



Meeting note

File reference	EN010012
Status	Final
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Date	25 June 2013
Meeting with	Friends of the Earth
Venue	Friends of the Earth Headquarters, Central London
Attendees	Mark Wilson (Case Leader, PINS) Michael Baker (Case Officer, PINS) Rachel Fulcher (Coordinator, Suffolk Coastal FOE) David Greenacre (Member, Suffolk Coastal FOE) Tom Griffiths-Jones (Member, Suffolk Coastal FOE)
Meeting objectives	To discuss effective participation in the pre-application and examination stages of the Sizewell C proposal
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate explained that it could give advice under s.51 Planning Act 2008 (as amended); a note of the meeting would be taken and any advice would be published on the website.

The Planning Inspectorate explained the change from the IPC to Major Applications and Plans Directorate within the Planning Inspectorate. It was explained that this has not changed the application process as set out in the Planning Act 2008.

Friends of the Earth (FoE) enquired about the requirements of pre-application consultation being undertaken by the developer, in particular the requirements for information about the scheme. The Planning Inspectorate explained that it is to be expected that the provision of information should increase as the developer refines their proposals and further information becomes available, and that this will be presented in the form of Preliminary Environmental Information. For large projects it is normal to have various stages of pre application consultation leading to a preferred option containing more information about the scheme than earlier rounds. It was explained that the developer has a duty to demonstrate how responses to pre-application consultation have been taken into account in their Consultation Report.

PINS recognised that FoE were likely to object to nuclear energy in principle and set out the matters that were within the remit of the Examining Authority. Objections to the Government's policy on nuclear power would need to be progressed through alternative avenues since the focus of the Development Consent process is primarily on local impacts. With regard to how FoE engages with the developer during the pre application stage, within that context, PINS advised that they should use it as an

opportunity to find out as much information about the proposals as possible. It was up to FoE whether or not they wanted to engage with the developer about how the proposals could be made better (mitigation). Engaging with the developer about such things would not prejudice any "in principle" objection to Nuclear Power they hold.

The Planning Inspectorate set out what issues cannot be taken into account by the Examining Authority with reference to the Nuclear National Policy Statement (NPS). It was explained that it is not the role of the Examining Inspectors to question or challenge Government policy as defined by the National Policy Statements on energy and nuclear power. The Planning Inspectorate outlined that those issues that were under the remit of the Office for Nuclear Regulation or other matters set out in the NPS were not issues that could be considered during the examination. A summary of matters that the Examining Authority may not take into account as set out in the NPS was presented to FoE and is appended to this note.

PINS explained that the role of the Examining Authority was to balance the local impacts of the proposal against the "urgent" national need for new energy generating infrastructure such as nuclear power stations, as set down in the NPSs EN1 and EN6.

If the application is accepted (validated) by PINS to proceed to the examination stage, the public and other organisations will be invited to register with us by making a relevant representation; the easiest way to do this is to complete an online form via our website. Hard copies can also be made available to named individuals.

The Planning Inspectorate explained the examination process. Within this, the role of Statements of Common Ground as providing the basis for understanding those matters agreed between the applicant and various bodies including Local Authorities was explained. The purpose and changes made to the submitted Development Consent Order was explained, and the purpose and mechanism for the discharging of requirements was also explained. The Planning Inspectorate advised that s106 agreements can also be made between parties during the examination and that the content of these agreements may be taken into account by the Examining Authority.

The Planning Inspectorate emphasised that the primary method of examination was through the exchange of written representations and that hearings were supplemental to this. In particular, the purpose of hearings is for the Examining Authority to gather information on matters where they need more detail or clarification on issues which have been raised in written representations. There will be an opportunity for members of the public to add to their written representations at Open Floor Hearings. Issue specific hearings will also be held and these tend to be more technical in nature; the Examining authority will decide which matters/issues they wish to explore in this way. It is important for interested parties to understand that if a hearing is not held about an issue, this does not mean that the Examining Authority do not think it is of less importance than other issues which are the subject of hearings.

Any hearings that are held are open to interested parties to attend and participate. They are formal events, led by the Examining Authority and quite different from traditional style planning Inquiries.

Specific decisions / follow up required?

The Planning Inspectorate and Friends of the Earth may meet closer to the time of submission.



The Planning Inspectorate

Appendix 1

Non exhaustive summary of matters that the Examining authority may not take into account when considering an application for development consent for a Nuclear Power station, as stated in the Nuclear NPS (EN-6).

- Need for Nuclear Energy
- Alternative Sites
 - 8 sites identified by NPS – this provides flexibility for refusal
 - Sites have already been considered by
 - Appraisal of Sustainability (Strategic Environmental Assessment for the NPS)
 - Strategic Siting Assessment (SSA)
 - Alternative Sites Study
- Assessment of Alternatives
 - In any assessment of alternatives, the following should frame the consideration:
 - Whether the alternative would generate the same amount of low carbon electricity by 2025
 - Whether the alternative would meet the requirements of the SSA
 - The government does not believe there are any suitable sites outside of the NPS
 - Comparison to other sites is unlikely to affect the decision
- Regulatory Justification (Safety)
 - A separate process that the DECC Secretary of State is responsible for
 - If this presents a challenge in the consideration of the scheme, the ExA may consider a Grampian like condition awaiting the completion of this process.
- Permits and other regulatory regimes
 - The ExA will assume that permits will be carried out correctly
- Waste
 - Whether arrangements exist to manage and dispose of waste shouldn't be considered by the ExA
- Flags for Local Consideration – those flags not considered by the ExA
 - demographics;
 - seismic risk (vibratory ground motion);
 - capable faulting;
 - non-seismic ground conditions;
 - emergency planning (the ONR will work together with the local authority or other Emergency Planning Authority);
 - meteorological conditions; and
 - proximity to mining, drilling and other underground operations.
- A sequential test should not be undertaken by the ExA