



Department for
Business, Energy
& Industrial Strategy

[1 Victoria Street](#)
[London SW1H 0ET](#)

T +44 (0) 20 7215 5678
E Denise.libretto@beis.gov.uk
www.beis.gov.uk

BY EMAIL ONLY

louise.rich@wsp.com

Louise Rich, LLB (Hons) MRTPI
Technical Director, Planning
WSP
6 Devonshire Square
London
EC2M 4YE

22 November 2018

Dear Ms Rich,

RE: HINKLEY POINT C (NUCLEAR GENERATING STATION) ORDER 2013 – PROPOSED MATERIAL CHANGE APPLICATION RELATED TO ACOUSTIC FISH DETERRENT SYSTEM

Thank you for your email dated 19 October 2018 enclosing a letter of the same date from Claire Hennessey which sets out proposals for changes to the consented Hinkley Point C (Nuclear Generating Station) Order 2013, as amended by the Hinkley Point C (Nuclear Generating Station)(Amendment) Order 2015, The Hinkley Point C (Nuclear Generating Station) (Amendment) Order 2017 and The Hinkley Point C (Nuclear Generating Station) (Amendment) Order 2018.

The letter requests the Secretary of State's written consent under regulation 10(2) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) ("the 2011 Regulations") to not consult those persons listed as 'Not to be consulted' in the accompanying document titled 'NNB-308-COR-000217 AFD DCO Consultee List to SoS 19.10.18.xlsx' ("stakeholder list") about the proposals, as it is considered by NNB Generation Company (HPC) Limited ("NNB GenCo") that those persons will not be directly affected by the proposed changes.

The Secretary of State has considered the request under regulation 10(2). He agrees with the proposal that NNB GenCo need not consult directly with all those persons listed in the stakeholder list, and that NNB GenCo need not consult those it has identified as 'Not to be consulted'. However, the Secretary of State is not satisfied that there are sufficient reasons to exclude consultation with those parties he has listed below:

- Hinkley Point Stakeholder Group
- Sustainability South West
- West Hinkley Action Group
- West Somerset Climate Change Society
- Parents Concerned About Hinkley
- Sedgemoor and West Somerset Green Party
- Forum 21
- Office for Nuclear Regulation

The Secretary of State does not agree with your interpretation of “each person who may be directly affected by the changes proposed in the application” in Regulation 10(1)(a), which you suggest means parties with a land interest within the red line boundary or who would be able to make a relevant claim (section 44 of the Planning Act 2008), and would draw your attention to the description contained in paragraph 31 of the Ministry of Housing, Communities and Local Government’s ‘Guidance on Changes to Development Consent Orders’. However, the Secretary of State agrees that those that you have listed as not needing to be consulted do not need to be consulted because the changes proposed will not affect their interests or because their interests relate to a different part of the scheme. Accordingly, the Secretary of State gives written consent, to the extent set out above, under regulation 10(2) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

In taking this decision, the Secretary of State notes that while those persons listed as ‘Not to be consulted’, with the exception set out above, will not be consulted directly by NNB GenCo in relation to the change proposals, there will be public consultation on the proposals in line with the requirements in regulation 20 of the 2011 Regulations.

The Secretary of State’s written consent in this matter should not be taken as indicating approval for any other aspects of the proposed changes to the Hinkley Point C (Nuclear Generating Station) Order 2013 (as amended) which fall to him for consideration and determination.

Finally, if you have not done so already, the Secretary of State would advise NNB GenCo to contact the Planning Inspectorate to discuss its approach to transboundary consultation in respect of any potential significant effects from the proposed application on the environment in other European Economic Area States or signatory States of the Espoo and Aarhus conventions. The Secretary of State would bring to your attention the Planning Inspectorate’s advice note on the transboundary process that must be followed by the Planning Inspectorate on the Secretary of State’s behalf during the pre-application, examination and recommendation stages of an application. The advice note is available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-12v2.pdf>

The Secretary of State is copying this letter to Kathryn Dunne, Infrastructure Planning Lead at the Planning Inspectorate for information.

Yours sincerely,

Denise Libretto

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Head of Planning