

AUDIO_SizewellC_ISH9_Session1_26082021

00:08

out in connection with an application made by nnb generation company acid see limited for an order for development consent for the construction, operation and maintenance of the sizeable c project. Now, before I go further, can I confirm with the case team that I can be heard and that my camera is working, and that the recording and live streaming of this event has begun? Yes, I can see in here you the live stream started and the recordings working. Thank you. For those people watching the live stream. Let me explain that if the proceedings are adjourned at any point, we will have to stop the live stream in order to give us clear recording files. When the meeting is resumed. You'll need to refresh your browser page to view the restarted live stream. I'll remind you again of this should we need to adjourn. Now let me introduce myself and my colleagues. My name is Wendy mokai. I'm a Bachelor of law non practising solicitor. I'd been appointed by the Secretary of State, as lead member of the panel of examining inspectors that together comprise the examining authority for this application. The other members of the panel, Edwin warned Helen Cassini, Neil Humphrey, and David Brock, will now introduce themselves to you.

01:38

Good morning, everyone. My name is Edwin ward. I'm a chartered town planner. And I've been appointed to be a member of this panel on our Passover to Helen Cassini.

01:53

Good morning, everybody. My name is Helen Cassini. I'm a chartered town planner and have also been appointed as a member of the panel. I'll now hand over to Mr. Humphrey.

02:04

Good morning everyone. My name is Neil Humphrey. I'm a chartered civil engineer, and I've been appointed to be a member of the panel. I'll now pass on to Mr. Brock. Good morning, everybody.

02:17

My name is David Brock. I am retired solicitor and Secretary of State has also appointed me as a member of the examining authority. I want to pass you back to miss MCI.

02:29

Thank you, Mr. Brock. We're assisted at this hearing by the planning Inspectorate case team. Today, we have the planning Inspectorate case manager Sean Evans, the other colleagues from the planning Inspectorate who will assist us today are Georgiana Hannigan and Jake Stevens. If you have any questions or queries about the examination, or the technology we're using for virtual events, they should be your first point of contact. their contact details can be found at the top of any letter you've received from us, or on the project page of the national infrastructure planning website. Before I get on

to the main part of this hearing, I'll ask my colleague Mrs. Cassini to highlight a few housekeeping and background matters for today.

03:20

As I explained in the examining authorities rule eight letter annex D the issue specific hearings will be live streamed and recorded. Recordings will be published on the project page of national infrastructure planning website as soon as possible after each hearing closes. To assist viewers and listeners, anyone speaking should introduce themselves each time they speak. As recordings returned and published, they form a public record that can contain personal information to which the general data protection regulation applies. The right latch includes a link to the planning inspectorates privacy notice, which provides further information on this topic. If there is a need to refer to information that participants will otherwise wish to be kept private and confidential. It should be in written form which can be redacted before being published. If you prefer not to have your image recorded, you can switch your camera off, or repeat the requests made in the arrangements conference. In order to minimise background noise. Please ensure your microphone or telephone is muted and that you stay muted. Unless you're speaking during a physical hearing, we would normally have breaks to avoid fatigue. Will they do the same in this virtual hearing, our intention is to take a 15 minute break at about 90 minute intervals and a longer break over lunch time period. On the other hand over to my colleague Mr. monticola explained the purpose and conduct of the issue specific hearing today.

04:44

The issue specific hearing provides an opportunity for the issues raised by interested parties, and in particular the differences between them to be explored further by the examining authority. The purpose of an issue specific hearing is set out in the sec. 91 of the Planning Act 2008. It is held if the examining authority decides it is necessary for the examination to hear oral representations to enable adequate examination of the issue, or to ensure that an interested party has a fair chance to put their case. As indicated in the agenda questioning hearing would be led by a member of the panel supported by other panel members. It is to the examining authority to determine how hearings to be conducted, including the amount of time to be allowed to the hearing, for making a persons representations. Our aim is to use our powers of control over the conduct of hearings to ensure that they are carried out as efficiently as possible, whilst remaining fair and thorough in our examination of evidence. We've identified the matters to be considered out this issue specific hearing, and those on which we require further information. These are set out in the agenda published in advance of this hearing. participants should know that written summaries of your oral submissions to this hearing should be provided to the planning Inspectorate by deadline seven, which is Friday, the third of September 2021. Finally, I would like to reassure you that all members of the panel are present, and listening carefully to what you have to say at all times during the hearing. However, we are not all remaining on screen throughout, as we wish to minimise the demand on the IT systems to ensure the best quality of audio and video for participants. I will now hand back to my colleague Miss McKay, who will continue with the introductory matters.

06:50

Thank you, Mr. Moreland. Now I'll now ask the applicant followed by interested parties who were named as invitees on the detailed agenda to introduce themselves. So firstly, the applicant.

07:03

Good morning, madam. My name is her would fill pot QC. I'm instructed by Herbert Smith freehills on behalf of the applicant, and I will call on other speakers as appropriate and introduce them as we go along. Thank you. East Suffolk Council.

07:27

Good morning, madam. Andrew Tate QC for East Suffolk Council. I will be addressing the matters on the agenda today. Assisted were appropriate in particular under item five by Angus Walker of BDB pitmans.

07:45

Thank you. That was Suffolk County Council please. My name is Michael Bedford Queen's counsel. I'm instructed by sharp Pritchard on behalf of Suffolk County Council. I will be primarily speaking today but if necessary, I'll call on council officers to support the detail of what I say. Thank you. Thank you. Alison downs, stop. sighs We'll see. Good morning. Miss

08:17

MCI Allison don't stop sighs We'll see. We're joined today by Professor Stephen Thomas from the University of Greenwich and much as the applicant does. We have a range of other interested parties with considerable expertise today. And with your permission, I think we would find it best to sort of pass any questions that to the person best able to answer them for you. That's our plan. Anyway,

08:41

thank you. Thank you. Thank you. Right Christopher Wilson together against size We'll see. As Christopher Wilson from together against size, we'll see task. Also representing tasks today we have Rishi Parakh, from Cornerstone barristers,

09:02

and independent energy consultant Neil Crumpton, whether it's appropriate for them to introduce themselves now or we refer them to later then I surely met with you.

09:13

Probably best for the first time you call upon them to speak for you. Thank you leave it like that. Okay. Thank you. Thank you. So I have had Paul Ashton of the Oxford parish council rally believe that john Sutherland is here and that he may be representing the parish council today. Is that correct?

09:39

Good morning, Miss Mackay. Yes, it's john Southern. We're here. And that's correct. I hoping Paul will join later on as he's registered, but I will be covering for him until he does. Thank you very much. I'm also here as an individual. Thank you.

09:53

You were on the list. Thank you. And Councillor Marion fellows all bruh tank counsel.

10:04

Good morning, Mr. Chi a panel Ladies and gentlemen, counsellor Marion fellows, representing over town council. Thank you.

10:12

Thank you.

10:16

And Councillor Paul Collins, saboten and eastbridge parish Council. Morning, Mr. Guy, Paul Collins representing nice Rouge Parish Council. Thank you. Right. That completes my list of the invitees who are present today. So I note that there are also people in attendance today who have respect the requested speak this hearing, but are not on the list of invitees set out in the detailed agenda. I won't ask you to introduce yourself now. But the first time you are invited to speak please can you introduce yourself by giving your name and the name or names of the organisation or people that you represent? Now, I hope you have all had a chance to read the detailed agenda for this hearing. During the hearing. Today, I have a number of questions for the applicant and other invited parties. I am aware there are a number of interested parties who may wish to speak on some of the agenda items. Once I have finished my direct questioning on an agenda item. I will ask if interested parties would like to make any submission relating to that agenda item. Before moving to my direct questioning on the next agenda item. I'd remind you this is not an open floor hearing on policy and need and submissions made orally should relate to the agenda items and the particular questions raised by those items that are being discussed. I understand there may be other issues not on the agenda that parties may wish to raise the submissions on these matters should be made in writing at deadline seven. That's the third of September. I do want to get through all the agenda items today and hear from everyone that wants to speak. So it would assist if you can keep your responses succinct and to the point. And your cooperation with this approach would be much appreciated. I'd also remind you that under Section 94 of the Planning Act, the examining authority may determine the amount of time to be allowed at the hearing for the making of a person's representations, and may refuse to hear evidence which is in its view, irrelevant, vexatious or frivolous, relates to the merits of a policy set in a national policy statement. repeats are the representations already made or relates to compensation for compulsory acquisition of them are of an interest in Oro for land. Now, the main documents that I will be referring today have already been set out in the detailed agenda for this hearing. So I won't repeat them now. So if we now go to the first item on the agenda, that is item two, a the national policy statements, that's n one and n six. Now the intention of this agenda item is to focus on what the MPs is actually state, rather than how they should be applied, or what they don't state. We will do later on in the agenda with the implications of later publications and court decisions for correct decision making. So just by way of background, the applicant's planning statement places reliance upon NPS in one ear and six in establishing an urgent need for new nuclear power generation in the United Kingdom. So MPs in one section 3.3 sets out the key reasons why the government believes there is an urgent need for new electricity. And section 3.5 considers the role of nuclear electricity generation. So on this topic, I am actually going to go first to interested parties and open the floor in that respect and ask them if there are aspects of the content of em one orien six in relation to the need for new nuclear power generation that they wish to make

comment on or draw my attention to. So if interested parties wish to speak on this item, if you would put your hands up. counsellor Marianne fellows

14:50

Yes, I'd like to register my interest to speak on this one. Well, would you like to go ahead then.

14:56

Okay, thank you. Um, so in terms of E n one I think one of the important criteria to remember is that that particular document also covers the policy on good design. And as being part of the overall assessment as to whether this particular energy is needed for the government to put into the UK mix. I think the other thing to remember is that it's very much, if you like, the assessment of sites that went into and six is very much generated by those that will put forward by applicants, so was dominated by a list that was provided to the government initially, by willing applicants or developers. I think the other point to mention is the fact that in one, there is mention of a period of validity and review. And although there have been some reviews made by the government, including things like the energy white paper, 10 point document, it really hasn't gone to the point of being reviewed in its entirety. And in fact, 1.4 point one does state that it should remain appropriate for yourselves to be able to make decisions for decision making to be relevant. And I don't think it has, I think there's lots of points that people can, perhaps more eloquently than myself today put forward to you in terms of the the current need for energy in the UK, and the role that nuclear could have in this or not, especially as it's not capable of being deployed by 2025 at this site at size, and the adverse impacts that it would bring. So it was, I wasn't expecting to speak first, I was expecting to hear a bit more from yourself in terms of the direction of travel this morning. But those are briefly my main points. Thank you.

17:03

No, thank you. I think I did outline it's quite a limited scope. This first topic really just if any, buddy has any points or aspects of em one ad and six wording that they want to draw my attention to? So I'm sure we'll get on later on to the question of review, and other matters. Is there anyone at this else at this stage that just wants to comment on what Imani and six actually say? Right. So if we move on, then, Mr. Phillpotts, did you want to provide any response to that?

17:53

Madam only very briefly, because we've set out what we say about the policies extensively in writing. And I don't want to rehearse all of that just to draw attention. In the light of what counter fellows has said, paragraph 161 bn one, which points out that the MPs will remain in force in its entirety unless withdrawn or suspended in whole or in part by the Secretary of State. And I will come on to what's happened subsequently, but that has not happened.

