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Your ref: 129104983.1\657629.07027

John Pingstone
NNB Generation Company (HPC) Limited
90 Whitfield Street
London
W1T 4EZ

30 August 2022

Dear Mr Pingstone,

The Hinkley Point C (Nuclear Generating Station) Order 2013 – Regulation 10 S.I. 2013 No. 648 (as amended) (“the Order”) – Material Change Application

Regulation 10(2) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) - Written consent from the Secretary of State for not consulting a person or authority

Thank you for your email (and the letter and consultee list attached to it) of 26 May 2022 on behalf of NNB Generation Company (HPC) Limited (“the Applicant”). The letter attached to your email of 26 May 2022 set out the proposed amendments to the 2013 Order to be applied for by way of a Material Change Application, which are:

- 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)

The consultee list attached to your email of 26 May 2022 lists the relevant statutory consultees and identifies which statutory consultees the Applicant considers should or should not be consulted on the Application. The list also identifies the non-statutory consultees that the Applicant considers should be consulted. It is noted that you sent a further iteration of the consultee list on 28 July 2022 which provided updated text regarding the justification for not needing to consult Transport for London and the Rail Passengers Council. A further iteration of the consultee list was sent on 18 August 2022, which amended the name of the HPC Stakeholder Group (previously listed as Hinkley Site Stakeholder Group), and the name of the Bridgewater and West Somerset Green Party (previously listed as Bridgewater and Somerset Green Party). The list was also updated to add the groups Sustainability Southwest and the West Somerset Climate Change Society – these groups have been coloured in red to reflect the fact that the Applicant cannot find evidence that these organisations exist. The Applicant also notes it has not had contact with these groups for several years and believes that the groups have dissolved.

The letter of 26 May 2022 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) that the Applicant should not consult those persons it has proposed should not be consulted. The letter also requests that the Secretary of State provides confirmation as to whether or not he considers that any other person should be consulted.

The Secretary of State has considered the request under regulation 7(3). He is content to approve the consultee list provided by the Applicant on 18 August 2022. Accordingly, the Secretary of State agrees with the reasons provided by the Applicant for consulting those marked in green in the consultee list, and gives written consent for the Applicant to consult those parties specified in the consultee list under regulation 10(2) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

The Secretary of State considers that the following parties should also be consulted given their possible interest in the Application given the nature of the changes now proposed:

- The Scottish Government
- The Northern Ireland Executive
- The Scottish Environmental Protection Agency
- Marine Scotland
- Gas and Electricity Markets Authority
- Water Services Regulatory Authority
- The Avon and Somerset Local Resilience Forum
- NatureScot

In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the Material Change Application will not be consulted directly in relation to the change proposals, the application will be publicised 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 aspects of the proposed changes to the 2013 Order 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/legislation-and-advice/advice-notes/advice-note-twelve-transboundary-impacts-and-process/>

Yours sincerely,



Kerry Crowhurst
Planning Case Manager