

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

Notification of the dates, times, and venue for Issue Specific Hearings (ISH) from Tuesday 6 July to Friday 9 July 2021 and Tuesday 13 July to Friday 16 July 2021 was provided in the Examining Authority's letter dated 8 June 2021 [PD-026].

Detailed Agenda for Issue Specific Hearing 1 (ISH1) the draft DCO and Section 106 agreement / Deed of obligation

Date: Tuesday 6 July 2021

Arrangements Conference: 9.30am

Participants must join the Arrangements Conference in order to register and be permitted access to the virtual Issue Specific Hearing.

Hearing start time: 10.00am

Venue: Virtual hearing via Microsoft Teams

Full instructions on how to join online or by phone will be sent to parties registered to attend, shortly before the Hearing.

The event will be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date. Interested Parties (IPs) and members of the public who wish to observe the event can therefore view and listen to the Hearing using the livestream, or the recording after it has concluded.

Participation, conduct and management of the Hearing

The Examining Authority (ExA) has identified the matters to be considered at this ISH, and those on which it requires further information, and these are set out in this agenda. It is intended that the scope of the ISH will be limited to those matters. However, the ExA may wish to raise matters arising from oral submissions and pursue lines of inquiry in the course of the discussions which are not listed on the agenda.

Oral submissions on other matters or from persons who are not IPs may only be heard at the discretion of the ExA. However, reliance should not be placed upon the exercise of that discretion and attention is drawn to the opportunity for any such submissions to be made in writing by **Deadline 5, 23 July 2021**.

The ExA invites and would particularly like to hear from the following IPs during this Hearing:

- The Applicant;

- Suffolk County Council;
- East Suffolk Council;
- West Suffolk Council;
- Marine Management Organisation;
- The Nuclear Decommissioning Authority and Magnox Limited;
- The Environment Agency;
- Leiston Town Council;
- Aldeburgh Town Council;
- Stantec;
- Natural England;
- NHS North East Essex CCG / Ipswich & East Suffolk Clinical Commissioning Group & West Suffolk CCG;
- Heveningham Hall Estate;
- *Stop Sizewell C*;
- *S.A.G.E*;
- *TASC*; and
- Network Rail.

Those IPs listed above are those from whom the ExA would particularly like to hear from on this topic. By way of clarification, IPs who are not included in that list, but who have specifically requested to speak at this ISH will also be sent a joining link. However, the ExA has noted that a number of IPs have indicated a wish to speak at all ISHs. Some of those IPs have been listed above (in italics) and invited. There are other IPs who have indicated such a wish but who have not been listed. They are reminded that the ISH will be livestreamed in the usual way. The ExA would be grateful if those IPs who have indicated a wish to speak at all ISHs would notify the case team by noon on Friday 2 July 2021, if in fact they wish to participate in the discussion at this ISH.

Protective Provisions will not be for discussion at this ISH, but will be addressed at the Compulsory Acquisition Hearing which is to be held on 17-20 August 2021. Any party wishing solely to speak in relation to Protective Provisions, should review their request to attend this ISH, and let the case team know if it still stands, or whether they wish to attend the Compulsory Acquisition Hearing instead.

Participation in the Hearing is subject to the ExA's power to control the Hearing. It is for the ExA to determine how hearings are to be conducted, including the time allowed at the Hearing for the making of a person's representations. IPs may be invited to make oral representations at the Hearing¹ (subject to the ExA's power to control the Hearing), solely on the specific issues being examined at the event, as set out in this agenda. The Hearing will be managed in the interests of ensuring that the submissions of invited persons are fully heard within the allotted time.

Oral representations should be informed by the Relevant Representations, Written Representations and Local Impact Reports made by the person by whom (or on whose behalf) the oral representations are made.

¹ Section 91 Planning Act 2008

However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation, and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by a member of the Panel, supported by other Panel members.

All participants are advised that written summaries of their oral submissions at this Hearing should be submitted at **Deadline 5, 23 July 2021**.

The Hearing will run until the ExA is content that all matters on the agenda have been addressed. To avoid screen fatigue, session breaks will be provided after about 90 minutes of business, subject to the ExA's discretion.

Arrangements Conference

Invitees will receive a joining link or telephone number in a separate e-mail, shortly before the Hearing. Please join the Arrangements Conference at the appointed time for the Hearing you have been invited to. The Case Team will admit you from the Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

About the draft DCO and Section 106 agreement / Deed of obligation ISH1

The main purpose of this ISH is to undertake an examination of the draft Development Consent Order (DCO) and the s.106 agreement / Deed of obligation, and to provide an opportunity for the issues raised by IPs, in particular the differences between them, to be explored further by the ExA.

The Hearing is likely to be of a technical nature and will be based on the specific wording of the draft DCO submitted at D2, [REP2-015] and on the draft Deed of Obligation also submitted at D2, [REP2-059].

Discussion at this Hearing is 'without prejudice'; this means that parties may make contributions to improve the quality of the draft DCO without invalidating their own positions of support or opposition to the Proposed Development as a whole.

Irrespective of its recommendation, the ExA is required to present a recommended DCO to the Secretary of State. The ExA's participation in a discussion about the specifics of the draft DCO and related documents does not indicate that it has reached any conclusions about the application or is minded to recommend approval.

Detailed Agenda for Issue Specific Hearing 1 (ISH1) the draft DCO and s.106 agreement / Deed of obligation

1. Welcome, introductions and arrangements for the Hearing

2. Draft DCO

- Securing mitigation, Code of Construction Practice, oLEMPs and related documentation, the appropriateness of “reasonable endeavours” and, “general accordance” as standards
- The deemed marine licence
- Limits of deviation and the parameter plans
- Appeals and dispute resolution
- Tailpieces and EIA

3. 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

4. Close of Hearing