



BRIEFING ON THE PLANNING PROCESS FOR SIZEWELL C: UPDATE 1: PRE-EXAMINATION

The application for a Development Consent Order (DCO) to build a new nuclear power station, with two reactors capable of generating enough safe, low-carbon electricity for about six million homes, was submitted to the Planning Inspectorate (PINS) on 27 May 2020 following a delay of two months due to the COVID-19 pandemic.

The first part of the process was for PINS, on behalf of the Secretary of State for Business, Energy and Industrial Strategy, to decide whether the application was suitable for Examination and if so, formally accept it. Part of this process was to ensure EDF had fulfilled its statutory duty to conduct adequate pre-application consultation.

On Wednesday 24 June 2020, PINS confirmed that EDF has satisfied its legal responsibility to adequately consult the public in advance of submitting the proposals and has formally accepted the DCO application. This updated briefing aims to advise you on the next steps as the application has now been accepted for examination.

The Section 56 (s56) Notification Stage or the formal pre-examination stage of the process will begin on 8 July and run to 30 September. The minimum statutory duration of this stage is 30 days but the application is detailed and there are still some restrictions due to the pandemic response.

This is not a public consultation. PINS encourages stakeholders to read the application online. You can then register on the PINS website to become an 'Interested Party' by providing a written summary of your views on the DCO application. This is called a 'Relevant Representation'. As a registered 'Interested Party', you will be kept informed of progress and about opportunities to put your case forward at the next stage (the Examination).

This briefing also contains information about the Environment Agency's (EA) consultation process on the three environmental permit applications, submitted at the same time as the DCO application, to support the future operation of Sizewell C. Once the EA has accepted confirmed that the applications are complete it will begin a 12 week public consultation which they will advertise.

This updated briefing has been sent to several organisations and stakeholders in East Suffolk. We believe it is important that everyone understands the steps PINS will take, including the opportunities to get involved. We hope you will find this briefing useful.

Should you have any further questions, or would like to discuss any aspects of the planning process, please call the Sizewell C Community Freephone line on 0800 197 6102 or email us at info@sizewellc.co.uk.



THE DCO APPLICATION PROCESS

WHO IS INVOLVED?

The Applicant/Developer: Sizewell C Co. has submitted the DCO application to build Sizewell C to the Planning Inspectorate. Sizewell C Co. is the applicant for the DCO and all environmental permit applications. EDF is the current owner of 80% of Sizewell C Co.

The Planning Inspectorate (PINS): Responsible for examining the application and making a recommendation to the Secretary of State for Business, Energy and Industrial Strategy as to whether or not development consent for the Sizewell C Project should be granted.

Statutory Stakeholders: Statutory stakeholders are defined in the Planning Act 2008 as having a key role in the consultation and examination of a DCO application. Some have particular responsibilities during the process, such as the local authorities (Suffolk County Council and East Suffolk Council) who were asked by PINS if the applicant's pre-application consultation was adequate.

Interested Parties: Anyone with an interest in the DCO application for Sizewell C can register their interest on the PINS website through a short written summary of their views. Those registering can then take a full part in the examination itself if they wish. Any party with an interest in the land affected by the application is automatically registered.

Secretary of State for Business, Energy and Industrial Strategy (BEIS): After receiving the recommendation from PINS, the Secretary of State has three months to announce the decision.

PLANNING AID ENGLAND (PAE)

PAE has provided a 'neutral facilitator' role to support local Parish and Town Councils affected by Sizewell C proposals during the pre-application stages of consultation. During these times the PAE team – who remain completely independent from the Sizewell C Project – have run various workshops and operated an e-mail service to help Parish and Town Councillors to both understand the proposals and work out how best to present their views and concerns into the planning process.

PAE will also be offering a similar service during the Section 56 notification period, only it will be delivered remotely due to the current circumstances. This will comprise a video presentation, particularly about what happens next, to be viewed online at pre-arranged times; holding several online question and answer sessions which councillors who wish to take part in can sign up for in advance. PAE will also operate an e-mail advice service during the latter part of the notification period.