18:27

Thank you, Miss Philpott. Right. So if we move on to the second agenda item, that is item to be and that's the applicability of n one and n six. And that's in the light of the written ministerial statement on energy infrastructure. So on the seventh of December 2017, the government published a written statement on energy infrastructure, which indicated that was it was beginning a process towards designating new MPs for nuclear plants expected to be deployed after 2025 and capable of deployment

by the end of 2035, with over one gigawatt of single reactor electricity generating capacity. So that states that in deciding whether or not to grant development consent to such a project, the Secretary of State will be required under Section 105 to see if the act to have regard to the content of em one and E and six, unless they have been suspended or vote. in respect of matters where there is no relevant change of circumstance, it is likely that significant weight will be given to the policy in E and one in six. So the matter of consideration under this agenda item is the continued relevance and application of both n one and n six in the light of that ministerial statement, given that neither has been suspended or vote and prior to a new MPs emerging and taking effect. So again, Mr. Scott, you have your hand up. So I will go to you first.

20:13

Thank you, I'm sorry, I missed previous. It's just a simple factual matter. That may clarify things, I'm looking at a set of base documents, which are called energy, National Policy Statement review scope of appraisal and sustainability approach to HRM. So there's a family of six documents dated 23rd of April 21, which, and there is a base document, I'll put this in writing that indicates that the, the actual new NPS energy family, the whole family, one to six, including the grid, and gas will be published by the end of 21. And that was the reason for me asking that when prefer to previous session, when the Secretary of State has your report on his his or her desk?

21:09

What will be the applicable law? And that seems to me the question, though, is it's also an area I can offer an opinion about. I'm not qualified, but it seems to me it's a very relevant question to the inspection. Thank you. Thank you.

21:29

So I have a Whoosh. Ruchi para. Apologies if I've not pronounced that correctly. Somebody with their hand up?

21:44

No, thank you imagine but but that was correct. Morning. I am. I am Ruchi. Barak, representing dusk this morning. together again. sighs well see? And would it be appropriate for me to come in now, madam on agenda item DB? Yes, that's fine. Please go ahead. Thank you. So much. Remember to call you have read out the relevant bits of the W IMS, the 2017 w Ms. And I think it's accepted by all sides. The starting point really is that n one and n six do not have effect for the purposes of section one and four of the 2018. Act Two, there is new statutory mandate to decide this application in accordance with those policies in the way that there would be if section 1043 of 30,008 act applied. Instead, what we do have is this policy directive in the form of the 2070 W, written ministerial statement, that regard might be hard under Section 105. do see, unless as you've read out, those policies have been suspended or revoked. Now we fully take on board that they haven't been suspended or revoked. But what is important is that there is an important policy directive or rather caveat in that there is a direction that it is likely that significant wage would be given to these policies or continued to be given where there is no relevant change of circumstances. Now dusk position is that in fact, there have been a number of relevant changes in circumstances such that following the policy directive in the 2017, w Ms. These national policy statements cannot rationally continue to adapt attract significant weight. And that rather

in light of the significant changes in circumstance, the policies can now only attract limited if any ways in the determination of this application. Now, Madam, I'm aware that the extent to which we take into account changes of circumstance. So how we do so is, in fact, the subject of agenda item three. So I'm not going to delve into that. But I just wanted to flag sort of the five key areas where we see significant change of circumstances just on a factual basis for you to have. And obviously, we'll expand on them in our written submissions, because I've taken on board your comment on being succinct and keeping to the timetable. So firstly, the significant changes in the scale of the development. This is something that we've mentioned before, but effectively from the time of the size website investment, which led to the inclusion over a decade a decade ago, the size has in fact changed. So at that stage, we were looking at about 117 Hectors compared to what we now have, which is a 332 Hectors. And again, the appraisal of sustainability of that stage was based on a base score yet a base case of a single reactor, or at least one reactor I think is what the phrase was. And we're obviously now comparing that with the current twin reactor proposal. The second big point is the significant changes in the climate change regime to work completely looking at you know, we're looking at completely different forecasts where you've got the The projections from 20 D in the UK climate projections. But even more recently, we've got the latest IPCC report produced as part of the sixth Assessment Report, which provides an even more alarming even Starker sort of warning about the risks of irreversible climate change. And so these simply can't be ignored any longer. The third big point is the significant legal and policy progression. Now, there's actually lots of different things that have been going on and legal and policy Jones again, impossible to capture all of this now. But if I may just flag a few individually, within this big subheading, which is, first, we've got the introduction of the nuclear doggish. We've then got the CCC fixed carbon budget, there's lots going on within that I'm not going to unpack it. Now again, I know that there's a separate agenda item on this. Last week, I think we've heard the UK hydrogen strategy being published that again, goes towards various questions of need, etc. This is something that Mr. Compton will come in on later on.

26:04

We've then also got a marked difference in the government's own emphasis on on new nuclear. So when you compare sort of what's in em six with some of them will recent policy statements, there is actually a change in language. And there's not the same emphasis on the urgency for new nuclear, playing a vitally important role and will provide these references in writing. And then finally, within policy, we also there is a significant shift in sort of shift away from the government's reliance on market forces for the financing of such projects, which we see in the national policy statements. Whereas what we have now, which is the government considering sort of direct investment and or regulated asset base module, etc. So these are things that we can expand on. But if I just go back to my sort of the five points I said that I had on big picture changes and circumstance. The fourth one, then is the significant reductions in the cost of alternatives. due at the time of designation, the cost of renewables or sources of electricity and generation were deemed prohibitive. This is simply no longer the case. And in fact, not only have the gospel falling over the last decade, but they're predicted to continue falling, such that by design, this project isn't employment, by, you know, not until at least 2035, we're actually looking at a completely different landscape in terms of costs. And then finally, the fifth point is related to that. It's also just the availability and the effectiveness of how these low carbon alternatives now work. So that the ability for the renewables to be effectively utilised at scale and high significantly improved over the last decade. And as I say, that's also linked, we think, to the clear shift in government policy. So those

are the five things that we flagged at this stage. The only other thing I want to say on significant change of circumstances. But now not only is that it is important to note, obviously that base has announced the section six review of the national policy statements. Now under the Planning Act, section six, before one decides whether you review a national policy statement, the Secretary of State must consider three things first, whether it's since the time of the publication, there have been a significant change in circumstances. Second, whether if whether the if the change was whether or not the change was anticipated at the time, sorry, I thought that if the change had not had had been anticipated at the time, whether any of the policies set out in that statement would have been materially different. Now, base has not published its statement on these matters. But it is plainly the case that the Secretary of State was satisfied that these three limbs have been met so as to justify review, to what we say is that the review in itself is there for clear evidence of a relevant and significant change in circumstance. And no doubt has been informed by all the various other things that we've just mentioned. And I think, you know, just coming up for these reasons, what we say is that the weight therefore has to be reassessed in light of the significant change of circumstances. And the upshot of that is that it is for this examining authority to form its own judgement as to whether there is a need for new nuclear validation apply as well. And we have set out in our written representations, but there is no proven need, but again, I think need discovered elsewhere. So I'll come back to that at a different point. Thank you.

