

From: [REDACTED]
To: [HPCNuclear](#)
Cc: [REDACTED]
Subject: Application by EDF Energy for a non-material amendment to the approved Development Consent Order.
Date: 21 August 2020 17:32:59
Attachments: [REDACTED]

Dear Sir / Madam,

HPC Project – Non-Material Change 4

Please find attached a letter from Somerset West and Taunton Council which contains the consultation response to the proposed 'non-material amendment 4' by EDF Energy. I would be grateful if the views and opinions could be taken into account as part of the process.

I thank you for any consideration.

Yours faithfully,

John Burton

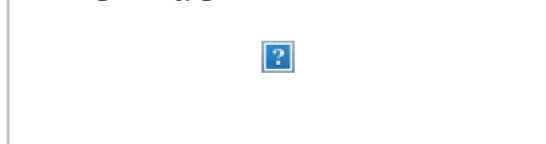
Specialist (Hinkley Point C New Nuclear Build and other Nationally Significant Infrastructure Projects)

Somerset West and Taunton Council

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Major Applications & Plans,
The Planning Inspectorate,
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Our Ref: HPC Non-Material Change 4
Your Ref: HPC Non-Material Change 4
Date: 21st August 2020

Dear Sir / Madam

Hinkley Point C (Nuclear Generation Station) Order 2013, made 18th March 2013:

**Application for a Non-Material Change in relation to the Hinkley Point C
Permanent Development Site.**

**Consultation under Regulation 7 of the Infrastructure Planning (Changes to, and
Revocation of, Development Consent Orders) Regulations 2011**

**Response by the Local Planning Authority at Somerset West and Taunton
Council.**

1.0 INTRODUCTION

1.1 I refer to the application for a non-material change to the Development Consent Order as referenced above. This is the fourth such change since the Development Consent Order was first granted. I have the following comments to make on behalf of Somerset West and Taunton Council. The application includes a number of proposed changes, which can be dealt with under the following headings -

- a. Changes to the siting, layout and design of buildings and structures within the Site. (This is covered in section 2.0 of this report) ;
- b. A change to Requirement PW3 (Buildings and structures) in order to make it a “minor detailed Requirement” instead of its current status as a “major detailed requirements”. (this is covered in section 3.0 of this report); and
- c. Consideration of whether the proposed changes to the DCO give rise to any new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement. (This is covered by section 4.0 of this report).

The Applicants Statement also covers issues around stakeholder engagement and the Council also comments on these in section 5.0 of this report.

1.2 The Local Planning Authority has noted that the submission for the Application Statement on the Planning Inspectorate’s website is not quite the same as the copy placed on EDF Energy’s own website. For example, Appendix 2 of the Planning

Inspectorate's version does not include the paragraph numbering that the version on the EDF website does. It is also noted that some of the pages of the main text of the Statement are in slightly different positions between the two versions. It is difficult to apprehend what other changes there might be between the two documents, although they appear similar to the eye. On this basis, the Local Planning Authority has had to assume that the contents of the two documents are otherwise similar. For the avoidance of doubt, the Council has used the version on the EDF Energy website to compile this consultation response because it was not anticipated that the two documents would not be identical in every respect. Therefore, I must point out that any references to paragraph numbering is taken from the version on the EDF Energy website.

- 1.3 I should also point out that at the time the original Development Consent Order was authorised by the then Secretary of State, the Local Planning Authority (indeed the Local Authority) within whose jurisdiction the Hinkley Point C project fell, was West Somerset District Council. In April 2019, West Somerset Council, through an act of Parliament, formally merged with Taunton Deane Borough Council, to become Somerset West and Taunton Council. Somerset West and Taunton Council is now the appropriate local authority, within whose boundary the HPC project now sits. This consultation response is, therefore, made on behalf of the new Council (Somerset West and Taunton Council), which is the relevant Local Planning Authority concerned.