WHAT HAPPENS AND WHEN?

There are six stages for the application process:

DCO PLANNING STAGE	COMPLETED
Pre-application	✓
Acceptance	✓
Pre-examination	NEXT
Examination	AUTUMN / WINTER 2020
Decision	2021
Post-decision	2021

WE ARE HERE: PRE-EXAMINATION / SECTION 56 NOTIFICATION STAGE (8 JULY – 30 SEPTEMBER)

Although sometimes referred to as a consultation, the pre-examination stage is about having the opportunity to read through the application that has been submitted and then, if you want to, you can register on the PINS website to become an ‘Interested Party’ by providing a written summary of your views on the DCO application. This is called a ‘Relevant Representation’.

As a registered ‘Interested Party’, you will be kept informed of progress and about opportunities to put your case forward at the next stage: Examination.

There is no statutory timescale for starting the s56 notification or examination stage, but it usually takes two to four weeks after PINS has accepted the application. The start of the s56 notification / pre-examination stage will be 8 July and the DCO application will be published on the PINS website.

Some points are relevant to the Sizewell C application specifically:

- Before 8 July a newsletter will be sent to homes and businesses in the local area to notify everyone where they can view the DCO application and how they can register their interest. It will provide clarity on the start date of the pre-examination stage.
- This stage must last a minimum of 30 days. We have always been clear: we will provide more time and have decided that 12 weeks provides ample opportunity to scrutinise the proposals.
- The PINS website will include all the DCO application documents. The Sizewell C Project will also launch a website which will hold all the documentation. We will make the site as easily navigable as possible.



- PINS has been encouraging applicants and interested parties to access documents online for years. We will be encouraging everyone who has internet access to use it and read the documents at home.
- For hard to reach groups and people without internet access, we will provide access to the printed documents. We always aimed to make the pre-application consultation process as accessible as possible and we will continue to operate to best practice at this stage. We will do this in ways that adhere to the Government's evolving guidance on social distancing and public gatherings.
- The independent Planning Aid England (PAE) advice service will be available to town and parish councils throughout this period.
- The Sizewell C Community Freephone line and email account will be operating throughout the whole process should anyone have questions.

During this stage, PINS will appoint an Examining Authority (a panel of Inspectors) to examine the application. When they are happy that the pre-examination process has been properly undertaken, they will hold a Preliminary Meeting and invite registered interested parties. This commonly happens about five or six months after the application is accepted. The Examining Authority will identify the key issues raised by the application and take representations on a proposed timetable for the examination.

We do not know what the situation with COVID-19 will be at this point, but we have agreed that PINS will not start the examination phase until they are happy that no parties will be disadvantaged.



EXAMINATION (up to six months)

The Examination period commences after the close of the Preliminary Meeting. The Examining Authority will publish the timetable and arrangements. The Planning Act 2008 requires the Examination of the application to be completed within six months. The process is intended to be conducted principally in writing but there will be public meetings and hearings. Registered Interested Parties can send written comments to PINS and can ask to speak at public hearings.

RECOMMENDATION (up to six months) and DECISION (up to three months)

PINS will then prepare a report on the application to the Secretary of State, including a recommendation, within three months of the close of the six-month examination stage. The Secretary of State for BEIS has a further three months to make the decision on whether to grant or refuse development consent.

POST-DECISION (up to six weeks)

Once the Secretary of State has issued a decision, there is a six-week period in which the decision may be challenged in the High Court. This process of legal challenge is known as Judicial Review.

To get more information on the planning process, including information on how to get involved, go to the PINS website at: www.infrastructure.planninginspectorate.gov.uk

The application process.

The six steps

The Inspectorate, on behalf of the Secretary of State, has **28 days** to decide whether the application meets the required standards to proceed to examination including whether the developer's consultation has been adequate.

