

# Meeting note

<b>Project name</b>	Hinkley Point C New Nuclear Power Station Material Change 1
<b>File reference</b>	EN010102
<b>Status</b>	<b>Draft</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	24 May 2019
<b>Meeting with</b>	NNB Generation Company (HPC) Limited (the Applicant), Environment Agency (EA), Marine Management Organisation (MMO), Natural England (NE), Natural Resources Wales (NRW)
<b>Venue</b>	Telecon
<b>Meeting objectives</b>	Discussion of Material Change process
<b>Circulation</b>	All attendees

## Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

### ***The Marine Technical Forum***

The Applicant explained that the aim of the Marine Technical Forum was to try to identify and resolve impediments to the permitting process. It noted that it was a means of dialogue rather than an official body.

The EA suggested that it may be useful to highlight the Regulatory Nuclear Interface Protocol (RNIP). The Applicant explained it was an agreement between the Office for Nuclear Regulation (ONR), the EA and new build nuclear developers on how to hold and monitor the effectiveness of meetings. It involved the setting of objectives, tracking whether these are met and identifying trends.

### ***Process***

The Inspectorate presented a slide show on the post-Development Consent Order (DCO) Material Change (MC) process, particularly in relation to how it differs from the DCO process itself. This is set out in the accompanying slide show (Annex A). The main differences being that for the MC process there is no statutory acceptance stage and that the Secretary of State decides whether there will be an Examination or not.

The EA asked about the time period for registering as an Interested Party in the MC process. The Inspectorate replied that it was still a minimum 30-day period for developments that require an Environmental Impact Assessment (EIA). The Applicant added that it would be giving at least a weeks' notice of the beginning of this period.

The Applicant queried the Inspectorate on an indicative time frame for the period between them submitting the application and the Examination starting. The Inspectorate

noted that it was likely to take: twenty eight days to ensure the application was of the required quality; however long the Applicant wanted for the period for registering as an Interested Party; approximately six weeks prior to a decision about the Examination taking place or not; and then enough time for invites to the Preliminary Meeting being sent if an Examination was to place.

### ***Programme***

The Applicant said pre-application consultation was ending on the 4 June 2019 after it had been ongoing for about eight weeks, it had conducted this consultation in line with the relevant regulations. The Applicant asked for an update on the timing of the Environmental Permit (EP). The EA replied that it had to extend consultation on the EP, due to not all necessary reports being available. It forecasted a 'minded-to' decision for approximately November.

The Applicant stated that it intends to submit an application for a Marine Licence variation at the same time as it submits the application for the Material Change. It said both applications were likely in late quarter three/ early quarter four of 2019. The Applicant advised that it would provide an update on its anticipated programme for submission of an application to vary the DCO in July 2019, once it had analysed the feedback to the consultation and understood what this meant for next steps and associated timescales.

### ***Specific decisions/ follow-up required?***

The following actions were agreed:

- Applicant to provide the Inspectorate with terms of reference for the Marine Technical Forum.
- The Inspectorate to circulate the presentation on the post-DCO Material Change application process.
- Applicant to update the Forum and the Planning Inspectorate on its anticipated programme for submission of an application to vary the DCO in July 2019



The Planning  
Inspectorate

# Post Decision Material Changes to made DCOs

**Kath Dunne - NSIP Lead**

# Introduction 1

- There is no definition of **material**
- There is a steer in the guidance:
  - Updated Environmental Statement required?
  - Habitats Regulations Assessment required?
  - Need for new/additional European Protected Species Licence?
  - Compulsory acquisition of land not authorised in the DCO?  
Impact on business and residents?
- An examination may or may not be held for material changes.

