

Deadline 7 Written Representation – NGET’s Additional Submission AS-167, Document 9.154 of 25/04/2026, proposing DCO drafting changes to post-consent discharge functions.

Snape PC is very concerned that NGET has submitted a late DCO draft change that would, if accepted, undermine entirely the role of the Local Planning and Highways Authorities in the discharge of requirements, should the Proposed Project be permitted to proceed. The attempt to make proleptic changes to the DCO in this way reveals a dismissive attitude to public accountability, and demeans the role of the community’s elected representatives in holding the Applicant to their commitments. It should be rejected in its entirety. We support ESCEP and others in their appeal to the ExA to reject the proposed changes.

1 Background

1.1 In their response to the Government’s Nuclear Regulatory Review 2025 (the ‘Fingleton Review’), the Government has published a policy paper (13/03/2026), entitled “Building our nuclear nation: government response to the Nuclear Regulatory Review 2025” (“Fingleton Response”).

1.2 The Fingleton Recommendation 30 was as follows: “DESNZ should establish a unit which discharges DCO Requirements. Guidance issued by MHCLG should be updated to endorse the use of this unit as the discharging authority for DCOs relating to nuclear development. Local authority involvement in the discharge of conditions can be secured through a requirement for consultation prior to submission to the Department”. The Government’s response was: “The government accepts this recommendation. DESNZ will establish a new unit within its Infrastructure Planning Delivery team to consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments. This will speed up decisions on the meeting of post-consent requirements. This will be focussed initially on nuclear power and electricity networks projects, with a view to extending this to other types of energy projects if evaluation of its effectiveness supports its expansion.”

1.3 NGET now propose a change to their DCO draft, since ‘..the Applicant considers that it is prudent to seek to anticipate the establishment of this DESNZ unit by providing for it in the drafting of DCOs granting consent for electricity networks.’ The actual drafting changes proposed are based on the recommended inclusion of the phrase: ‘...(including where the relevant planning authority is the DESNZ unit for the purposes of a Requirement)...’ where the original draft referred to ‘...a relevant planning authority..’

2 Objections

Four major issues immediately arise that should disqualify this submission from the process.

2.1 In principle, a submission anticipating a future change of legislation should be debated openly and with parties to the application fully aware of the detailed provisions of the change, and with the ability to consult and enquire. The Applicant has held back their submission for over a month since these changes were proposed in the government announcement made on 13/03/2026, and there were opportunities for discussion and consideration at OFH3 and particularly ISH3 in the week of 23/03/2026. The lack of a fair hearing for the proposed changes is the responsibility of the Applicant, and a change of this magnitude (involving the actual *elimination* of local transparency and accountability on decision making) demands the scrutiny that oral examination at one of these hearings would have allowed. .

2.2 The proposal supposes additionally and without justification from Fingleton that NGET should have the authority to decide whether or not to allow the DESNZ 'Unit' to make discharge decisions, but does not set out any framework under which this decision would be made, nor any of the arrangements (transparency, accountability) under which the decisions of the Unit itself would be made. No proposal of this significance should be accepted 'in principle' on this basis.

2.3 The submission of a proposal of this significance within a week of the final deadline for submissions will (as this submission shows) immediately distract Interested Parties from the existing pressing issues at the final Deadline, yet again emphasising the dismissive attitude of the Applicant to the burden of consultation on local organisations and Interested Parties.

2.4 The changes in the roles of ESC and SCC are left entirely undefined - consultation and accountability are left unbalanced, and the local expertise that is absolutely essential to the process of discharge will by definition be lacking at a central Unit. We must suppose that NGET intend that the Unit will rely on input and expertise from the local planning officers, but none of this is specified or mentioned in the draft changes proposed, and the decision-making authority of the DESNZ Unit will be based, in the context of Recommendation 30, entirely on speeding up a process that has material and very substantial implications for local people, communities and environments.

3 Conclusion

We cannot suppose that the Examining Authority will be disposed to allow a change of this magnitude to be accepted in the absence of any detailed assessment of its operation, its resource implications, the impact on the relationship between statutory consultees and *their* legal obligations, and all without any public discussion or oral examination. We strongly urge The Authority to refuse the draft changes.

29/04/2026