2.0 Changes to the siting, layout and design of buildings and structures within the Site.

- 2.1 The proposal consists of a number of changes to the siting, layout and design of buildings and structures within the Site, which the applicant has helpfully listed in their Application Statement. The changes now sought seek consent for changes to the parameters for the layout and to the Building Dimensions Schedule by amending the description of the development and the approved plans. The proposal also seeks an amendment to remove references to the permanent helipad.
- 2.2 It is worth noting at this stage that the Council does not disagree with the applicant's discussion of the meaning of the term 'materiality' as contained in section 2.3 of their Application Statement. This means that if the Secretary of State is minded to agree that that the changes now sought are non-material, then the Council would not challenge this conclusion. However, the Local Planning Authority does raise some further questions and issues which the Secretary of State will need to be satisfied on first.
- 2.3 In section 2.4 of the Application Statement, the Applicant examines each of the proposed changes to the building layout and arrangements. I will now look at each one of these in turn and comment accordingly.
- 2.4 EDF Site Offices (paras. 2.4.2 – 2.4.5).
EDF is proposing to remove the EDF Site Offices building from the Site Layout Plan. The area of land that was occupied by this building would then be left vacant and would not be occupied by a replacement structure. The removal of the building from the permanent site layout is not an issue to the Council. However, the Council does suggest that if the Secretary of State is minded to grant this amendment, there should be a recognition that the land must be landscaped in some way in order to protect the

appearance of this part of the site. The Applicant has not suggested any such landscaping, nor have they detailed how the vacant plot would be assimilated into the surrounding site. This is considered by the Council to be an oversight which should be rectified if permission is to be granted for this amendment. Other than ensuring the appearance of the plot if the building is not to be constructed at this point, the Local Planning Authority has no comments to make on this element of the non-material amendment.

2.5 Emergency Response Store (paras. 2.4.6 – 2.4.10).

With this proposed amendment, EDF are seeking to move the location and function of this building so that it would be located with the other emergency response buildings. Also, I note that the new location would avoid the rock strata known as the Blue Anchor Formation, which does not provide the highest seismic qualification level which is needed for a safety classified building. This all makes good sense to the Local Planning Authority and so this element of the proposed amendment is supported.

2.6 I do note however, that the Emergency Response Store does not appear on the proposed Site layout Plan (Operational), reference HINK-A1-SL-00-GA-010 which appears at both Appendix 1 to the Application Statement and as a plan in its own right as part of the suite of plans referenced under 'Proposed Plans and Elevations' on the Applicant's website. This should be rectified before any approval is given.

2.7 I note it is intended that to replace the Emergency Response Store with the Oil & Grease Storage & Oil Ancillary Building. Given that it is stated by EDF that the rock on which it would sit does not provide the highest seismic qualification level, I would ask the Secretary of State to first seek some reassurances about the safety of the Oil & Grease Storage & Oil Ancillary Building in the event of any seismic activity. The Local Planning Authority questions whether this would be an entirely appropriate replacement on rock less stable.

2.8 Back-up Emergency Equipment Store (paras. 2.4.11 – 2.4.13).

It is not considered that the addition of this building on site would affect visual amenity or the character of the whole development by itself. Being proposed as sited close to the Emergency Response Store and Car Park does appear to make a good deal of sense and it is noted that the new location is seismically qualified. Therefore on balance the Local Planning Authority is not objecting to this part of the proposed amendments.

2.9 Oil and Grease Storage and Oil Ancillary Building (paras. 2.4.14 – 2.4.19).

It is intended to place the Oil & Grease Storage & Oil Ancillary Building on the approved site for the Emergency Response Store. This has been covered above, but the Council will just re-iterate that the Secretary of State should first seek some reassurances about the safety of the Oil & Grease Storage & Oil Ancillary Building in this new location in terms of the event of any seismic activity and in terms of its relationship with other buildings in the event of a fire or an explosion.

2.10 It is noted that the proposed height and length of the oil/grease storage and oil ancillary building would be larger than the previously approved drawings. In fact, the volume of the proposed building would be doubling in size from 11,020 metres cubed (10 x 29 x 38 metres, as approved), to 21,060 metres cubed (13 x 27 x 60 metres, as proposed). In normal planning terms, this would constitute a significant and material change. The applicant maintains that it is not necessary to submit the detailed design as part of this application because it could be submitted as an application to discharge DCO

Requirement PW3. In the context of the Hinkley Point C project as a whole, the change is probably not significant by itself. So, as long as the Secretary of State considers it possible to deal with such a large increase by way of a non-material amendment, and so long as there can be a guarantee that the detailed design will be submitted as an application to discharge DCO Requirement PW3, then the Local Planning Authority would have no objection to this part of the proposal.

2.11 Finally, the Secretary of State should ask EDF Energy to be clear about how the land where these buildings have been approved will be treated and left once the Sarens SG-250 Heavy Lift Crane has left the site. The reassurance that the land will be appropriately landscaped or otherwise treated so that it blends in with its surroundings when all works are completed, should be required as part of any approval to this proposed amendment.

2.12 Other than these points though, the Local Planning Authority would not have any objection to this part of the proposed amendment.

2.13 Auxiliary Administration Building (para. 2.4.20).

The Application Statement maintains that the proposed change to this building relates solely to its name. On this basis, the Local Planning Authority has no objection to this part of the proposed amendment.

2.14 Equipment Storage for Interim Spent Fuel Store (paras. 2.4.21 - 2.4.24).

The proposed amendment to this building is somewhat of a technicality, arising from the Secretary of State's decision on the 2018 Amendment Order. On the basis that the plans and elevations for the Equipment Storage for Interim Spent Fuel Store which were proposed in the application for the 2018 Amendment were not approved, and are not referenced in Part 3 of Schedule 1 to the DCO, the Local Planning Authority has no objection to the site layout plan proposed by this amendment formalising the removal of this building.

2.15 Access Control Building for the Interim Spent Fuel Store (paras. 2.4.25 – 2.4.27).

The proposed amendment to this building also arises from the Secretary of State's decision on the 2018 Amendment Order. This current application for a non-material amendment confirms that the building's function, location and name on the proposed Site Layout Plan remains as shown on the Site Layout Plan 3 approved for the 2015 Amendment Order. The Local Planning Authority accepts this position.

2.16 Interim Spent Fuel Store (paras 2.4.28 – 2.4.30).

The proposed amendment in relation to this building also arises from the Secretary of State's decision on the 2018 Amendment Order. The Applicant now wishes to formalise that they have not included the building within this current application and that its location and name remain as originally consented. This is noted and agreed.

2.17 Emergency Response Centre (paras. 2.4.31 – 2.4.33).

The Applicant is proposing to add this building to the Site Layout Plan. The Local Planning Authority has no issues with the function and need for this building. Its proposed relationship to the Main Access Control Building, the Back-up Emergency Equipment Store and the Emergency Response Energy Centre is noted and endorsed. This makes sense.

2.18 It is not stated in the applicant's Statement whether this building and its proposed location would avoid the rock strata known as the Blue Anchor Formation, which does

not provide the highest seismic qualification level needed for a safety classified building. I have to presume, by virtue of its title, that this building would need to be a safety classified building. The Local Planning Authority therefore respectfully suggests that the Secretary of State seeks clarity on this issue before any approval is given.