You can send in your comments in writing. You can request to speak at a public hearing. The Inspectorate has **6 months** to carry out the examination.

There is the opportunity for legal challenge.

Pre-application

Acceptance

Pre-examination

Examination

Decision

Post-decision

Look out for information in local media and in public places near the location of the proposed project, such as your library. The developer will be developing their proposals and will consult widely.

You can now register as an interested party; you will be kept informed of progress and opportunities to put your case. Inspectors will hold a Preliminary Meeting and set the timetable for examination.

A recommendation to the relevant Secretary of State will be issued by the Inspectorate within **3 months**. The Secretary of State then has a further **3 months** to issue a decision on the proposal

THE ENVIRONMENT AGENCY: CONSULTATION ON EDF'S ENVIRONMENTAL PERMIT APPLICATIONS

The Environment Agency (EA) is responsible for regulating environmental protection at nuclear sites, ensuring that people and the environment are properly protected.

WHAT ARE ENVIRONMENTAL PERMITS?

To build and operate a new nuclear power station at Sizewell, EDF will need a number of environmental permits from the Environment Agency. These cover the work and the controls that EDF needs to put into place for construction, commissioning, operation and decommissioning of any new power station.

Activities requiring environmental permits include: radioactive waste discharges and disposals; abstraction from and discharges to controlled waters (including rivers, estuaries and the sea); operating specific plant (including back-up generators and boilers); assessing and cleaning-up contaminated land, disposal of conventional waste; and work on, or that could affect, flood protection features.

WHAT IS HAPPENING NOW?

EDF applied for its three operational environment permits to operate Sizewell C at the same time as the DCO application was submitted. These are:

- **Water Discharge Activity (WDA) Permit** - Required to allow the discharge of non-radioactive cooling water from the Sizewell C reactor back into the sea.
- **Combustion Activity (CA) Permit** - Required to allow the operation of the diesel generators in the unlikely event the power station experiences a loss of onsite power.
- **Radioactive Substances Activities (RSA) Permit** - Required to allow the discharge of small amounts of radioactivity from the Sizewell C reactor into the air and sea, and disposal of solid radioactive waste generated by the reactor.

For more information on how the DCO and permitting regimes interlink, please view information on the Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-11-Annex-D-EA.pdf>

The permit applications covering the construction activities in support of Sizewell C will be submitted at a later date.

Once the EA has checked that the applications contain everything needed to start their determination, they will then begin an initial 12 week period of consultation.

As soon as they start the consultation the EA will:

- Email everyone on their mailing list. You can subscribe by emailing: SizeWellCNNB@environment-agency.gov.uk
- Advertise the consultation in the East Anglian Daily Times
- Share information on Twitter: www.twitter.com/EnvAgencyAnglia
- Update their web page: www.gov.uk/guidance/size-well-nuclear-regulation
- Share information with local media

HOW YOU CAN GET INVOLVED AND HAVE YOUR SAY

You will be able to view all of the documents online and the EA will publicise the link as soon as the consultation starts. You will be able to make your comments online or by email.

Under normal conditions they would place paper copies of the applications in the local libraries. However due to Coronavirus guidance this will not be possible (at least at the start of the consultation). Instead, in the locations that EDF make their DCO documents available to the public on laptops, the permit applications documents will also be provided on those laptops.

