



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

---

to  
**STRATEGY AND RESOURCES COMMITTEE  
29 JANUARY 2020**

**BRADWELL B GOVERNANCE**

**1. PURPOSE OF THE REPORT**

- 1.1 To report the Council's governance of decision making in relation to the proposed Bradwell B Nuclear Power Station as endorsed by the 19 December 2019 meeting of the Council.

**2. RECOMMENDATIONS**

That the Council's governance arrangements for the proposed Bradwell B Nuclear Power Station be noted.

**3. SUMMARY OF KEY ISSUES**

**3.1 Background**

- 3.1.1 The Council meeting of 19 December 2019 endorsed the decision-making routes in relation to decisions in connection with the proposed Bradwell B Nuclear Power Station as outlined in Table 1 below:

<b>Body</b>	<b>Decision Making</b>	<b>Advisory to Council or Committee</b>	<b>Type of Decision</b>	<b>Maldon District Council (MDC) Membership</b>
Council	Y		Any	All MDC Councillors
Director	Y	Y	As per existing Scheme of Delegation	Not applicable
Joint Member Bradwell Board (JMBB)	N	Y	None	Leader of the Council, Deputy Leader of the Council, Chairman and Vice-Chairman of the Strategy and Resources Committee
Bradwell B Working Group	N	Y	None	Leader of the Council, Deputy Leader of the Council, Chairman and vice-Chairman of the Strategy & Resources

<b>Body</b>	<b>Decision Making</b>	<b>Advisory to Council or Committee</b>	<b>Type of Decision</b>	<b>Maldon District Council (MDC) Membership</b>
				Committee, Councillor E L Bamford, Councillor R P F Dewick, Councillor M F L Durham CC and Councillor M W Helm
Strategy and Resources Committee	Y	Y	To make decisions or recommendations to the Council as per the constitution	As appointed by the Council
South Eastern Area Planning Committee	Y	N	Planning applications – non-strategic	
District Planning Committee	Y	N	Strategic Planning Applications	

Table 1: Bradwell B NSIP DCO Decision-making routes

- 3.1.2 The report to the Council on 19 December 2019 advised that in 2010 the Government announced that Bradwell was one of eight sites it considered suitable for the siting of a new nuclear power station. The development of a new nuclear power station falls within the scope of the ‘Nationally Significant Infrastructure Projects’ (NSIPs), as set out in the Planning Act 2008, and that the developer applies directly to the Secretary of State for a Development Consent Order (DCO) rather than to the Local Planning Authority for planning permission. Whilst Maldon District Council will not be the determining authority for the actual power station application, host local authorities have an important role in the NSIP DCO process. The report to Council provided examples of when and how the District Council would be involved in the DCO process should a NSIP proposal for a Bradwell B nuclear power station proceed.

### 3.2 **Examples of Potential Governance Routes**

- 3.2.1 Table 1 above endorsed by Council summarises the Maldon District Council governance arrangements in place to deal with the NSIP DCO process. This accords with the existing provisions of the Council’s constitution. To illustrate and clarify how this decision making framework could work in practice a number of examples are provided below of how the Council’s governance is anticipated to apply.

#### 3.2.2 Example 1: Draft Statement of Community Consultation

- 3.2.2.1 The NSIP DCO process requires the developer to submit to the Council for comment a Draft Statement of Community Consultation (SoCC). This draft SoCC is required to set out how the applicant will consult people living in the vicinity of the proposed development. Maldon District Council would have 28 days from the date of the submission of the draft SoCC to provide its response.

3.2.2.2 This is an example of a pre-consultation technical consultation that has a prescribed deadline for the Council to respond. The aim would be to achieve a decision by full Council, with advice from other governance groups where possible, but it cannot be guaranteed that the submission would fit the Council's Committee cycle and so it may be necessary for a decision to be made by a Director, in consultation with the Leader of the Council, as per the Council's constitution. This is illustrated in Figure 1 below:

