

Meeting note

Project name	Sizewell C New Nuclear Power Station
File reference	EN010012
Status	Final
Author	The Planning Inspectorate
Date	10 December 2019
Meeting with	The Planning Inspectorate (the Inspectorate), EDF (the Applicant) and the Environment Agency (EA)
Venue	Temple Quay House/ Telecon
Meeting objectives	Permitting and DCO applications programming
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 Applicant's expected programme

The Applicant explained that it still expected to submit its Development Consent Order (DCO) application in Q2 2020. At the same time, alongside this it confirmed it would be submitting applications to the Environment Agency (EA) for the three operational environmental permits required (Radioactive Substances, Combustion Activities and Water Discharge).

The Applicant noted that guidance suggested these permit applications should be submitted six months prior to the submission of the DCO application. However, it felt that submitting them simultaneously allowed them to better engage with the EA all the way through the Pre-application stage of the DCO process. The Applicant advised that experience had demonstrated that where permit applications were submitted earlier the DCO application and permits become 'out of step' with each other creating the potential for revised information to be included in the DCO application that is not included in the permit applications.

Comments from the EA

The EA said it was aware of the issues, particularly in relation to reduced engagement whilst at the determination stage of the permit application process. The EA confirmed it wanted to continue to work with the Applicant to get to a stage where they were both content with the information and documentation brought forward to Examination. However, it did note that despite the extensive dialogue between the two, a lack of time would lead to unresolved issues being taken forward into Examination.

The EA explained that whilst it understood the Applicant's position, its issue with the permit applications not being submitted prior to the DCO application is that it would be

likely to limit their ability to fully engage with the DCO Examination, and so advise PINS on the outcome of their assessment of the environmental matters specifically covered within the permit applications, or potentially prevent their being able to provide the Secretary of State for Business, Energy and Industrial Strategy with the full picture of environmental impacts at the Decision stage of the DCO process.

One specific issue the EA raised was that the Habitats Regulations Assessment (HRA) for the environmental permits may well not be complete and therefore the EA could struggle to advise an appointed Examining Authority on issues in relation to this, particularly with regards to Requirements it may recommend be included within the DCO because necessary control measures, or mitigation techniques may fall outside the EA's regulatory remit.

The EA noted that it had received draft documents from the Applicant to provide comments on. The Applicant mentioned that these included drafts of the permit applications and that the Radioactive Substance and Combustion Activities permit were very similar to those from Hinkley Point C New Nuclear Power Station. Both parties agreed on the importance of the permit applications being complete and of a good quality.

The Inspectorate's response

The Inspectorate queried whether there is likely to be a lead competent authority in respect of HRA, it was agreed that this would be subject to further discussion between the EA and the Inspectorate. The Inspectorate talked about how at Acceptance for the DCO application it would undertake a high-level check to ensure the correct environmental information was included. Through the process it would bring together information from the application documents and from other competent authorities such as the EA.

The Inspectorate enquired about the EA's ability to engage with elements of the DCO process that were separate from the permitting process. The EA answered by pointing towards the National Policy Statements. It said these identified the separate but complementary nature of the permitting and planning processes and therefore the EA could also engage with anything outside its regulatory remit and had been doing so in considerable depth during the pre-DCO application period. The Inspectorate advised the EA to make it clear to an appointed Examining Authority the limit of its regulatory remit for those processes falling to their permits, and how it may need to engage with the DCO process to ensure adequate environmental control measures are in place.

Specific decisions/ follow-up required?

The following actions were agreed:

- A meeting to be arranged between the Inspectorate and the DEFRA group