

To: Gareth Leigh
Department for Business,
Energy and Industrial Strategy

From: Kathryn Dunne
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PLANNING ACT 2008: FORMAL REQUEST FOR EXTENSION TO THE REPORTING STAGE OF THE APPLICATION BY NNB GENERATION COMPANY (SZC) LIMITED FOR THE SIZEWELL C NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP)

Summary of request

1. The Planning Inspectorate is formally requesting that the Secretary of State grant an extension to the Reporting stage of the application for a period of six working weeks, until 25 February 2022, in order to produce a recommendation report of the highest quality.

Background

2. NNB Generation Company (SZC) Limited (the Applicant) submitted their application for a Development Consent Order for the development of Sizewell C nuclear power station on 27 May 2020. The application was accepted for Examination on 24 June 2020.
3. The Examination commenced on 14 April 2021 and closed on 14 October 2021. The Examining Authority's recommendation to the Secretary of State is therefore currently due to be submitted on or before 14 January 2022.
4. The application for the nuclear power station also provides for associated development including upgrades to an existing railway line, a two-village bypass, a new link road and a temporary desalination plant. The total value of which is estimated at £20bn. The Examination stage of the process generated just under 3000 documents.

Context of the Application and Reporting

5. The Applicant submitted 22 changes to the application during the Pre-Examination and Examination stages of the Planning Act 2008 process. Some of these changes were submitted towards the end of the Examination. Six were considered by the Examining Authority to be non-material changes, the remaining sixteen were considered by the Examining Authority to be material changes to the application. These changes require significant additional consideration, including the consideration of representations of interested parties responding to these. The multiple changes to the already substantial application have added to the complex Examination and Reporting stages.
6. The Application is for a nuclear power station which would commence operation after 2025. As such it is a decision to be made under section 105 of the Planning Act 2008 as the current National Policy Statement (NPS, EN-6) is not designated for generation commencing after 2025.

7. The Examining Authority has had some unexpected health issues during the reporting period that have caused a delay to report writing, therefore there is a need to protect the resilience of this small expert team who are producing the recommendation report under considerable pressure.
8. Therefore, additional time is sought to enable the Examining Authority to produce a recommendation report of the highest quality which will be of the greatest level of assistance to the Secretary of State in reaching his conclusions on the matters, and his decision on the application overall.

Formal Request

9. The Planning Inspectorate is formally requesting that the Secretary of State grant an extension to the Reporting stage of the application for a period of six extra working weeks, until 25 February 2022, in order to produce a recommendation report of the highest quality.
10. The above request is made, given the extenuating circumstances pertaining to the application process which included the size and scale of the proposal and application, the 22 change requests, the policy context and the personal impact regarding the Examining Authority's health and wellbeing.
11. In setting any new deadline under s98(8) of the Planning Act 2008 the Secretary of State must make a statement to Parliament announcing the new deadline.
12. It follows that the Planning Inspectorate is asking the Secretary of State to:
 - (i) take their decision in respect of the proposed extension, and
 - (ii) discharge the requirements set out in s98(8) of the Planning Act 2008 by making a statement to Parliament announcing any extension set out above, as soon as is reasonably possible.
13. A decision on whether an extension is granted is requested by 23 December 2021 to enable the Examining Authority to plan accordingly.

Legal Background:

Planning Act 2008: Section 98:

'(3) The Examining authority is under a duty to make its report under section 74(2)(b) or 83(1)(b) by the end of the period of 3 months beginning with—

- (a) the deadline for completion of its examination of the application, or*
- (b) (if earlier) the end of the day on which it completes the examination.*

(4) The Secretary of State may set a date for a deadline under this section that is later than the date for the time being set.

(5) The power under subsection (4) may be exercised—

- (a) more than once in relation to the same deadline;*
- (b) after the date for the time being set for the deadline.*

(6) Subsections (7) and (8) apply where the power under subsection (4) is exercised.

*(7) The Secretary of State must—
(a) notify each interested party of the new deadline, and
(b) publicise the new deadline in such manner as the Secretary of State thinks appropriate.*

(8) The Secretary of State exercising the power must make a statement, to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.

(9) A statement under subsection (8) may be written or oral'.

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