference: 9.30am)	
Tuesday 13 July 2021	Issue Specific Hearing 5 (ISH5) Landscape and Visual Impact and Design	Start: 10.00am (Arrangements Conference: 9.30am)	
Wednesday 14 July 2021	Issue Specific Hearing 6 (ISH6) Coastal Geomorphology	Start: 10.00am (Arrangements Conference: 9.30am)	

Thursday 15 July 2021	Issue Specific Hearing 7 (part 1) (ISH7) Biodiversity and Ecology	Start: 10.00am (Arrangements Conference: 9.30am)	
Friday 16 July 2021	Issue Specific Hearing 7 (part 2) (ISH7) Biodiversity and Ecology (and to include certain Other Marine Issues)	Start: 10.00am (Arrangements Conference: 9.30am)	

In the light of the current Government Guidance to control the COVID-19 outbreak and the ongoing restrictions the ExA has made a Procedural Decision that these hearings will be held by virtual means, through Microsoft Teams.

ISHs provide an opportunity for the ExA to invite Interested Parties (IPs) to make oral representations about specific issues relating to the application.

Requests to be heard by Interested Parties and Additional Interested Parties

If you wish to participate in any of the above hearings please let the Planning Inspectorate's case team know by emailing the Project mailbox sizewellc@planninginspectorate.gov.uk no later than **Deadline 3 on Thursday 24 June 2021**. Please ensure that you include your Interested Party reference number in your correspondence. This can be found either in the email covering this letter or on the letter you have received.

Following the ExA's decision of 21 April 2021 to accept the Applicant's application for Additional Land [PD-013] this notification is also for the attention of the Additional Affected Persons (as confirmed in the certificate of compliance submitted by the Applicant as required by Regulation 9 of The Infrastructure Planning (Compulsory Acquisition) Regulations 2010) and Additional Interested Parties whose valid Relevant Representations have now been published on the Project Page of the National Infrastructure Planning website:

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

Notification by any Additional Affected Person and/or Additional Interested Party of a wish to participate in any of the above Issue Specific Hearings must be received by **Deadline 3 on Thursday 24 June 2021**.

<https://infrastructure.planninginspectorate.gov.uk>



Information about hearings is included in the Planning Inspectorate's Advice Notes which can be found here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes>

Depending on the number of participants at each hearing, and the progress made during the events, it may be necessary to have breaks in proceedings. Additionally, in the unlikely event that there is an IT failure, we will attempt to resume the event later on the same day or, if that is not possible, at a date reserved for hearings later in the Examination Timetable.

Procedure at Hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rule 2010.

All NSIP Examination events, whether virtual or physical are recorded. The recordings of the ISHs will be made available on the project page of the NI website as soon as practicable following each ISH. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed at an ISH. It is therefore important to note that anyone speaking at an ISH will need to introduce themselves, including any organisation or groups that they represent, **each time they speak** to ensure that someone listening to the recording after the event is clear who was speaking.

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies.

Please refer to our [Privacy Notice](#) further information. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the Development Consent Order (DCO). If you actively participate in an ISH, it is important that you understand that you will be recorded and that the recording will be made available in the public domain.

If you prefer not to have your image recorded, you can switch off your camera at any point.