

# Planning Act 2008: Sizewell C Planning Final Submission October 2021

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I understand the constraints under which the Planning Inspectorate are working. In particular, I have this week studied carefully the National Policy Statement for Nuclear Power Generation (EN-6).

It seems to me that there are two new and vital dimensions to the current DCO which was not foreseen by those drafting the National Policy statement to which the Planning Inspectorate must be faithful.

**The first is the unknown nature of the applicant.**

**The second is the unproven nature of the technology that lies at the heart of this application.** (Or to put it more accurately, the proven shortcomings of the technology on which this application is founded.)

**The unknown identity of the applicant/undertaker.**

As made clear in my previous submissions, the Planning Inquiry is confronted with an unprecedented situation. They are considering an application on behalf of a largely imaginary 'ghost' Applicant/ Undertaker. .

A careful reading of both EN-6 and the Planning Procedures reveals the assumption that there is a known applicant. The whole planning process then involves occasions where the likely operator can be questioned by the Planning Inspectorate, so that the Inspectorate can satisfy itself about the ability of the applicant to meet all the criteria set out in both One dimension of satisfying itself in this way is the accumulated track record of the operator. .

Yet this time the Planning Inspectorate finds itself in the dark.

No-one has any idea whether the company making this application (EDF on behalf of NNBSZC) will bear any likeness at all to the company that might be granted the application.

Already in the course of the inquiry EDF's financial difficulties have deepened to the point where bankruptcy is a real possibility. And the proposed ownership of NNBSZC has changed, with the elimination of the only known funder/owner leaving a vacuum where the minority owner previously stood.

This has a material effect in undermining the statement in para 1.8.2 of EN6 which reads

*1.8.2 The Government has assessed this NPS (by conducting an HRA) and has concluded that it cannot rule out the potential for adverse effects on the integrity of European Sites adjacent to or at a distance<sup>12</sup> from each site listed in this NPS. In line with the requirements set out in Article 6(4) of the Habitats Directive the Government considered potential alternatives to the plan and nominated sites, and concluded that there were no alternatives that would better respect the integrity of European Sites and deliver the objectives of this plan. Accordingly the Government has presented a case for Imperative Reasons of Overriding Public Interest (IROPI) which sets out the rationale for why the plan should proceed given the uncertain conclusions identified by the Nuclear HRA. This can be found at Annex A of this NPS.*

It is one thing to present a case for Imperative Reasons of Overriding Public Interest (IROPI) when the planning process is dealing with an applicant that it can identify and have dialogue with.

It is quite another to do so when the applicant's ultimate identity remains unknown. Especially when the only certainty is that EDF, the current holder of a licence recognised by the Nuclear Inspectorate, will not be the operator and will not have control over the project.

### **The unknown nature of the technology on which the whole application is based – or rather its demonstrable unreliability**

In the same way a careful reading of Annex A of the National Policy Statement for Nuclear Power Generation (EN-6) shows that the Planning Inspectorate is being asked to make recommendations against the background of outdated information.

The whole basis of Annex A relates to sites coming into operation by 2025, thereby enabling them to play their part in meeting the energy mix stated elsewhere in the paper.

Yet since the National Policy Statement for Nuclear Power Generation was published, the experience of companies – especially EDF - in attempting to build power stations of the type envisaged for Sizewell has demonstrated that nothing will be operational before 2040m at best, and more likely 2050 given the 10 years delays in Finland and France and the recent enforced closure of one of the two plants in China. This drives a coach and horses through the energy policy reasoning that underlies the policy statement.

If the Planning Inspectorate were considering an application to build a major road bridge, and evidence emerged from the experience of earlier bridges of this type that cast serious doubt on the efficacy of the design, and the timetable for construction, I am sure the Planning Inspectorate would make its concerns about these flaws part of their final conclusions and recommendations.

The Planning Inspectorate is deliberating in late 2021, not 2010. It would not be rational or credible for the Planning Inspectorate to operate as if we were all unaware of the inability of EPR Nuclear sites to deliver the proposed capacity in a timely manner elsewhere in the world where construction is being attempted.

Imagine a recommendation to the Minister that effectively said

*We recommend Sizewell C as a suitable site as per the application. We don't know who will operate it and how dependable they are.*

*We are also not taking into account the experience of the last 10 years in construction of projects of this type. Even if the projected benefits to human health from this source of energy cannot be delivered by this applicant, we are offering our approval regardless. We have had to ignore the material uncertainty that surrounds the technology that is proposed because that is outside our terms of reference.*

*So by all means go ahead without any certainty either about the reliability of the technology or the identity and ownership of the eventual operator.*

### **Recommendation to the Inspectorate**

While fully respecting the limitations around the terms of reference of the Planning Inspectorate, I would suggest the following rider should be added in the event of any positive recommendation.

- 1) The approval is provisional. Once the identity and proposed ownership of the operator is confirmed, the Planning Inspectorate wishes to question the operator and its owners in order to satisfy itself about the robustness of the proposal in the light of these changes in ownership and control. Then and only then can it make a definitive recommendation. As previously recommended) the Secretary of State is further advised to make use of BS95009 to assess fully the character of the company which will ultimately operate the power station.
- 2) The approval is also provisional in that it can only be confirmed when at least two of the EPR power stations which are currently delayed by around a decade can demonstrate that they have overcome the problems that have beset them. In the meantime the Inspectors recommend that the UK government hastens trials of other forms of nuclear – the pocket nuclear technology developed by Rolls Royce being the most obvious, given that lead times for its development cannot be longer and may well, because of their smaller scale, be shorter the ever increasing EPR lead times.

Thank you for listening and best wishes for your task.

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