29:37

Thank Thank you. They will, of course, as you highlighted be a degree of overlap between agenda items, but thank you for setting out your position at this stage. Right. Are there any other interested parties that wish to comment, and do Tate

30:01

Thank you, Madam Andrew Tate for his Suffolk cancel. Just looking at the agenda item on its face, we would only wish to say that neither one nor six apply. Or rather, they apply, but they don't have effect for the purposes of Section 104. And that's clear from Ian one, paragraph 145, which says that year one only applies to the projects to which he and six applies. That's point 1.2. Their status is, therefore as important and relevant considerations under Section 105. To see. And that is made clear in the written ministerial statement, the government's response to the UN six consultation and the energy white paper, but we'll come on to relevant change of circumstances I appreciate under 3d.

30:57

Thank Thank you. Right, Mr. Bedford. Thank you, Madam Michael Bedford, Suffolk County Council. Madam briefly, we would echo and endorse the point you've just heard from Mr. Tate on behalf of East Suffolk Council, in terms of the application of one and six. And we will also, by way of wider emphasis, just remind you, as I'm sure you're you're well aware that neither one nor six, as it were set out a definitive answer to whether particular projects should or should not be approved. And it clearly requires a balancing of a wide range of considerations. I've just at this stage, simply draw your attention. in one, obviously, paragraphs 4.1 point two and 4.1 point three. And the limited presumption that's referred to in 4.1. Point two has to have regard to paragraph 1.1. Point two, as it says, and that emphasises very clearly, the need to consider benefits against adverse impacts. And that's in part in the context of Section 104 case. That applies all the more. So if as we are here, in Section 105 case, and then in six, we can just draw your attention to in Volume One, paragraph 2.2.

point five, which makes the point succinctly that the factor side is identified as potentially suitable within this NPS does not prevent the impacts being considered greater than the benefits. And obviously, that's an issue of concern to the county council. And where we are concerned that the balance is not yet there yet, in terms of showing that the impacts are outweighed by the benefits. So that's, that's all we say on this item. Thank you. Thank you. Mr. Bedford.

33:33

Are there any other interested parties that want to speak on this item? Right, I don't have any more. Hands up. I'll just check my right, Mr. Phil Park. Thank you.

33:49

Thank you, but I see that someone has just put their hand up. So I'll just pause and wait to write Thank you. It's down as D on my list. Yes. Andrew blows? Can you hear me? Yes, I can't. Thank you, Mr. Lewis.

34:13

I'm Professor blows. I did speak at the previous hearing. And I have a number of points I want to raise today. But at this point, I'd simply like to point out the the N six does identify the sites. And an important statement, there seems to me that in the case of sizewell it was considered reasonable to conclude that a nuclear power station at the site could be protected against coastal erosion, including the effects of climate change for the lifetime of the site. And I, I do wish later in this hearing, to make the point about climate change, which I do think is a transforming circumstance, and one which has made the situation with respect to this particular site more precarious. And so if we're looking at changing circumstances, I would just wish to flag at this point that the climate change issue has become infinitely more significant since 2011, when that statement was made. And even at that point, the statement talks about reasonable to conclude and potentially be protected. That is by no means a ringing endorsement of the site Even then, I suspect that when the review comes out later this year, one will find that that the endorsement of the site is even less significant. But But I just like to say as I said before, the the climate change issue, I think, weaves right through the policy and need issues, and I will wish to make a statement later in the day on those matters.

36:04

Thank you, Professor blows. So could I hear from Paul Dorfman, please? Hello, yes. Sorry. Can you Sorry, I am I hear misspoke, McCall. You're on mute. Thank you. Sorry, miss. Mr. Dorfman, my error, I had muted myself and failed to unmute myself. So please do continue.

36:46

Dr. Paul Dorfman, UCL Energy Institute. I just like to reaffirm principle is concerned about climate change. And also signal that I'd like to I'd like to discuss this further, given the key evidence that has arrived in terms of fundamental research over the last year.

37:17

And hence, IPCC is a recent report, which plays catch up with this. Thank you. Right, I'll return now to the applicant.

37:35

Thank you, Madam number of points to pick up the I shall deal with a mostly myself, and then I'll turn to Mr. JOHN Rhodes, just to deal with a few matters. And I think it might be helpful just to start with the point that Mr. Tate raised about whether this is a case where the policies have effect. Madam, you'll have picked up from the planning statement, apart from anything else, paragraph 338. That the applicants understanding of the government's position is that neither n six, nor n one has effect. And we've made that explicit or at all stages. And we have presented and prepared the application on the basis that that is the way the government has said it will determine it. And we have been asked a written question in the second round of written questions in relation to this matter. That's question G to 17. And in response to that question, we'll set out our understanding of the government's position on this issue there. Obviously, we can't speak for the government. But by way of overview, the government's position only makes sense if neither E and one nor n six is considered by the government to have effect. Because if he n one did have effect even without e n six, this would be a section 104 and not a section 105 decision. And section 104 would apply if a national policy statement has effect. So that's our understanding of the government's position on that.

