



Meeting note

Project name	Sizewell C New Nuclear Power Station
File reference	EN010012
Status	Final
Author	The Planning Inspectorate
Date	20 January 2020
Meeting with	Defra Group (The Environment Agency, The Marine Management Organisation and Natural England)
Venue	Temple Quay House / Telecon
Meeting objectives	To discuss Defra group engagement with EDF Energy (the Applicant) and highlight key areas of environmental risk
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Summary of ongoing Defra group engagement

The Environment Agency (EA) explained how engagement with the Applicant had been going. It said that progress had been made through 2019, and that it was close to agreement on certain technical details, but that agreement on a number of other issues had not yet been reached. In particular the key concern expressed by the EA was that it had not yet witnessed the conclusion of certain workstreams (for which it was an advisor), such that it may not be able to offer the Inspectorate the level of advice and guidance necessary to support the examination process. In other instances, the EA said that whilst it may have agreed modelling specifications, it was yet to see, or agree on, modelling outcomes, or assessment conclusions (including if/ how the Applicant is proposing to respond to technical comments recently provided by the EA in response to the draft Development Consent Order (DCO) document review). The EA had not yet agreed 'common ground' with the Applicant, at an overarching level, on the workstream areas for which the EA were an advisor to the planning process.

The EA believed that negotiations and agreements were unlikely to progress as far as they would have expected prior to the submission of the Application (based on its current understanding of the submission programme). This means that, in its view, a "significant amount of work" will remain to be done by the EA either in Pre-Examination and/or during the Examination which may affect levels of agreement that can be reached with the Applicant in various topic areas. These sentiments were shared by the EA's sister organisations (Marine Management Organisation (MMO) and Natural England (NE)), who were similarly concerned about the work that remained outstanding, and their ability to conclude their review of assessments and conclusions supporting the DCO application prior to submission.



The MMO echoed what had been said by the EA. It also noted that its ability to engage with the review of draft application documents had been limited by access to sufficient levels of information at that stage.

NE noted that although there had been some progress, the timetable the Applicant was working to made providing robust advice very challenging in some areas (including opportunities to review revised materials post-advice and comments). It also felt that necessary documents sometimes weren't provided or arrived very late, and that where advice had been given it wasn't clear if/ how that advice had been followed in subsequent document iterations. There had also been a difference in expectation about the amount of NE time and resource needed for input into the document review in the consultation period during December, and this had been challenging to deliver within the time and staff limits requested by the Applicant.

All of the Defra group expressed a potential concern that aspects of the Application might contain newly presented information and assessment material, at the point of submission, that they may not have previously seen because of the constrained nature of submission timescales. Due to the number and complexity of issues yet to be resolved, resourcing during Examination was a key concern. The EA encouraged the Inspectorate to allocate suitable time to the more complex workstreams, so as to ensure that these subjects can be adequately concluded to the timescales necessary. The Inspectorate noted this, but explained that the duration of the Pre-examination period and Examination timetabling are at the discretion of the Examining Authority (ExA).

The Inspectorate's advice and discussion

The Inspectorate advised that it would be discussing some of these issues with the Applicant in the next pre-application meeting with them. It also advised that all of the Defra group organisations should seek to submit Relevant Representations which set out which particular issues are likely to require Pre-Examination and Examination time and what areas the EA, MMO and NE feel are likely to require significant focus. The Inspectorate talked about how an ExA would consider the Relevant Representations and oral representations at the Preliminary Meeting in setting the examination timetable.

Permits and Licences from Defra

The EA spoke about the intended timeframes for submission of the various environmental permit applications required for the construction and operation of the Proposed Development. Their standing advice remains that such applications should be applied for sufficiently prior to the submission of the DCO application, allowing them to be in a position to offer advice on likely outcomes during the Examination of the DCO (noting section 4.10 of NPS EN-1). The EA understood the Applicant's intention for simultaneous submission of permits and the DCO application in this case. Given the complexity of the permit applications, the EA are uncertain about whether they will have reached "draft decision" stage for these permits within a timescale that will enable them to offer appropriate advice and recommendations to the ExA, prior to the end of the DCO examination.

The MMO said that it was now aware that the Applicant intended to apply for a Harbour Empowerment Order after its review of their draft application documents in November 2019. MMO is of the view that given previous timescales for Harbour Empowerment



Order applications, if submitted at the same time as the DCO, there could be a risk to the project delivery timeline.

NE mentioned that it typically expected applicants to submit draft European Protected Specie licence applications and request Letters of No Impediment (LoNI) in respect of those licenses during pre-application. LoNI are usually submitted as part of the DCO Application. In this case, there has been limited discussion to date on LoNI or the necessary information to support them.