



Meeting note

File reference	Sizewell C New Nuclear Power Station (Sizewell C)
Status	FINAL
Author	The Planning Inspectorate (the Inspectorate)
Date	26 March 2020
Meeting with	NNB Nuclear Generation (SZC) Limited (the Applicant)
Venue	Telecon
Meeting objectives	Application submission – update and acceptance requirements
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.

The Inspectorate provided a brief outline of the current implications for National Infrastructure (NI) and other casework in line with current government advice on the Coronavirus (COVID-19). All guidance and latest news can be found via the Inspectorate's social media channels and website.

Flood Risk Assessment (FRA) and Climate Change Allowances

The Inspectorate explained that they are starting to impress on applicants at pre-examination the importance of following the most up to date guidance and climate change allowances to inform flood risk assessments which accompany DCO applications. In particular the guidance referred to is set out in the UKCP18 data and its implementation in the Planning Practice Guidance (PPG) supporting the National Planning Policy Framework (NPPF).

The Inspectorate is of the view (supported by statutory advisors) that the acceptance process has a key role to play in ensuring assessments are robust and fit for examination in this regard and that the FRA should be given more prominence in applying the "satisfactory standard" tests of the overall adequacy of the application at acceptance. This is a reflection of the policy landscape and growing importance of these issues.

The Inspectorate appreciates that technical guidance on climate change allowances is being updated frequently and that for NSIP projects in particular there is a long lead in time to prepare such detailed assessments. The Inspectorate explained the

potential risks associated with accepting an application based on an assessment of potentially superseded climate change allowances which, if updated, might require material or non-material amendments to a scheme during examination.

At the point of submission, the Inspectorate explained that justification and reasoning as to the FRA methodologies and climate change allowances presented in the application documents will be an important consideration, particularly where superseded guidance or allowances have informed the assessment for whatever reason. The Inspectorate also encouraged the Applicant to present evidence to support stated positions of agreement with relevant statutory consultees around the applied methodologies.

The Inspectorate highlighted a recent example of where post-acceptance s51 advice has been issued to the Applicant on this topic; for the Metrowest project (that advice is available on the project page of the NI website).

The Inspectorate briefly referred to a recent pre-application meeting that it had held with the "Defra group" (the Marine Management Organisation (MMO)), Environment Agency (EA) and Natural England (NE)) on Sizewell C where the EA had expressed some concerns with the FRA document suite (based on the draft documents they had seen up to the point of that meeting in January 2020).

The Applicant explained their position with regard to their approach to the FRA and various climate change allowances and scenarios considered. They were of the view that their assessments are robust in the sense of applying the most recent guidance and up to date UKCP18 allowances. They also explained that they had been engaging very closely with the EA over the course of the whole project, including over recent weeks and months in the run up to DCO submission, and that they were confident their assessments had taken into account comments and views of the EA around these methodological aspects.

Application submission

The Applicant advised that a press release had just been published confirming that the submission of Sizewell C would now be deferred by a few weeks. The Applicant explained that the application is now ready to be submitted but the decision to defer was made in consideration of the current circumstances with COVID-19, so that communities are not disadvantaged during the current difficult times. The Inspectorate confirmed that whilst it was prepared and ready to receive the application, it acknowledged that the Applicant was taking a pragmatic approach.

The Applicant stated it will keep the ongoing COVID-19 situation under continuous review over the coming weeks and maintain channels of communication with the Inspectorate and other stakeholders, particularly the local authorities. The Applicant noted that the length of the delayed submission needed to be weighed against the national significance of the project and that it would welcome thoughts from the Inspectorate on how flexible it considered the regime could be when handling the application.

The Inspectorate highlighted that whilst there is no flexibility during the acceptance stage, as it must make a decision in the 28-day period, it will work closely with the relevant local authorities on their timeline for submission of any adequacy of consultation representation. In the event that the application is accepted for

examination, there is no prescribed period for the pre-examination stage. It was noted that whilst an Applicant has a duty to comply with all the regulations should an application be accepted, as there is no statutory time frame, the Inspectorate advised the Applicant to consider providing a longer lead time for parties to submit relevant representations than what they were intending to do. It was also noted that the regulations do not specify a deadline date for holding the subsequent Preliminary Meeting.

The Applicant confirmed that it was thinking very much the same, including giving a longer period for relevant representations and working with PINs to agree an extended pre-examination period. The Applicant stated that whilst the delay to the submission is intended to be helpful and that it would not want an early submission to be taken as an attempt to force the agenda or create any difficulties for stakeholders. However, if a submission relatively soon was practical, many should regard it as helpful because the flexibility around the pre-examination stage could provide all parties with a longer period to fully engage with the application. Depending on when the application is received, and the situation with COVID-19, both the Applicant and Inspectorate acknowledged that the pre-examination stage for Sizewell C could take longer than what would usually be expected.

It was also noted that there are other major applications in the local area and both the Applicant, and the Inspectorate acknowledged the need to be mindful of the timings of these to reduce the impact on local communities, authorities and other stakeholders.

The Inspectorate assured the Applicant that whilst there will be constraints involved in the processing of this application (and others) during such unprecedented times, the Inspectorate is always mindful of the need to ensure fairness and open access to all parties and although it already operates largely online, it will continue to look at ways to engage with people and facilitate progress online.

Specific decisions / follow up required?

- Given the ongoing and changing situation, the Applicant and the Inspectorate will continue to liaise regularly about the submission date for the application.