39:27

We have drawn attention to the fact that in both the 2017 ministerial statement and the 2018 government response to consultation, the government has said that a site listed under en six but anticipated to deploy after 2025 would be made under Section 105. And the references there under the 2017 statement that's one point 23 under the 2018 response at three point 11. But the government saw So made clear, of course, its beauty and six doesn't have effect for project expected to deploy after 2025. But that under Section 105, to see, the Secretary state would be required to have regard to the content of both n one and e n six as important and relevant, and we'll deal with that in more detail in our written statement. So that's, that's the first point to make under this heading. The second point, concerns the submissions made on behalf of task, which ultimately culminate in a suggestion that it is a matter for you and your colleagues, and thus, also the Secretary of State to decide whether or not there is a need for new nuclear. And that is made in reliance, ultimately, as I understand it, on the line in the 27 ministerial statement about changes of circumstance. Now, I'm surprised to hear that submission made, not least because we have dealt extensively with this point and the law that relates directly to it in our submissions, and in the planning statement, update on one of the things that is notable by its absence, and the submissions you've just heard, is a proper engagement with that legal analysis. And of course, in looking at this part of the written ministerial statement in 2017, one needs to consider it in the light of what has come next. Now, I know we're going to look at some of these matters in due course. So I'll try and touch on them lightly at the moment. But one needs to have regard to three things in particular, that post date that statement, first of all, of course, the 2018 response to consultation, then the Drax judgments, particular significance, and then finally, the energy white paper. I can deal with the 2018 response to consultation briefly. It confirms that the need for nuclear remains says that paragraph 210. It confirms the government's view that nuclear has an important role to play as the UK transitions to a low carbon economy. And therefore, the government will focus on those sites, which could potentially deploy the soonest. And how we are capable of deployment dates of 2035 helps focus on those sites that will meet the need for nuclear as soon as possible. That's paragraph 2.129. And I just comment that that is important because it shows that the objective is as soon as possible, because of

the urgency and the role of the 2035 date is to serve that objective rather than being a target in itself. It also makes clear that the listed sites retain strong government support. That is 310. And then it repeats the point about the m one and e n six continuing to be important and relevant to decisions under Section 105. And that's 311. The secondary the drags judgments. And this is where I'm surprised that the submissions on half of TAs don't really get to grips with this. Because those judgments clarify that assessing whether changes in circumstance, affect the weight to be attached to the MPs is or whether a need that's established in those MPs is should be treated as still existing is not an appropriate exercise in determining individual applications, because it constitutes questioning the merits of government policy. Under Section six of the Planning Act 2008 provides an exclusive means for considering such issues. And I know we're going to come on to that later. So I'll hold fire in terms of the detail of that for the moment unless it would help me to go through it in more detail. Now. But the reference to a section six route review, being in progress or in the offing doesn't mean that now this process should be used as a parallel process or a substitute process. We're considering such issues. The courts have made very clear in the draft judgments, but it is exclusively for the section six process to consider whether there have been changes of circumstance and I I refer now briefly to paragraph 108 of the high court's judgement in the Drax case but we'll come back to that in in more detail. The third point is the energy white paper. Because at page 55 of that document under the heading of planning framework for energy infrastructure that establishes the following put important points in respect of the applicability of bn one and six for the purposes of this application. And it says the need for the energy infrastructure set out in the energy MPs remains. That's a very clear statement of the government's position on need, and effectively updates the statement made in 2017, that the assessment of need carried out supported and won remains valuable and relevant.

45:40

And it also lends you white paper also says that while the review is undertaken, the current suite of national policy statements remain relevant government policy and have effect for the purpose of the Planning Act 2008. And goes on to say that though, the MPs will therefore continue to provide a proper basis on which the planning Inspectorate can examine, and the sector state can make decisions on applications for development, consent. And we'll come on to other things that the energy white paper says in terms of the need for nuclear and insurgency in due course, it is clear from those matters that to make the submission that has been put to you that it's for you to make a judgement about need, it's for you to make a judgement about whether wait to apply to the policy in the light of changes in circumstances simply wrong. Wrong as a matter of law, and the submissions that have been made. don't engage with that. Now, I'll just see whether, finally, with Mr. Rhodes, we should say anything about the five areas where it said that there have been a significant change of circumstances. And that, of course, is against the context that I've set out that those are matters exclusively for Section six. So I just said Mr. Rhodes has anything to add.

47:12

Thank you, John Rhodes, for the applicant. Just to say that, clearly, if the government thought that there had been changes in circumstances which undermined existing policy, it wouldn't do said what Mr. Robot has just identified. It said, in the white paper about the NPS is continuing to be a relevant government policy and a proper basis for the examination of this application. So the extent to which it's appropriate to explore changes in circumstances is perhaps a matter for for others. But just to identify

some of the points that were raised as evidence for change in circumstance. The first was the scale of development in relation to the site. And it's not a change in circumstance. And in fact, n six directly identifies a paragraph 2.3 point three that boundaries may vary, that it's not reasonable at that time to expect nominators to establish detailed layouts, including for construction. And the strategic siting assessment was carried out on the basis that application science may vary and include additional land, which is exactly what's happened. In this case, there's a requirement, of course, for the key nuclear elements to be contained within the nominated boundary of the site, which is exactly the case here. So whilst there has been detailed design development of the site boundary and await directly anticipated by n six, that's not a change in circumstance which impacts upon the weight or appropriateness of the policy. And similarly, n six is quite clear that it was prepared on the basis that it assessed twin reactors at size. Well, that's paragraph 3.3, point one of n six. So the fact that twin reactors are proposed is not a change in policy, or circumstance since the policy was framed. It was also suggested that issues relating to climate change and I know there are two aspects to this one is in relation to sea level rise and flood risk as a detailed issue which the examination has been exploring elsewhere. And it's certainly our case, as you know, that taking the most up to date forecasts of that the application meets the policy tests. But in relation to climate change, generally. It's absolutely right, that the urgency of addressing climate change has increased. And but that doesn't represent a change in policy. It reinforces the importance of the policy. And I think one way of examining that is the way in which the government responded to the national infrastructure reassessment in November 2020 in this set out in the planning statement update, and the government says directly and the paragraph References 2.1 point 20 of the planning segment update that since the national infrastructure Commission had carried out an assessment, the government has legislated for a target of net zero greenhouse gas emissions by 2050. This is likely to result in a significant increase in electricity demand and require the power sector to reach lower levels, low levels of carbon emissions. And it's that recognition that has driven a number of the statements which I know we're going to examine today, but they're all consistent in that they recognise the increasing need for low carbon energy and the role of nuclear within that, and is on that basis that the energy white paper identifies that its policy, urgent, identifying urgent need for new nuclear remains relevant and up to date. So those suggested changes in circumstances are only are not matters which cause policy to be undermined or require it to be reviewed. They reinforced policy either they're already recognised in the policy and are not changes themselves, or the urgency which sits behind the policy requirement is reinforced by those changes. Thank you, Madam basically, those are the points we wanted to make in response to what you've heard. Thank you.

51:38

Right, so if we move on now to the next agenda item to see and put this agenda item in context, the applicants planning state update provides a brief review in section two of relevant documents and publications since the submission of the DC application in May 2020, up to an including the publication of the energy white paper in December 2020 in some 21 in summary, the applicants position is that publications since that time, further emphasise the government's policy commitment to net zero, the implications of the commitment to net zero for electricity demand, and the importance of new nuclear as part of the the United Kingdom's energy mix. So the energy white paper confirms that the suite of energy MPs is will be reviewed, to ensure that they reflect the policies in the white paper with the aim to designate the updated MPs by the end of 2021. So my question for interested parties is what do these other publications and in particular, the energy white paper, tell us first in relation to the government's

position on new nuclear as part of the United Kingdom's energy mix, and secondly, the application of n one and n six in the interim period, whilst the NPS review is carried out, and until an updated NPS is in place. So that opened that up to interested parties. Mr. Pa?

53:27

Thank you. My name is Doug PA. I am the policy director for Greenpeace in the UK. I'd like to address some of the documents that were raised by the applicant statement and point out some features of them that I'd like to bring them to the inspectors attention and look a little bit more widely about what is going on and how they impinge upon these policy documents. So the first thing to say around that is the is what is just as actually what's just being talked about and the need for new nuclear because both the 10 point plan and the energy white paper. The energy white paper reiterates this throughout both the overview and throughout the document is that a large new nuclear plants are subject to a value for money test. So it does raise the question of what we mean by need under these circumstances. What is that word actually saying? Because if I were to say, I need air to breathe and water to drink, I don't subject that to a value for money test. It is so need is is a very contingent under these circumstances because it's clearly not essential. And indeed, the lack of being essential is elaborated upon by one of the other documents the applicant refers to which is the sixth carbon budgets. Analysis This by the statutory advisors, the climate change committee. They have five scenarios for how we deliver net zero across the economy, including, of course, within the very important to electricity sector. Three of those five scenarios do not have new nuclear to the level that would require the approval of Sizewell C. Hinkley Point as we know is already happening. But the level of new nuclear that they see in those scenarios does not require the approval of size. Well see, it's less than that. And this is this is not any kind of Rogue finding this is backed up by a other academic literature that is out there, including the people who are responsible for looking after the the security of the the electricity grid national grid, the most, the National Grid future energy scenarios, the most ambitious of their scenarios, again, did not include new nuclear to the extent to which Sizewell C would need to be approved given the approval already with with Hinkley Point

56:18

further,

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just this year, and I mentioned all this because this is the process of evaluation that needs to go on in the light of the revision of n one and E and six, as there have been a series of study of analyses by respected organisations like Imperial College like the energy systems catapult like the one done for SSC energy, all of which say, we do not need more new nuclear, certainly not beyond Hinkley Point C and it is not on the cost effective pathway to delivering netzero. So my conclusion from all this is that the need is not need as we would conventionally understand it even within the government's own policy documents. The statutory advisor now does not consider the approval of a station the size of Sizewell see to be necessary to deliver net zero. and academic literature, which again will bleed into government policy as reviews take place is also of the view that the cost effective pathway to new nuclear does not include Sizewell C. Thank you.

57:36

Thank you. Are there any other interested parties that want to contribute this item? And Tate

57:51

agitate he suffered cancer very briefly, three points. Madam, the policies set out in to see are plainly relevant to your consideration and that of the Secretary of State, but don't appear to us rather more positively do not alter the policy contained in any one or orien. Six and do not appear to be inconsistent with them. That's point 1.2. The energy white paper published in December 2020 makes it clear that the policies in the year one and six remain government policies providing a proper basis for decision making. And thirdly, the updated energy and emissions projections of 2019 are again relevant but full to be considered in the light of three 384 vn one, which refers to the then updated energy and emissions projections as not reflecting a desired or preferred outcome for the government in relation to need for additional electricity generating capacity or types of electricity generation required that would appear to be equally applicable to subsequent sub to subsequent energy and emissions projections. Coming back to the question of need later in your agenda. That's all I wish to set the stage. Thank you.

59:33

Thank you. Now if I could hear from Alison downs of stop sighs We'll see.

59:41

Good morning, Mr. Chi. I simply wanted to endorse the contributions made by Dr. Part of Greenpeace UK and to emphasise that the most ambitious scenarios of both climate change committee and the National Grid did not include a scenario that required the approval of size We'll see. And just to say that, you know, Is our understanding through, you know, the dialogue that we have with people close to government is that, you know, thinking and policy, you know, is evolving. And I think it's really important that that's borne in mind. Thank you. Right, I

1:00:18

don't have any more hands up. So in that case, I'll go to the applicant for a response. So counsellor Marianne fellows.

