

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 Wednesday 25 August to Friday 27 August July 2021 was provided in the Examining Authority's letter dated 27 July 2021 [PD-030].

Detailed Agenda for Issue Specific Hearing 9 (ISH 9) on Policy and Need

Date: Thursday 26 August 2021

Arrangements Conference: 9.15am

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 additional 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. The actual agenda on the day including the order of items may be subject to change at the discretion of the ExA.

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 7, 3 September 2021**.

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

- The Applicant;
- East Suffolk Council;

- Suffolk County Council;
- Alison Downes, Stop Sizewell C;
- Christopher Wilson, Together against Sizewell C (TASC);
- Paul Ashton, Yoxford Parish Council;
- Cllr Marianne Fellowes, Aldeburgh Town Council;
- Cllr Paul Collins, Theberton and Eastbridge Parish Council;
- Cllr Nigel Hiley, Saxmundham Town Council; and
- Josie Basinette, Walberswick Parish Council;

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. They are reminded that the ISH will be livestreamed in the usual way.

Participation in the ISH 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 ISH¹ (subject to the ExA's power to control the hearing), on the specific issues being examined at the event, as set out in this agenda. The ISH 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.

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 7, 3 September 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

¹ Section 91 Planning Act 2008

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 Policy and Need Issue Specific Hearing

The main purpose of this ISH is to undertake an examination of Policy and Need, and to provide an opportunity for the issues raised by IPs, in particular the differences between them, to be explored further by the ExA.

Relevant application and other documents, and Court judgements to be considered include:

Planning Statement [APP-590]

Planning Statement Update and Appendix A – the need for nuclear including analysis of BEIS modelling of the energy requirements necessary to achieve net zero in 2050 [REP2-043]

NNB Generation Company (SZC) Ltd - Procedural Deadline B submission - Written submissions on matters raised orally at Preliminary Meeting Part 1 - Revision 1.0 [PDB-013]

NNB Generation Company (SZC) Ltd - Procedural Deadline B submission - Written submissions on matters raised orally at Preliminary Meeting Part 1 - Revision 1.0 Appendix A: R (Friends of the Earth Ltd) v. Heathrow Airport Ltd [2020] UKSC 52 [PDB-013]

NNB Generation Company (SZC) Ltd - Procedural Deadline B submission - Written submissions on matters raised orally at Preliminary Meeting Part 1 - Revision 1.0 Appendix B: R (ClientEarth) v. Secretary of State for Business, Energy and Industrial Strategy [2021] EWCA Civ 43 [PDB-013]

NNB Generation Company (SZC) Ltd - Procedural Deadline B submission - Written submissions on matters raised orally at Preliminary Meeting Part 1 - Revision 1.0 Appendix C: R (ClientEarth) v. Secretary of State for Business, Energy and Industrial Strategy [2020] EWHC 1303 (Admin) [PDB-013]

NNB Generation Company (SZC) Ltd - Procedural Deadline B submission - Written submissions on matters raised orally at Preliminary Meeting Part 1 - Revision 1.0 Appendix D: Wylfa Newydd Nuclear Power Station Examining Authority's Recommendation Report Extract section 5.5 (pp. 47-48) [PDB-013]

NNB Generation Company (SZC) Ltd Response to ExA's First Written Questions [REP2-100]

NNB Generation Company (SZC) Ltd Responses to the Examining Authority's First Written Questions (ExQ1) - Volume 3 - Appendices Part 1 of 7 [REP2-108]

NNB Generation Company (SZC) Ltd Comments on responses to the Examining Authority's First Written Questions (ExQ1) - Volume 1 [REP3-046]

Detailed Agenda for Issue Specific Hearing 9 (ISH9) on Policy and Need

1. Welcome, introductions and arrangements for the Hearing

Reference will be made in Agenda items 2, 3, 4 and 5 to the Applicant's and IP's responses to ExQ1, the comments on those responses provided at Deadline 3, and other relevant submissions and responses up to and including Deadline 6.

2. National policy and the assessment of the need for new nuclear power generation:

(a) The National Policy Statements (NPSs) EN-1 and EN-6.

(b) The applicability of EN-1 and EN-6 in the light of the Written Ministerial Statement on Energy Infrastructure (ref. HLWS316) (2017 Ministerial Statement).

(c) The implications of other relevant documents and publications issued since the submission of the application for the application of NPS policy including:

Energy White Paper, Updated Energy and Emissions Projections 2019 (October 2020), The Ten Point Plan for a Green Industrial Revolution (November 2020), National Infrastructure Strategy (November 2020), Response to the National Infrastructure Assessment (November 2020), The Sixth Carbon Budget: The UK's path to Net Zero (December 2020).

(d) The scale and urgency of the need in the light of national energy policies overall.

(e) The funding arrangements for the Project together with any associated consequences for the timing of the project, and hence its capability of meeting an urgent need for new generating capacity.

3. The application of national policy and the correct approach to decision making:

(a) The Drax High Court² (May 2020) and Court of Appeal³ (January 2021) judgements.

(b) The Wylfa Newydd Nuclear Power Station Panel Recommendation Report (July 2019), and the approach taken by that ExA to the reference to "*relevant change of circumstances*" in the 2017 Ministerial Statement.

² R (ClientEarth) v. Secretary of State for Business, Energy and Industrial Strategy [2020] EWHC 1303 (Admin)

³ R (ClientEarth) v. Secretary of State for Business, Energy and Industrial Strategy [2021] EWCA Civ 43

(c) The implications of the above for the application of NPS policy and the appropriate process to accommodate changes of circumstance after the designation of an NPS.

4. The contribution of the Sizewell C Project to meeting the need for new nuclear generating capacity:

(a) The updated energy and emissions projections 2019 (BEIS) (October 2020).

(b) The anticipated extent of the Project's contribution to satisfying need for infrastructure of this type and the weight that should be given to that contribution.

5. Local Plan and other policies:

(a) The relative weight to be afforded to Local Plan and NPS policies.

(b) Whether there is any conflict between Local Plan and NPS policies?

(c) Other planning policy considerations – the revised National Planning Policy Framework (NPPF).

6. Any other matters relevant to the agenda

7. Close of Hearing