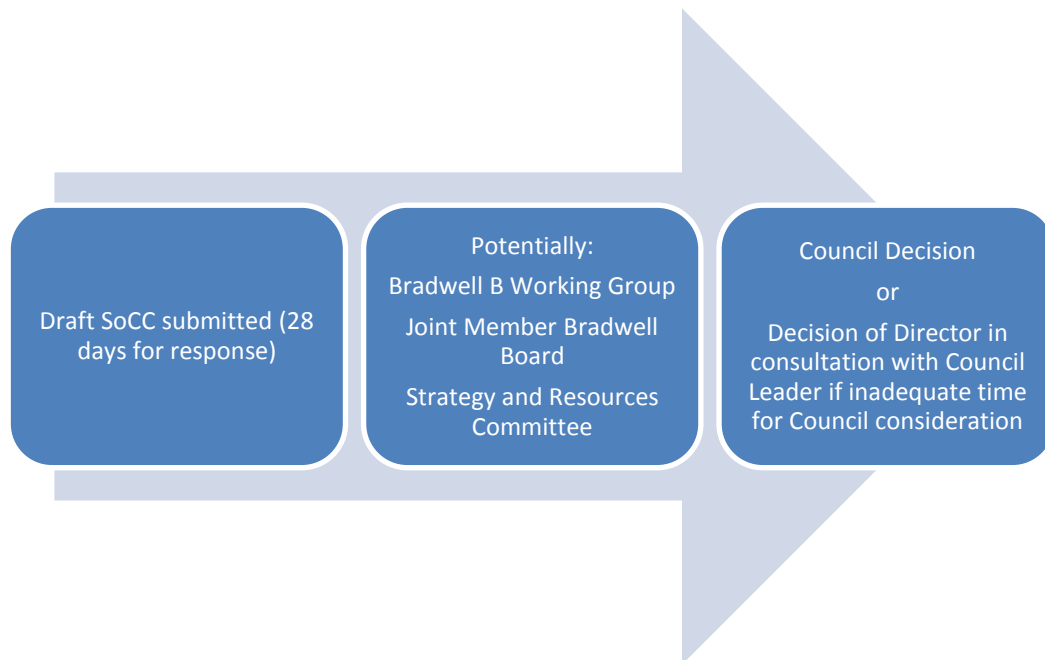


Figure 1: Illustrative Draft SoCC Decision Route

### 3.2.3 Example 2: Community Consultation Stage(s)

3.2.3.1 The NSIP DCO process involves pre-application community consultation and it is usual that consultation is undertaken both when the proposals are in outline, with options still being considered, and also consultation at a later date when proposals are more developed. There is usually more than one stage of community consultation for a NSIP DCO application. Community consultation is likely to be widespread and be of a period considerably longer than the statutory minimum of 28 days. This longer consultation period would accommodate the full involvement of the Bradwell B Working Group, Joint Member Bradwell Board, Strategy and Resources Committee and Council as illustrated in Figure 2 overleaf:

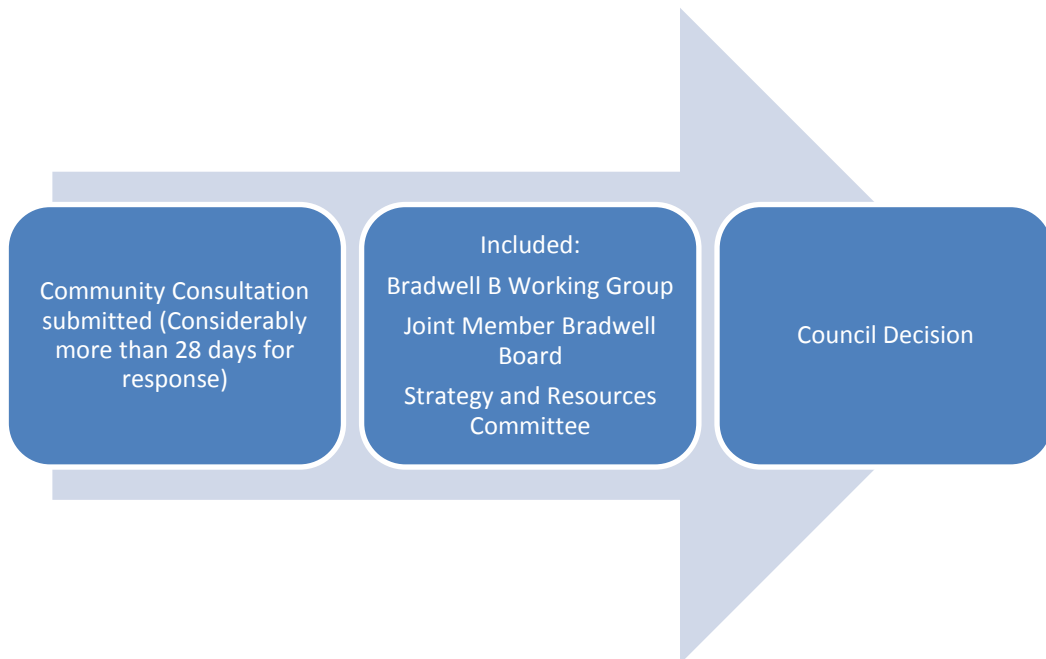


Figure 2: Illustrative Council Consultation Decision Route

### 3.2.4 Example 3: Discharge of DCO Requirements

3.2.4.1 Local authorities are likely to be responsible for discharging many of the requirements (akin to planning conditions) associated with an NSIP in their area if development consent is granted. When applications to discharge DCO requirements are made it is expected that decisions will be made by Council following consideration by the relevant Area Planning Committee and District Planning Committee, as illustrated below in Figure 3 below.

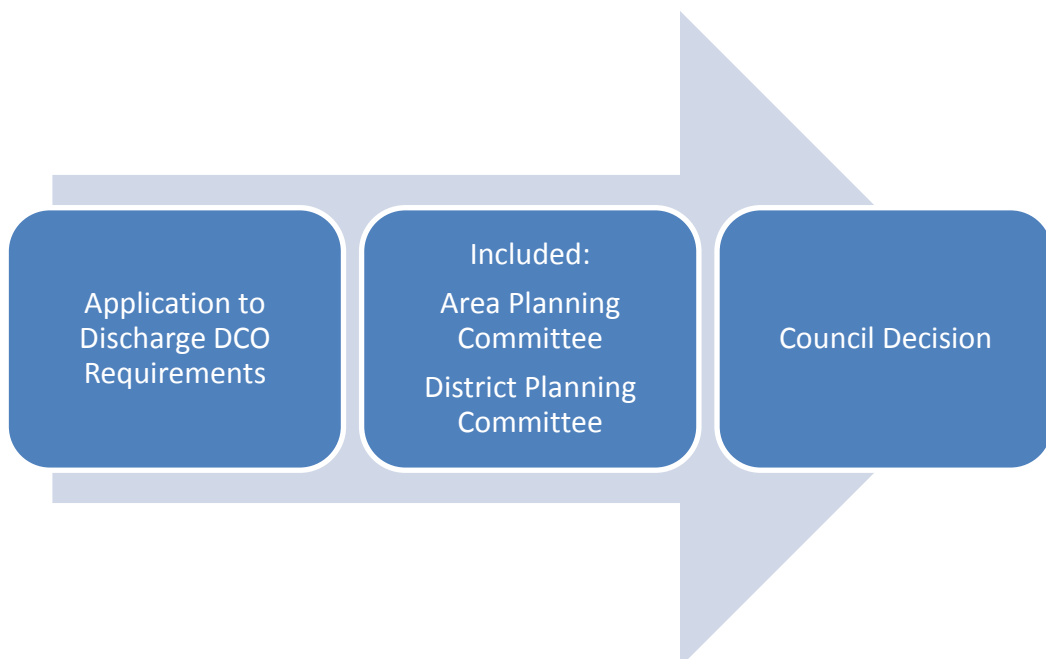


Figure 3: Illustrative Discharge of Requirement Decision Route

## 4. CONCLUSION

- 4.1 Maldon District Council will be required to make a range of decisions as part of the DCO process, beginning with responding to the submitted draft Statement of Community Consultation. The Council will need to respond to all NSIP DCO consultations in a timely and effective way, utilising the decision-making framework set out in Table 1 as endorsed by the Council on 19 December 2019. This accords with the Council's constitution and the examples in this report explains and clarifies the application of the framework.

## 5. IMPLICATIONS

- (i) **Impact on Customers** – The Council will need to respond to the DCO process in a timely and effective way including commenting on the draft Statement of Community Consultation which will describe how the community will be consulted.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – There is not a direct risk to the Council, but failure to engage in the DCO process would put at risk the Council's ability to influence the development process and the legacy of planning decisions.
- (iv) **Impact on Resources (financial)** – There is a financial implication for the Council in engaging in the DCO process but not directly related to this report, and the governance issues raised.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance