

Meeting note

Project name	Hinkley Point C Material Change
File reference	EN010102
Status	Final
Author	The Planning Inspectorate (the Inspectorate)
Date	23 August 2019
Meeting with	Environment Agency
Venue	Temple Quay House, Bristol
Meeting objectives	Understanding the Post Decision Material Change and Permitting processes
Circulation	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.

Material Change procedure

The Environment Agency (EA) questioned whether, if (following the Applicant's submission of a post decision material change (MC) application) an Examination took place, Local Impact Reports would be submitted by local authorities. The Inspectorate advised that this would be up to discretion of the Local Authority, as these documents are not prescribed as part of this process. The Inspectorate drew the Applicant's attention to paragraph 62 of the Government's Guidance on Changes to Development Consent Orders (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485064/Making_changes_guidance_to_Development_Consent_Orders.pdf).

The EA noted that it considered there would be elements of the Material Change (MC) application that fell within the Local Authorities remit. The Inspectorate said that the Local Authority can make their comments through submitting a Relevant Representation and any further submissions where relevant.

The EA asked to what extent the original application will be re-examined. The Inspectorate replied saying that any MC examination would be opportunity to examine the change and the impacts of the change, not an opportunity to examine the original application. The Inspectorate drew the EA's attention to paragraph 54 of the above guidance:

'Representations should focus on the changes that are being made to the project (including, where appropriate, the impact of the change on the project as a whole). Responses should not go into details of wider matters relating to the underlying principles of a project, or other matters not directly related to

the change applied for. This would include those matters considered in the examination of the original application for a Development Consent Order and in the Secretary of State's decision on that application'.

The Inspectorate also said that it would be up to individual parties to bring to any Examining Body's (ExB) attention how the change would impact other areas of the original Development Consent Order (DCO).

The EA asked about transboundary impacts and processes and the Inspectorate advised that it will follow the procedure for Nuclear NSIPs in [Advice Note 12](#).

Planning and permitting considerations

The EA said it had received the application for a permit but had requested further information from the Applicant.

The EA said it had spoken to the Applicant about how, where a permit has Habitats Regulations Assessments (HRA) implications, the permit application should be submitted well in advance of the DCO or MC application submission so there can be a dialectic between the two processes.

The EA asked whether, if the permit process takes longer than the MC process, could they still influence the MC if they discover impacts outside the scope of the permit. The Inspectorate advised that the regulations are silent on this and therefore the best way to influence the MC is through the involvement in the examination of it.

The Inspectorate noted that it can be challenging when the two processes rely on each other i.e. a DCO relying on some aspect of the permit before the permit is given.