1:00:36

Yes, Miss mkhaya, thank you very much. And sorry for the slight delay in in in guessing the system to recognise my hand. So counsellor Marian fellows on behalf of over town council, in terms of the government 10 point plan, I think it's really valid to also remember the point nine was to protect the natural environment, and actually to create more areas of outstanding natural beauty. And the phrase was used that there was a need for greater havens of biodiversity. So although the 10 point plan does speak about wind power and nuclear power, it also balances the need for the environment to be enhanced to support carbon capture, for example. And then secondly, I wanted to mention that the whole issue of need for energy, clearly, as Dr. Power has shown you has changed, the thinking has changed, our understandings have changed as a nation, and within the industry to and I would ask you to bear in mind that the only reason the applicant has this need and urgency for size, we'll see is because Hinckley was approved, and they categorically have said the whole time over the last 10 years, that they must have a second EPR to make the books balance to deliver on a generic design commitment. So it's not because we need a new nuclear power station in the UK at size, or that the

applicant is driving this, it's because they need to build a second one. And unfortunately, with hindsight, if we could have gone back, Hinckley should have never been approved, if there wasn't going to be a second one for the applicant to make it viable for them. And the consideration should have been done at that time. We are where we are now, with Hinkley being created. But there's no reason now to say that that should be part of the argument. As you see in E n one and E and six. And it has been mentioned earlier today. There's still no reason that if there are adverse overriding adverse negative impacts, that this application should be approved, just because the applicant needs a second site. And just because the applicant has invested a large amount of money and time at sizeable, does not mean that we should say that she'd go ahead. So there is huge concern. Still, the energy white paper also mentions the fact that it should be new nuclear. So small modular reactors, not large scale nuclear power stations of the design of an EPR. Thank you very much.

1:03:33

Thank you. All right.

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I'll go now to Wayne Jones. I see you have your hand up. Yes.

1:03:49

I just like to comment on the point that the lady just made there. I personally don't see any shame in abandoning the inquiry project at the moment. Two projects are one. And they're obviously in the same bag, the same company building them. And when they tried to build increasingly the last time it was abandoned halfway through. So there's no shame in this happening again, particularly when you consider that the first station then size will be which is sitting next to the station you're trying to build now went up from costing 1.2 billion to 2.1 billion. So it's not to say the stage Thank you. Right, I'll go to the applicant. Now please. Thank you, madam.

1:04:40

If I start with this general point, which is that amongst the list of documents, which are identified under agenda item, see, the key is the energy white paper because it's the most recent and comprehensive statement of UK government policy and takes account of the other documents listed in including, of course, the most recent projections to which it refers. Now, so far as the points that have been made by other parties are concerned. And I don't need to respond to the points made by Mr. Tate on behalf of the Suffolk that those are points with which we don't take issue and they're helpful. Points to have heard. I deal briefly with the point made on behalf of council of fellows about urgency, Madam, as you will be aware and is apparent from the policy documents, the urgency with which new nuclear is needed. It is not something which policy has identified on the basis of the applicant's commercial position. It derives ultimately from the urgency of taking action now to decarbonize the electricity generation in this country and to meet our 2050 targets in order to take effective action to deal with climate change. That is the urgency in the public interest. And it is emergency as Mr. Rose is explained, that only increases with the passage of time, and the identification of what is required. I then turn to deal with the points made on behalf of Greenpeace by Mr. Parr. The points that he makes are essentially points that ought to be and could be made to the government to take into account in its review under Section six, they are not points, I would suggest that have a proper place in the

examination of an individual project. Nevertheless, I just deal briefly with what the white paper actually says, because there are a number of points made both by Mr. Parr and by others, which don't really stand scrutiny when one looks at the nature of the document. But the first point is on page 55, of the energy white paper under a planning framework for energy infrastructure. And the reference to the review of the suite of energy MPs is, is made in a particular way. It's been decided it's appropriate to review the MPs to ensure that they reflect the policies set out in this white paper. And that we continue to have a planning policy framework which can deliver the investment required to build the infrastructure needed for the transition to net zero. So I just pause there in terms of any suggestion that the fact of the review calls into question whether or not there is a need for large scale or new nuclear simply can't withstand scrutiny, even if it were relevant for the purposes of this determination. When one has regard to the policies in the white paper, and what they say that the second point, of course, is that, the truth of that, and the logic of that is made out by the subsequent statement that while the review is undertaken, the current suite of MPs not only remain relevant government policy, but they continue to provide a proper basis on which the planning is better it can examine in sexual state can make decisions on applications for development consent. Now, that would not be said, if it was thought that there was something in those which is significantly inconsistent with

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the policies in the white paper. And as Mr. Tate helpfully incorrectly pointed out, there is no material inconsistency between those two. And then when one looks at what the energy white paper says about this, and I deal with this briefly because we've dealt with it in in writing on page nine, it is made clear that that there is an importance in achieving these objectives of policy providing investors with long term certainty developers and private investors with long term certainty. And that is relevant. It's something which is reflected both in the MPLS and in the white paper. Because of course, if you're going to deliver the infrastructure and the significant investment that is required, in order to do that, you do need to have policies stability. And what's clear is that through the energy white paper, the government is seeking to provide that through making clear the current suite of MPs remain the proper basis for determining applications. And secondly, making clear statements in the energy white paper that bring these matters, up to date, and on page. So that's page eight sorry, page nine decarbonizing the energy system over the next 30 years means replacing as far as it's possible to do so, fossil bills with clean energy technologies such as nuclear and page 11, we will generate clean power with amongst other things, nuclear plants, age 12 nuclear power provides a reliable source of low carbon electricity we are pursuing large scale nuclear page 16 list of key commitments. It This is in a white paper key commitment include aiming to bring at least one large scale nuclear project to the point of final investment decision by the end of this parliament, subjects to vie for money and all relevant approvals, just pausing there is not the task of this process to determine whether an individual project provides clear value for money. That is something which the government considers under a separate process. And there's both this policy and the MPs made clear, and the policy that provides guidance for development control decisions is only one means that the government has to influence what is ultimately built and there are other mechanisms within the market based system, which remains. And so questions of value for money are dealt with separately by the government is not set as a development control. Test and indeed, the decision ultimately, on value for money is made separately to that. Then finally, on page 48, under the heading nuclear, the key commitment is repeated. And then it is said, by reference to the retiring of the existing nuclear fleet, that the government's analysis

suggests additional nuclear beyond Hinkley Point C will be needed in a low cost 2050 electricity system of very low emissions, we must be ready for this. And then it goes on to deal with the key commitment which I just identified and then explains that the government will remain open to further projects later. If the nuclear industry demonstrates is able to reduce costs, and deliver time and budget, that that's all set alongside of course, the clear statement that the policy does not set limits or targets for any individual technology. So I'll just look to see if Mr. Rhodes has anything to add a doubt I'll just pass on to him if I may to complete the applicants response.