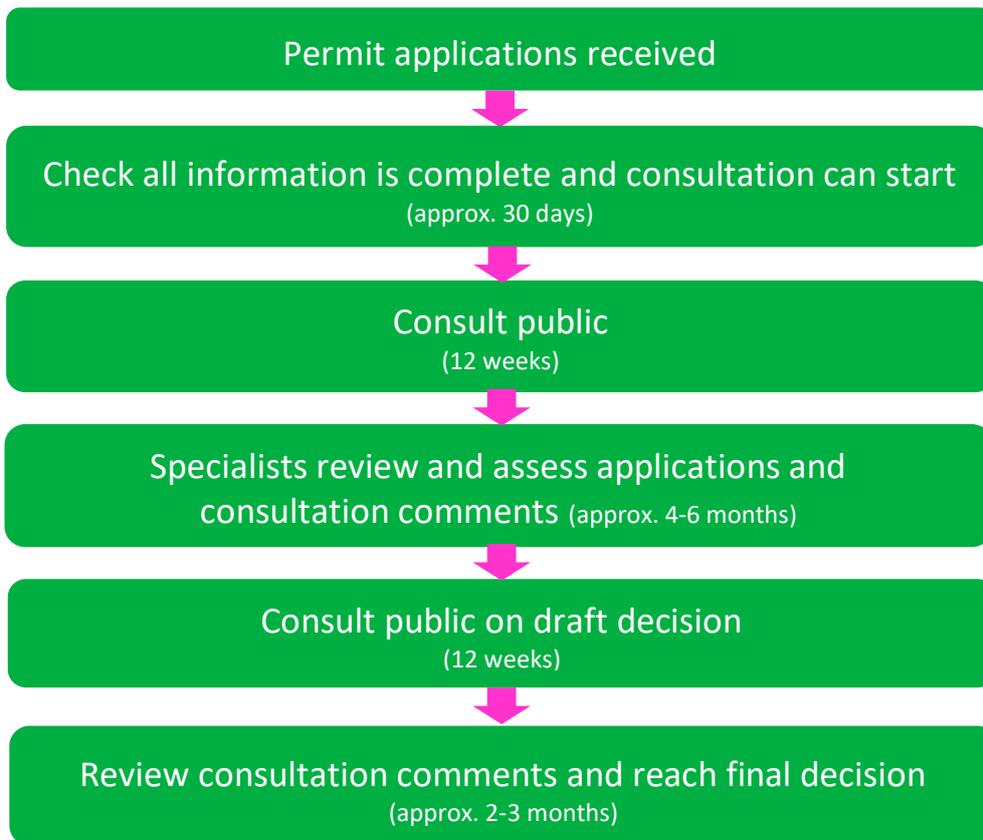
The EA would also have held a public drop-in but it is unlikely that it will be safe to do that for the foreseeable future. They are considering offering a telephone question and answer session where stakeholders will be able to ask questions about how the permit determination process works. They will publicise details once the consultation begins.

WHAT HAPPENS AFTER THE 12 WEEK CONSULTATION CLOSES?

The EA will review all of the comments submitted and use them as part of their determination of the three applications. Once they have reached a draft decision on the permits, they will run a further 12 week period of consultation to share their views and seek further feedback.

During that time, the EA intends to hold a number of public drop-in events and place copies of the draft decision documents, and plain English summaries of the information in local libraries, as well as on their website GOV.UK. Clearly, face-to-face meetings will depend on whether Coronavirus restrictions are still in place.

Figure 1. Overview of the process for determining environmental (operational) permits:



HOW THE ENVIRONMENT AGENCY CONSULT ON ENVIRONMENTAL PERMIT APPLICATIONS FOR OPERATIONAL AND CONSTRUCTION STAGES OF NEW NUCLEAR DEVELOPMENT

The EA's decision making process for environmental (operational phase) permit applications includes two periods when they will be consulting, which to date has always included public drop-in sessions. Firstly, they will ask for your comments on the permit applications. Later they will have an additional consultation when they will provide a document setting out their views and ask for your comments on their draft decision. Only after they have carefully considered the comments they receive in that consultation will they make their final decisions.

For construction phase permits (such as for the associated development sites, discharges to water, waste treatment activities) they will also have a period of consultation on the application, but this will be online only. The EA will also make interested parties aware of the consultation. Once they have carefully considered the comments they receive in that consultation they will make their decision. Construction activities are not unique to nuclear developments and are time-limited so they will process the permit applications as they would for any construction site. This is a proportionate approach that will help them exercise the best regulatory control on rapidly changing construction activities.