

Department for Business, Energy, & Industrial Strategy
Gareth Leigh
By email

26 May 2022

Dear Gareth

The Hinkley Point C (Nuclear Generating Station) Order 2013 – Material Change Application – Regulation 10 S.I. 2013 No. 648 (as amended) – Written consent from Secretary of State for not consulting a person or authority

NNB Generation Company (HPC) Limited (“the Applicant”) is proposing to make an application for a Material Change under Schedule 6 of the Planning Act 2008 and The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (amended in 2015) (“the Regulations”).

The proposed application will request changes to the Development Consent Order in order to effect changes to the Site Layout Plan, Parameter Plan, and Plans for individual buildings, and remove the requirement to install an acoustic fish deterrent system. Under the Regulations, an applicant must carry out a consultation with persons as identified in Regulation 10. Regulation 10(2) states that “the applicant need not consult a person or authority listed above if they have obtained written consent of the Secretary of State”.

This letter notifies the Secretary of State of those persons that the Applicant considers should or should not be consulted as a result of the proposed Material Change. The rationale for inclusion or non-inclusion within the Consultee Schedule (attached) is explained in more detail below. The Applicant requests the following of the Secretary of State:

- Written approval that the Applicant should not consult those persons it has proposed should not be consulted; and
- Confirmation as to whether the Secretary of State considers any other person should be consulted.

Please note that a letter has been submitted to the Planning Inspectorate under the EIA Regulations 2017 providing notification that the Applicant intends to submit an updated ES with the application. Alongside this notification the Applicant submitted a Scoping Report requesting a Scoping Opinion. The Scoping Opinion was published on 3 May 2022.

Nature of the Proposed Change

The Applicant is seeking to amend elements of the scheme consented under the DCO via an application for a material change to the Secretary of State. The elements that constitute this application are summarised below:

- Removal of the requirement to install an acoustic fish deterrent system;
- Amendment to the Interim Spent Fuel Store (ISFS) from wet to dry storage of spent fuel and a change in building dimensions;
- Removal of the Access Control Building associated with the ISFS and replacement with a new Equipment Storage Building in the same vicinity;
- Relocation and re-design of the meteorological mast resulting in the Removal of the Meteorological Station building;
- Amendment to retain the existing temporary Hinkley Point substation as a permanent building to supply electricity to Hinkley Point A (HPA)/Hinkley Point B (HPB); and
- Four new structures (two per unit of HPC) to permanently house sluice gates and lifting beams used during outages (i.e. maintenance periods)

For further detail, please refer to the Scoping Report published by the Planning Inspectorate on 28 March 2022 and available at the following link:

[Hinkley Point C New Nuclear Power Station Material Change 1 | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/hinkley-point-c-new-nuclear-power-station-material-change-1/)

Materiality

As outlined in the DCLG guidance document Planning Act 2008: Guidance on Changes to Development Consent Orders, there are certain “characteristics” that would indicate the proposed change should be treated as material. These “characteristics” are:

- Where a change would require an updated ES;
- Where a change would require an HRA;
- Where a change would require the compulsory acquisition of land or “an interest in or rights over land” not authorised through the DCO; and
- Where a change would result in an impact on local people (including businesses and residents) that would be sufficient to indicate the change should be considered material.

In line with these “characteristics”, as the proposed changes have the potential to result in different effects on the environment than those originally identified, or impact on local people, and warrant the need to submit an updated ES, HRA and other supporting assessments, the proposed changes have been treated as material.

Consultation

The Applicant has prepared a schedule of persons to consult, in accordance with Regulation 10. The consultee schedule is attached to this letter. In compiling this schedule, the Applicant has had regard to the following:

- Those who were consulted for the DCO;
- Those who were consulted for the previous non-material amendments;
- Those who PINS consulted during the environmental Scoping process (note that all those who responded have been included within the appended consultation list) and;
- Other persons who the Applicant consider would be appropriate to notify of the consultation.

The attached Excel schedule is split into two sheets. One lists Statutory Consultees that the Applicant consider are relevant to be consulted, in order to comply with Regulation 10. The other lists non-statutory consultees whom the Applicant consider it appropriate to notify of the proposed change, who might be affected, and who might want to make representations. The list of Statutory Consultees includes all the potential consultees listed in s56 of the Planning Act 2008. Those Statutory Consultees the Applicant considers it should consult are shaded in green. Those consultees not thought appropriate or relevant to consult are shaded in pale red and a justification provided. The Applicant requests written consent from the Secretary of State that it does not need to consult those bodies shaded in pale red within the Statutory Consultee sheet.

It is not considered that any persons would be “directly affected” by the proposed change per Regulation 10(1)(a), however as mentioned above persons or groups who might be interested in the proposal have been identified in the list of non-statutory consultees.

Timing of Consultation

It is required under the Regulations that the consultation is carried out prior to the submission of the application. The Applicant intends to launch the consultation in September 2020. Should the programme change you will be kept informed.

Other Consents

We are currently pursuing a variation to the HPC Operational Water Discharge Activity (WDA) Environmental Permit (EPR/HP3228XT). An Appeal Inquiry was held last year and we are awaiting a decision from the Secretary of State (Defra).

We anticipate submitting a Marine Licence variation application, which will be submitted in due course.

We will require a variation to our Radioactive Substances Regulations Environmental Permit, which we anticipate submitting shortly, having received a positive Compliance Assessment (RASCAR) from the Environment Agency.

Should you require further explanation of any items raised in this letter please do not hesitate to contact me

Yours sincerely



John Pingstone
Planning Lead