1:13:44

Thank you, John Rhodes, for the applicant. And it's not enough for me to justify government policy. But I think it may be helpful to identify some strands within up to date government policy, which explain the position and which I think helped to put in context some of the points made by third parties. So one of the points raised was the climate change committee's six carbon budget and the scenarios which are explored there. And that's addressed in the planning statement update. But what the planning statement update reports is that whilst there were alternative scenarios explored, there was a central balanced net zero pathway. And that was the balance net zero, Part A, which included a scale of nuclear which would require the construction of Sizewell C. And whilst the six carbon budget doesn't set out direct recommendations as to what the mix shouldn't be, in relation to that balanced net zero pathway, it explains that it provides a good indication of what shouldn't be done, which comes close to a recommendation for a specific mix. And similarly in the modelling undertaken by Bayes which sat behind the white paper. And again, the planning segment update addresses this. It identified two different balanced technology mixes. It explored a whole number of different technology mixes as has been explained, but it identified two particular balance technology mixes. And both was said to be within the lowest system cost options explored by the government. And both requirements 10 gigawatts of new nuclear generation by 2035. And perhaps the significance of those can be seen by figure 3.4 in the energy white paper, because it's those scenarios which the government chose to illustrate, directly within the white paper. And the government explains its position helpfully, I think, on page 43, of the white paper. And we know that the government isn't going to direct a particular energy mix and that it wants new nuclear to contribute as much as it can. But on page 53, and the government explained its thinking whilst we are not planning any specific technology solutions, we can discern some key characteristics of the future generation mix. So a low cost net zero consistent system is likely to be comprised to predominantly wind and solar. But ensuring the mix is also reliable means intermittent renewables need to be complemented by technologies which provide power or reduce demand when the wind is not blowing and the sun does not shine. Today. This includes nuclear government making it very clear why nuclear was part of its the mix that is illustrated on the immediately following diagram figure 3.4 in the energy white paper. And part of the explanation is also because of the work the government has done into the likely cost of energy mixes. And again, this is addressed in the planning statement update. And the reference there is paragraph 8.1 point 20. And this is the detail base modelling of more than 3000 different low carbon deployment mixes that the government undertook from a number of perspectives but including cost. And what we set out there in the planning statement update was, however, relying solely on renewables would significantly limit the amount of decarbonisation that could be achieved and increase the system costs of decarbonisation. And that's explained in a detailed footnote which is replicated in the planning statement update. But the government had satisfied itself that in order to optimise the use of renewable energy was also

necessary to have a reliable form of low carbon energy generation. And that relying solely on renewables to meet the zero carbon policy requirement would be more expensive than a mix, which includes new nuclear.

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So you can see the reasoning that sits behind government policy, which I think is helpful. And, and then understanding that reasoning helps one to understand the consistency that's apparent through all the documents which are identified in the in the agenda. And as I said earlier, I think that starts probably with the report in 2019, from the climate change committee, that led to the adoption of net zero. And that was 2019. And it's referred to in the planning statements submitted with the application, it led to the order in 2019, that the government was committing to a 100% reduction in emissions compared to 1990 levels to net zero commitment. And that led to a series of rapid and very, very clear government policy and reports which led to the development of that policy. So the government responded to the climate change committee in 2020. And identified three things. One is a significant increase in demand for low carbon energy a four fold increase in demand. The second was a very important role for renewable energy as part of that mix. But the third was the need for reliable low carbon energy, including nuclear. That was then directly set out in the national infrastructure strategy in November 2020. And again, in the 10 point plan, which identified that pursuing now the government was pursuing new nuclear for reasons which it As explained very clearly, and the new nuclear has a key role to play in decarbonizing the economy and the energy mix within the economy. And it's on that basis through those consistent documents that it's very clear. Not only that the government is totally committed to that position in the most up to date when statement of policy, but the reasons why it is and the reasons why it endorses the NPS, the suite of NPS documents as remaining relevant up to date government policy. And of course, it's those documents which identify the vital contribution which new nuclear can make to the energy mix. And the government very consciously saying that remains up to date policy. Thank you.

1:20:48

Thank you. Right, I see that. Mr. Parr, you have your hand up. All right. Yes. Just a quick point, or is this something you can raise under another returned? Right, and it's just usually the applicant has the final, final say on each entrant.

1:21:16

It's just a point of information about the modelling that the that Mr. Rhodes was referring to, which is that it has been fiercely criticised by and publicly by, including by energy authors who say their treatment of certain aspects of it is is quote, jaw dropping, and myopic. So I think it's unreliable in terms of how much one should rely on that piece of work.

1:21:48

Thank you. Mr. Perron and the modelling is an agenda item later on. So we'll hear more on that later. Mr. Rules, friends of the

1:22:08

Hello, sorry. I had some connection problems there. So I haven't come back in that the role, ma'am, idiot identification. wish to comment regarding the question of urgency. Mr. Philpott talked about that at some length.

1:22:34

Mr. Mr. Rose, we are just coming on to have people's views overall, on the scale and urgency of needs, although it was mentioned, then it might be more appropriate if you just come back shortly and make those comments under the next agenda item. Okay, fair enough. Thank you. Alright. So the next agenda item is item two D the scale and urgency of the need in the light of national energy policies overall. So what I shall do, because it's nearly 1125 is 1123. So we'll adjourn now take a short break until 2012. And then that will be the topic that we should discuss. So that's bringing everything together. And that's agenda item two D. And I would also say just again, remind those watching on live stream to refresh your browser so so that you're able to rejoin the restarted live stream. So the hearing is now adjourned