

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 14 to Friday 17 September 2021 was provided in the Examining Authority's letter dated 17 August 2021 [PD-040].

Detailed Agenda for Issue Specific Hearing 14 (ISH 14) on the Development Consent Order, Deed of Obligation and allied documents

Date: Friday 17 September 2021

Arrangements Conference: 9.30am

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

Hearing start time: 10.00am

Venue: The Britten Studio, Hoffman Building, Snape Maltings, Snape, Suffolk IP17 1SP and by virtual hearing via Microsoft Teams

Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible. Anyone attending the venue who has not alerted the Case Team to this in advance may be turned away from the venue.

Please follow current COVID-19 guidance and any guidance from the venue if attending in person.

If you are experiencing any COVID-19 symptoms please do not attend the hearing in person. Contact the Case Team so you can receive joining instructions to access the hearing virtually.

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 8, 24 September 2021**.

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

- Applicant
- Suffolk County Council
- East Suffolk Council
- Together Against Sizewell C (TASC)
- Stop Sizewell C
- RSPB/SWT
- Northumbrian Water

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.

¹ Section 91 Planning Act 2008

All participants are advised that written summaries of their oral submissions at this Hearing should be submitted at **Deadline 8, 24 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 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 Development Consent Order, Deed of Obligation and allied documents Issue Specific Hearing

The main purpose of this ISH is to undertake an examination of issues in relation to the content, drafting and appropriateness of various provisions in the DCO, DoO and allied documents and to allow these to be explored further by the ExA.

Relevant application and other documents to be considered include:

Draft DCO revision 8 (track changes version)

Draft DoO revision 7 (track changes version)

Examining Authority's commentary on the DCO [PD-038]

Responses at Deadline 7 to the Examining Authority's commentary on the DCO [PD-038]

Letter of 3 September 2021 from Walker Morris on behalf of Northumbrian Water submitted at Deadline 7

Detailed Agenda for Issue Specific Hearing 14 (ISH14) on Development Consent Order, Deed of Obligation and allied documents.

1. Welcome, introductions and arrangements for the Hearing

Reference will be made in Agenda items to the Applicant's and IP's responses to ExQ1 and ExQ2, the comments on those responses and all written representations up to Deadline 7.

2. Implications for the content and drafting of the DCO of points raised on the letter of 3 September 2021 from Walker Morris on behalf of Northumbrian Water

3. (A) Articles 9, 9A and 9B of the dDCO and in particular the points made by Suffolk County Council in their response to the Examining Authority's commentary on the DCO [PD-038]. Without limiting the foregoing, the ExA would like to hear argument from Suffolk County Council and the Applicant on:

a. Whether it is right not to require the Secretary of State's consent to transfer of the DCO to a person holding a licence under s.3 of the Nuclear Installations Act 1965 and if so whether it should be stated to be a licence to operate Sizewell C

b. Whether it is right to limit the enforceability of the Deed of Obligation to any person to whom the power to construct or operate Work No. 1A(a) to (h) has been transferred or granted under article 9

c. Should Art 9 state that the DoO is enforceable against the undertaker named in the DCO?

d. Whether there should be deeds of covenant by transferees in addition to the provisions of Art 9 as drafted in [REP7-006] (which is revision 8)

(The ExA notes in passing that Art 9(2) refers to Work No. 1(a) to

(h). Should this be Work No. 1A(a) to (h)?)

(B) the trust deed referred to during ISH12, item 2(iv)

4. Parameter plans and Approved Plans – which take precedence? – Art 4 of the dDCO and Requirement 8

5. Structure of Control Documents and Subsequent Approvals –

a. to consider Appendix C to the Applicant's Response to the Examining Authority's commentary on the DCO [PD-038].

b. To include concerns flagged by East Suffolk Council at ISH11 re: the Code of Construction Practice.

c. To address certain delivery questions including barriers on non-railway land.

d. Other issues arising out of ISH12 and 13

6. Other issues arising from responses to the Examining Authority's commentary on the DCO [PD-038]
7. Issues arising from responses to ExQs2 on the DCO, DoO and related matters
8. Reasonable endeavours
9. Practical arrangements for submission and form of the Applicant's preferred draft DCO, executed DoO and allied documentation
10. The Examining Authority reminds the Applicant and the Councils of point 27 of Annex B "Observations on the draft section 106 agreement" to [PD-009] of 22 December 2020 – the need for the Confirmation and Compliance Document and the confirmations from the councils that the right parties and land interests are bound and that the s.106 agreement (now DoO) has been properly executed.
11. Any other matters relevant to the subject matter of this ISH – to include the differences between the MMO and Applicant in relation to Sch 23 of the DCO
12. Close of the hearing