



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

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**to  
COUNCIL  
13 FEBRUARY 2020**

**BRADWELL B PROJECT – CONSULTATION ON DRAFT STATEMENT OF  
COMMUNITY CONSULTATION**

**1. PURPOSE OF THE REPORT**

- 1.1 To provide a response to the consultation on the draft Statement of Community Consultation (SoCC) relating to the proposed Bradwell B power station proposals. The Joint Member Bradwell Board recommends that a joint consultation response be provided representing the views of both Maldon District Council (MDC) and Essex County Council (ECC). Accordingly, the report below contains recommended joint responses following collaborative working between Officers of each authority.
- 1.2 A decision by the Council at this meeting will enable a consultation response within the statutory 28 day consultation period, which expires on Friday 14 February 2020.

**2. RECOMMENDATION**

That the Council endorses the Officer comments on the submitted draft Statement of Community Consultation, as set out below in this report, as the Council's response to the consultation made in accordance with section 47 of the Planning Act 2008 and regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017.

**3. SUMMARY OF KEY ISSUES**

**3.1 Background**

- 3.1.1 In 2010 the Government announced that Bradwell was one of eight sites it considered suitable in principle for the siting of a new nuclear power station. Currently (China Genera Nuclear Power) and EDF (Électricité de France) are partnering in the development of the station and have formed a jointly owned company, Bradwell B Power Generation Company Limited (BRB)
- 3.1.2 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. In these instances, the developer applies directly to the Secretary of State for a Development Consent Order (DCO) rather than to the Local Planning Authority or Essex County Council for planning permission. Both Councils are a consultee as part of the DCO process.

3.1.3 The initial statutory consultation as part of the DCO process is a consultation on a draft SoCC submitted by BRB in accordance with section 47(1) of the Planning Act 2008. The draft SoCC has been submitted to both Maldon District Council and Essex County Council, as the relevant host authorities. A full copy of the draft SoCC forms **APPENDIX A** to this report. BRB submitted the draft SoCC on 17 January 2020 and the statutory deadline for responses is 28 calendar days starting after the day of submission, which means that the Councils' response is required by no later than 14 February 2020. The document is a 'draft' at this stage as the final SoCC is decided and advertised by BRB after it has considered the responses of the host authorities to this consultation on the draft SoCC.

3.1.4 The section below considers the content of the draft SoCC and identifies officer comments considered appropriate for inclusion in a formal response to the consultation.

### 3.2 **Scope of the Submitted Statement of Community Consultation**

3.2.1 Planning Act 2008 and regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. It therefore seeks to address the following:

- *How the applicant will consult people living in the vicinity of the proposed development (s47 of the Planning Act 2008)* - The Act requires developers to consult widely with the local community, local authorities, statutory bodies and persons with an interest in land affected by the proposals and to publicise the proposals more widely.
- *How the applicant intends to publicise and consult on the preliminary environmental information (Reg 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017* - Preliminary environmental information means information which has been compiled by the applicant and is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and any associated development.

3.2.2 Consideration of these two separate consultation requirements is set out below with recommended Officer comments provided under each section:

### 3.3 **How the applicant will consult people living in the vicinity of the proposed development (S47 of the Planning Act 2008).**

3.3.1 The draft SoCC largely addresses this statutory provision and explains (page 4) that the 'SoCC is designed to inform the community on how the consultation for the Bradwell B Project will be managed, explaining:

- briefly the Project, the approach to sharing environmental information and the development consenting process;
- when consultation will be undertaken;
- with whom and where the consultation will be undertaken;
- how people, groups and communities will be consulted; and
- how consultees can respond to the consultation and find out how feedback has been taken into account.

The Bradwell B Project team will ensure that consultation is meaningful, inclusive and easily understood to enable constructive and informed feedback. The consultation material will describe the Bradwell Project as a whole and explain those elements of the Bradwell Project proposals where views are actively sought, as well as those areas that are largely settled.’

