



Department for
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Dear Sirs

Thank you for your letter of 5 May 2021 on behalf of your client, Together Against Sizewell C (“TASC”) to the Secretary of State for Business, Energy and Industrial Strategy and the Secretary of State for Housing, Communities and Local Government in respect of the application by NNB Nuclear Generation (SZC) Limited for an Order Granting Development Consent for the Sizewell C Project (“the Project”).

Although you addressed your letter to both Secretaries of State, all of your queries fall within the remit of the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) and so I am replying on his behalf alone.

In summary you ask if the Secretary of State will:

1. Confirm that National Policy Statements EN-1 to EN- 6 (“the NPSs”) do not have effect in respect of the Project for the purposes of s.104 of the Planning Act 2008 (“the Act”);
2. Confirm that the NPSs are suspended pending completion of the ongoing NPS review; and
3. Confirm that the “decision-making process” for the Project is suspended pending completion of the ongoing NPS review (either under s.108 of the Act or on a discretionary basis).

Question 1 – Do the NPSs have effect for the Project?

As you note in your letter, a Written Ministerial Statement (“WMS”) made on 7 December 2017 concerns the applicability of National Policy Statement EN-6 to future applications for development consent for nuclear power stations. The WMS makes clear that:

- i) *“Government considers that the current nuclear NPS, EN-6, only “has effect” for the purposes of section 104 of the Planning Act 2008 (“the Act”) for development which forms parts of a project able to demonstrate expected deployment by the end of 2025.”*
- ii) *“Applications for a Development Consent Order under the Act will be considered in the first instance by an Examining Authority appointed by the Secretary of State to consider any specific project proposals”.*

The Secretary of State will not therefore comment on the applicability of EN-6, or any other of the NPSs, to the Project until he has received the report containing the conclusions and recommendation of the Examining Authority following the examination of the application and published his decision on whether or not to grant consent to the Project.

You may be interested in the position taken by the Examining Authority in respect of the, now withdrawn, application for development consent for the Wylfa Newydd Nuclear Power Station in its report to the Secretary of State¹:

“3.3.3. The WMS makes it clear that, in the absence of a post-2025 nuclear NPS, nuclear power station projects yet to apply for development consent and due to be deployed beyond 2025 should be considered under s105 of the PA2008 until such time as a new nuclear NPS is adopted.”

However, you should note that in that case the application was withdrawn before the Secretary of State made any decision on the applicability of the NPSs.

Although the Secretary of State does not confirm whether or not the NPSs apply to the project, he will answer your subsequent questions independently of that question.

Question 2 – Are the NPSs suspended?

The *Energy White Paper – Powering Our Net Zero Future (December 2020)*² which confirmed that the National Policy Statements were to be reviewed stated:

“This white paper shows that the need for the energy infrastructure set out in energy NPS remains, except in the case of coal-fired generation. While the review is undertaken, the current suite of NPS remain relevant government policy and have effect for the purposes of the Planning Act 2008. They will, therefore, continue to provide a proper basis on which the Planning Inspectorate can examine, and the Secretary of State can make decisions on, applications for development consent.”

The NPSs are therefore not suspended. If your letter is to be taken as a request to suspend the NPSs, the Secretary of State notes that you have not provided any reason why this position, which has been in the public domain since December 2020, should no longer apply.

Question 3 – Is the Project’s application process suspended?

In respect of whether the “decision-making process” (by which it is assumed you are referring to the application process) for the Project is suspended, again the answer is no. Neither the NPSs, nor any individual applications, are suspended pending the current review. Again, if your letter is to be taken as a request to suspend the application process in relation to the Project, the Secretary of State notes that you have not provided any reason why that should be the case.

Yours faithfully,

Gareth Leigh
Head of Energy Infrastructure Planning

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010007/EN010007-003948-Recommendation%20Report%20-%20English.pdf>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf