



BY EMAIL ONLY to: [REDACTED]

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

16 October 2023

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

1. Thank you for your email and its attachments of 4 October 2023 on behalf of NNB Generation Company (HPC) Limited (“the Applicant”). The letter attached to your email of 4 October 2023 set out the proposed amendments to the 2013 Order to be applied for by way of a Material Change Application, which are:

Onsite elements

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

Offsite elements

- Full or partial removal [of weirs], or construction of a fish pass, at three of several river sites, and the creation of new saltmarsh (managed realignment) and the enhancement of existing saltmarsh;

- Works to three existing weirs (either weir removal or enhanced fish passes) on the Rivers Severn (Maisemore Weir) and Usk (Trostrey Weir);
 - For the third river measure, the Applicant has decided to present a range of options within the Rivers Lugg and Towy.
2. The consultee list attached to your email of 4 October 2023 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.
 3. The letter of 4 October 2023 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 she considers that any other person should be consulted.
 4. On 11 October 2023, the Secretary of State requested clarification in relation to:
 - The reason those parties listed in rows 82 – 307 on the statutory consultees tab of the spreadsheet are relevant. The Secretary of State requested that, if these parties have an interest in the land/have powers over the land, the Applicant should specify their interest/their powers, and which plots of land they have interests in.
 - Which parties have interests in the land that is proposed to be used for the proposed compensation measures.
 - Which parties are referred to in rows 283 – 289 on the statutory consultees tab of the spreadsheet.
 5. On 13 October 2023, the Applicant provided further information confirming which plots of land each of the parties in rows 82-307 have interests in. The Applicant confirmed that all of these parties' interests relate to the land for the proposed compensation measures, over which the Applicant seeks compulsory acquisition powers.
 6. Further, the Applicant confirmed that those rows that simply refer to "owner/occupier" without any further specification is the result of a lack of information on the Land Registry. The Applicant confirmed that it is in the process of carrying out diligent inquiry and that the Secretary of State can be assured that should those interests be identified, those parties will be consulted on the same basis as those with currently identified interests.
 7. The Secretary of State has considered the request under regulation 7(3). The Secretary of State notes that the non-statutory consultee tab of the spreadsheet includes, at row 68, the Department of Business Energy and Industrial Strategy ("BEIS"). As BEIS no longer exists, the Secretary of State concludes that there is no requirement to consult BEIS. With the exception of removing BEIS from the list of consultees, the Secretary of State is content to approve the consultee list provided by the Applicant on 4 October 2023. 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.

8. 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.
9. 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 would fall to her for separate consideration and determination.
10. 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,



John Wheadon
Head of Energy Infrastructure Planning Delivery
Department for Energy Security and Net Zero