- 3.3.2 The draft SoCC explains that two main stages of proposals are envisaged. The Stage One consultation will consider the ‘*Initial Proposals and Options*’ for the Bradwell B Project. Stage Two consultation will include preferred proposals and will include consultation with affected landowners and those with an interest in land. The launch dates for each stage of consultation will be announced and published at least 10 days before the start of the consultation stage. There is no timeline provided in the submission to indicate when these consultation stages will be undertaken.
- 3.3.3 The draft SoCC explains (page 6) that the community consultation process will take place across two geographical areas, an Inner Consultation Area and an Outer Consultation Area, as illustrated in the draft SoCC. The draft SoCC advises that the communities identified in these two geographical areas will be consulted, albeit anyone can provide feedback to the consultation. Page 9 says that in the Inner Consultation Area discussions are expected to particularly focus on the direct impacts arising from the construction and operation of the main development site, whereas the Outer Consultation Area may have a focus on the broader economic and social matters and off-site associated developments, where appropriate.
- 3.3.4 BRB advise in the draft SoCC that the Engagement events, including exhibitions, will be appropriately targeted within the Inner Consultation Area, recognising that these communities would potentially be the most affected by the Bradwell B Project. Public and other stakeholder engagement will also be undertaken in the Outer Consultation Area to help facilitate feedback from the wider public.
- 3.3.5 As well as consultation with the wider public and their representatives, BRB also advise that it will also be working with specific groups, local businesses, community groups and other organisations to increase awareness of the Project and will work with MDC and ECC to identify specific ways to target hard to reach groups.
- 3.3.6 Each stage of consultation would include a Summary Consultation Document; and a questionnaire to assist the community in completing and submitting their feedback. Additional documents may also be provided, as appropriate, to support each stage of consultation.
- 3.3.7 If requested a translated version of the Summary Consultation Document can be provided for any minority languages used locally.
- 3.3.8 It is proposed that the Stage One Consultation will last ten weeks. The Stage Two Consultation will be at least ten weeks and the draft SoCC says this period will be discussed with MDC and ECC in advance.
- 3.3.9 The draft SoCC says (page 9) that the consultation stages will be structured around a series of exhibition events and drop-in sessions that will allow people to meet the Bradwell B team and ask questions. These events will be spread across the Inner and Outer Consultation Areas but weighted towards areas anticipated to be most directly

affected by the Bradwell B Project. Those interested in the Bradwell B Project will also be able to access information at local libraries and other civic buildings, although these locations will be unstaffed unless otherwise stated. In addition, all consultation documents will be available via the website ([www.bradwellb.co.uk](http://www.bradwellb.co.uk)), where consultees will have the option to register and submit their feedback.

3.3.10 The draft SoCC says that a number of ways will be used to advertise the consultations, including:

- Newsletters: these will publicise the consultation dates and include information on how people can respond and report on key Project milestones. The newsletter will be published on the Project website and delivered to all those in the Inner Consultation Area.
- Press adverts: the consultation events and associated activities will be publicised in the local media (e.g. newspaper adverts).
- Posters: posters will be placed in civic buildings (e.g. libraries, town/village halls and local authorities' offices) and issued to community groups and organisations for display. The posters will include details of the consultation events and explain how consultees can find out more about the consultations.
- Stakeholders, groups and organisations: Bradwell B will engage with a range of stakeholders, bodies and organisations to make them aware of the consultation events and, where appropriate, provide details of how their members can get involved.
- Presentations: Towns and Parish Councils can request meetings and presentations during the consultation stages.
- Workshops and Focus Groups: focus groups and/or workshops on relevant and appropriate aspects of the proposed development may be used to engage specific interests or hard-to-reach groups.
- Website: all consultation documents and others relevant information (e.g. event locations and timings) will be available on the Project website ([www.bradwellb.co.uk](http://www.bradwellb.co.uk)).
- Social media: The Project Twitter account (@CGNBradwellB) will be used to publicise each stage of consultation, with the introduction of other social media channels as appropriate. Social media activity will also be used to identify any key issues that may trend in relation to the Project.

3.3.11 The draft SoCC says (page 10) that feedback and analysis from each stage of consultation will be detailed in a Consultation Report. This will be a key application document submitted in support of the application for development consent.

3.3.12 The full content of the draft SoCC is available as **APPENDIX A** to this report.

### 3.3.13 Officer Comments:

3.3.13.1 The following are the main Officer comments on the submitted draft SoCC in relation how the applicant will consult people living in the vicinity of the proposed development (s47 of the Planning Act 2008). The main theme is that whilst the draft SoCC provides a general summary of what might prove to be a robust community consultation there is a lack of detail in the draft SoCC to provide confidence that adequate community consultation will be delivered, and that constructive and timely feedback will be provided to consultees.

- i) It would be reasonable to expect the draft SoCC to include an indication of the timescales within which the proposed stages of consultation are proposed. This would enable consultees to prepare more effectively for engagement with the proposals. The provision of ten day's advance notice is not considered adequate notice and BRB are asked to include within the SoCC a timeline for the proposed Stage One and Stage Two Consultations for the project. With regard to Stage 1 this should include the start date, end date of the consultation and details of schedule for main consultation meetings. The timescale and schedule should also include how and when BRB will respond to the consultation feedback for each stage of consultation.
- ii) In order to provide confidence that the proposed consultation will have an appropriate geographical distribution it is requested that the SoCC provides details on the proposed locations for consultation events.
- iii) The inclusion of the Inner Consultation Area within the Outer Consultation Area is confusing and inconsistent with the stated differences between the Consultation Areas. Please review to ensure the different approach proposed between the two consultation areas is made clear within the SoCC.
- iv) In order to provide confidence that the proposed consultation will be effective please provide within the SoCC details of the number of consultation events that are proposed. The absence of any details within the draft SoCC is a concern as it provides no minimum number to ensure effective consultation.
- v) Without any details of the number or timing of any consultation events it is not possible to ascertain whether the proposed ten weeks for the Stage 1 Consultation event will be adequate. It is requested that the consultation period for Stage 1 Consultation is extended to 12 weeks to provide greater comfort that adequate time is allowed for community consultation and for host authority consideration of the proposals. By comparison 12 weeks is allowed for a Local Planning Authority to consider a major planning application.
- vi) Please provide a minimum period of 16 weeks for the Stage 2 Consultation as it will include a large amount of detailed and complex information that will need to be considered by technical specialists before consideration by the host authorities. It is not adequate to say in the SoCC that the consultation period 'will be discussed with MDC and ECC in advance' as this is imprecise and provides little reassurance that an adequate period will be provided.

- vii) Whilst the draft SoCC talks about the segmented approach to the groups and how the consultation will be advertised, there is a lack of detail as to the variety of methods / tools that will be used to consult. Please provide detail within the SoCC.
- viii) There is a lack of detail on how the consultation will reach the ‘hard to reach’ groups. It is not adequate to say that BRB ‘will work with MDC and ECC to identify specific ways to target hard to reach groups’. Please ensure that the SoCC include specific measures to ensure effective consultation with specific hard to reach groups.
- ix) In order to support equality of access it is requested that the SoCC reference the Summary Consultation Document being also available in alternative formats, for example Braille.
- x) Whilst no details of the exhibition venues are included in the draft SoCC it is requested that the SoCC makes it clear that any proposed venue is fully accessible and that the appropriate connectivity is in place to ensure that the consultation is open to all.
- xi) The draft SoCC should explicitly recognise current and potential NSIP projects within Essex and beyond, such as but not limited to the Lower Thames Crossing and works to Junction 28 of the M25, which are under consultation at this time. The related proposals for enhanced connections from the power station to the national grid, which will come forward as a separate but connected NSIP proposal to facilitate the delivery of the station, should also be progressed to facilitate co-ordinated consultation. The current section of the draft SoCC on Related Consultations (page 6) does not adequately reflect the opportunities for coordinated consultations across NSIPs and should be amended accordingly.

3.3.13.2 Officers also have the following additional comments on the s.47 submission, which could be categorised as document ‘housekeeping’ comments:

- i) Please consider providing numbering to the document as it is easier to reference. This applies to all submitted document going forward and would aid navigation of all documents.
- ii) Page 4 - The first bullet point appears to be two points that would benefit from separation.
- iii) Page 4, third paragraph - Please clarify what is meant by the phrase ‘largely settled’. The current wording raises the question ‘settled by whom?’ Please clarify within the SoCC when views would not be sought on an aspect of the proposals?
- iv) Page 5, first sentence - The site where the new power station is proposed includes land to both the south and east of the existing Bradwell A site. Please correct the description of location within the SoCC or include within the document a location plan for the proposed power station.
- v) The Inner and Outer Consultation Areas should be consistently known as ‘areas’ throughout the draft SoCC. The term ‘zone’ could be confused with emergency planning zones.

**3.4 How the applicant intends to publicise and consult on the preliminary environmental information (Reg 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017.**

3.4.1 The draft SoCC provides very limited information on how the applicant intends to publicise and consult on preliminary environmental information. It says that within each stage of consultation a Consultation Document will include relevant preliminary environmental information.

3.4.2 The section of the draft SoCC dealing specifically with preliminary environmental information (page 5) states the following:

‘The consultation documents prepared to support each stage of consultation will include a summary of preliminary environmental information that we know at that point in time on the Bradwell B Project proposals. The level of preliminary environmental information included will vary depending on the focus of the stage of consultation and more detail will be provided at the later stages of consultation when we know more about the area in which our proposals are located, our preferred proposals and their effects. The information provided will include, but not be limited to, information on the main environmental issues such as: socio-economics, noise, traffic and transport, recreation, air quality, soils, hydrology, ecology, the marine environment and landscape and visual considerations. Information will be included on ways to reduce any potentially significant negative impacts through mitigation, including landscaping.’

3.4.3 Officer Comments:

3.4.3.1 The following are the officer comments in relation to how the applicant intends to publicise and consult on the preliminary environmental information (Reg 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017.

- i) Whilst it is acknowledged that more detailed information will be available as the project becomes more developed the submitted document is too ambiguous about the level of the preliminary environmental information that will be submitted at the proposed stages of consultation. Please make explicit within the SoCC that all relevant preliminary environmental information will be made available at each stage of consultation, with a summary of the information additional to the full information. The current submission does not make this sufficiently clear and raises some doubt that early consultation would contain adequate preliminary environmental information. For the proposed stages of consultation to be effective they need to present proposals to consultees which are relevant and meaningful.
- ii) Please include within the SoCC a commitment to provide timely and specific feedback on consultees responses to each stage of consultation.
- iii) Please include within the SoCC a list of the consultation bodies the applicant intends to send the preliminary environmental information for consultation. This would make it clear to all which bodies will be consulted.

- iv) The submitted document says that during each stage of consultation information will be included on ways to reduce any potentially significant negative impacts through mitigation. It is asked that any significant negative impacts are explicitly assessed in accordance with established environmental assessment methodology with negative impacts avoided, reduced, mitigated or compensated.
- v) During the latter stage(s) of the project the relevant preliminary environmental information is likely to be substantial and complex. The Stage 2 consultation period should therefore be sufficient for the host authorities to consider the information in liaison with other consultees and to allow for Council governance. A consultation period of 16 weeks for the second stage of Consultation is requested, akin to the period statutorily allowed for Local Planning Authorities to consider major applications requiring an Environmental Statement. The proposed future discussions with the Councils on the length of Stage 2 consultations is too imprecise and would not provide comfort that adequate time would be provided. Please amend the SoCC accordingly.

#### **4. CONCLUSION**

- 4.1 The draft SoCC is a disappointingly broad document with little detail provided of the consultation proposed for the proposed project. Whilst BRB will undoubtedly have a more developed consultation plan to support community consultation these details are not sufficiently evident within the draft SoCC submitted to the host authorities for comment.
- 4.2 Before BRB publicise a final SoCC it will need to consider the representations of the host authorities. The comments detailed in this report will, if taken on board by BRB, support effective consultations for the project. A joint response between the host authorities is intended as recommended by the Joint Member Bradwell Board.

#### **5. IMPACT ON STRATEGIC THEMES**

- 5.1 The development of the proposed nuclear power station supports all of the Council's thematic strategies of Prosperity, Place, and Community and many of the priorities contained within them.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – It is important that the consultation proposed for the development of a new nuclear power station is meaningful and effective.
- (ii) **Impact on Equalities** – The consultation undertaken by BRB will need to be mindful of hard to reach groups and consider all parts of our community.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.



- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – It is important that the all communities are engaged in consultations on the proposed development

Background Papers:

The Planning Act 2008

National Policy Statement for Nuclear Power Generation (EN-6)

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