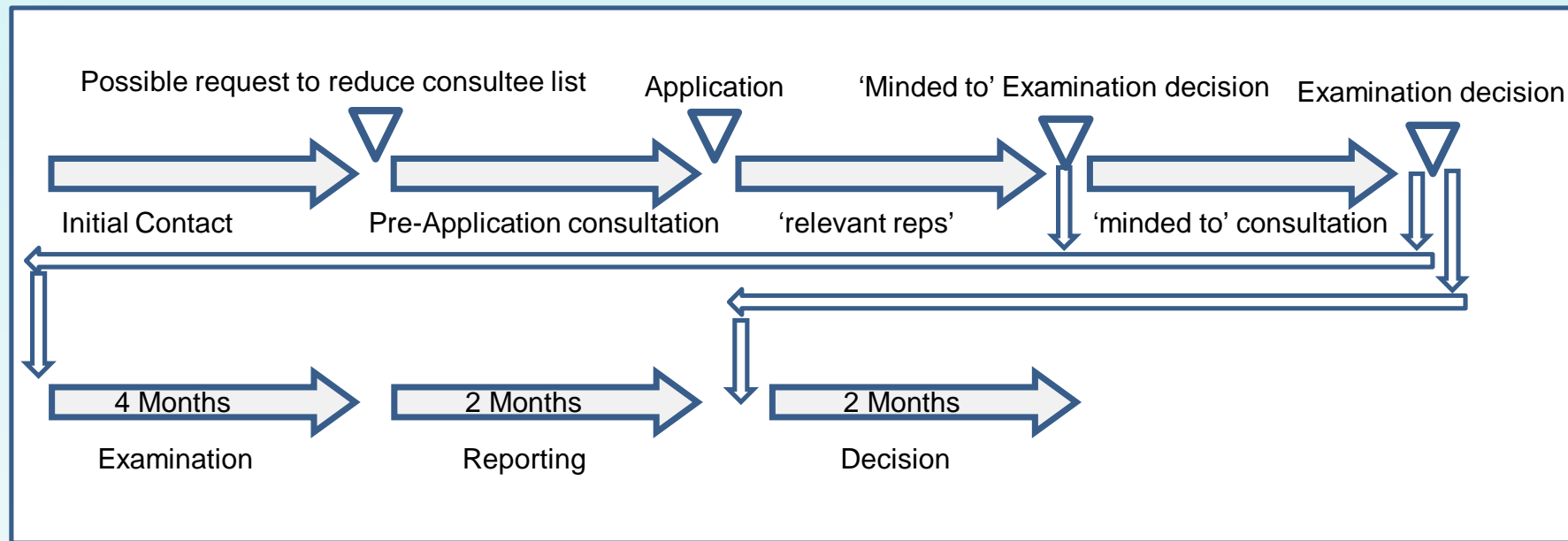


# Introduction 2

- There are some prescribed periods; some of which differ to the DCO application process
- Some stages in the DCO process are not included in the material change process.

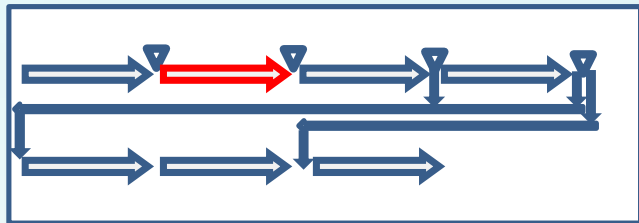


# The Material Change Process



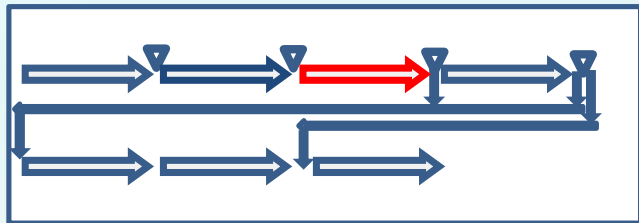
# Pre-Application Consultation

- Regulation 12 Notice (similar to s46 of the Planning Act 2008)
- Consult prescribed consultees – note that the Secretary of State can give consent to consult less widely.
- Publish in Newspapers
- Must have regard to responses.



# Submission/Relevant Reps

- Once the application is submitted and after it has been confirmed that the application is complete and published on the Planning Inspectorate's website: give notice of/publicise the application submission and set a deadline for relevant representations.
- Applicant to submit a notice providing details of affected persons.

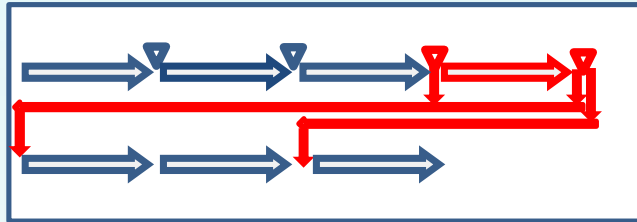






# 'Minded to'

- If the Secretary of State considers that an Examination is not necessary, it will give notice of this including the reasons, and how to make further representations.
- After the above process, the application will either move to the Decision stage, or an Examining Body will be appointed to examine the material change.



# Examination/Reporting/Decision

- Change regulations broadly mirror examination procedure rules (aside from timeframes)
- 4 Months for examination (as opposed to 6 months)
- 2 months for reporting (as opposed to 3 months)
- 2 months for a decision (as opposed to 3 months)