- 2.19 It is noted that the materials used in this building match those to be used for the proposed adjacent Emergency Response Energy Centre and this is welcomed.
- 2.20 Although no building was proposed at this location on the previously approved Site Layout Plan, it is considered to be sensible to locate all of the emergency response buildings close together in a cluster near to a point of access into the site.
- 2.21 Emergency Response Energy Centre (paras. 2.4.34 – 2.4.38).
The Applicant is proposing to add this building to the Site Layout Plan. The Local Planning Authority has no issues with the function and need for this building. Its proposed relationship to the Main Access Control Building, the Back-up Emergency Equipment Store and the Emergency Response Centre is noted and endorsed. This makes sense.
- 2.22 As noted with the Emergency Response Centre (above), the Secretary of State should take on board the need to have the Emergency Response Energy Centre building located on the highest seismically qualification level of rock strata if it is to be a safety classified building.
- 2.23 It is noted that the materials used in this building match those to be used for the proposed adjacent Emergency Response Centre and this is welcomed.
- 2.24 Entry Relay Building (paras. 2.4.38 – 2.4.42).
The Applicant is proposing to remove the Entry Relay Building from the Site Layout Plan. The footprint of this building would be left vacant by the removal of this building and would not be occupied by a replacement structure. The Local Planning Authority does not object to the loss of this building in principle. However, it is suggested that the Secretary of State should ask EDF Energy to be clear about how the land where this building has been approved will be treated and left if it is not to be built. The reassurance that the land will be appropriately landscaped or otherwise treated so that it blends in with its surroundings when all works are completed, should be required as part of any approval to this proposed amendment.
- 2.25 Off-Site Delivery Checkpoint (paras. 2.4.43 – 2.4.45).
It is not envisaged that the addition of this building will present any issues of concern. It is noted that the proposed external materials are similar to those being proposed for the emergency response buildings. At a proposed 5.1 metres in height, this is not considered to give rise to any issues of visual amenity concern. It will in any event, be somewhat dwarfed by the main buildings on the site. The Local Planning Authority does not therefore object to this part of the proposed amendment.
- 2.26 Off-Site Vehicle Search Area (paras. 2.4.46 -2.4.49).
The Local Planning Authority has no issue with the removal of this building from the Development Consent Order approved plans. However, the footprint of this building would be left vacant by the removal of this building and would not be occupied by a replacement structure. It is suggested that the Secretary of State should ask EDF

Energy to be clear about how the land where this building has been approved will be treated and left if it is not to be built. The reassurance that the land will be appropriately landscaped or otherwise treated so that it blends in with its surroundings when all works are completed, should be required as part of any approval to this proposed amendment.

2.27 Filtering Debris Recovery Pit – Unit 1 and Unit 2 (paras. 2.4.50 – 2.4.53).

The Applicant is proposing to increase the dimensions and footprint of the Filtering Debris Recovery Pit, for both Units 1 and 2. However, the location of each Filtering Debris Recovery Pit is otherwise unchanged. I cannot see that the proposed increase in size of these pits has been included in any of the submitted drawings. However, it is known that each of these units would increase in size from (h 2 x w 9 x l 27 =) 486 cu. M. to (h 6 x w 23 x l 37 =) 5,106 cu. M. This is a significant increase.

2.28 This proposed change, by virtue of its location, is likely to be prominently visible from the Coastal Footpath (part of the England Coast Path National Trail) when it is re-instated, as it will have to be. That said, it is understood that most of the two pits themselves will be below ground level. Given the location of the two pits amongst other buildings and the fact that the increase in their size will mostly be below ground level, it is not considered that this part of the proposal would give rise to significant adverse visual amenity impacts beyond those already assessed in the original Environmental Statement. The Local Planning Authority does not therefore object to this part of the proposal.

2.29 The text at para. 2.4.51 refers to the need for this increase in size as being due to the need to provide a KRS building, which will provide water sampling facilities to support the operation of the HCB's. I regret to say that I do not know what either a KRS building or an HCB is and there does not appear to be any explanation of these abbreviations within the Statement. I would be grateful if the Secretary of State could make sure of his understanding of these acronyms and that they are appropriate for the proposed locations.

2.30 Helipad (paras. 2.4.54 – 2.4.59).

The Applicant is proposing to remove the Helipad which was included in the previously approved Site Layout Plan. Paragraph 2.4.55 makes the case that 'the site of the Helipad would be left vacant by the removal of this building and would not be occupied by a replacement building or structure'. I suspect that this is a typographical error, because the helipad, in my mind, is unlikely to be a building. If buildings are to be lost as a result of this part of the proposal, then the Applicant should explain which ones are involved and why they are to be lost.

2.31 It is maintained that the removal of the Helipad would eliminate the small but significant risk of collision with buildings or structures associated with visitor and emergency helicopters taking off and landing within the Site. I find it hard to believe that this was not considered as part of the original DCO. If it was not, then that was an error, but if it was, then the matter will already have been covered. However, the request to not have the helipad in the approved position should be considered on its own merits.

2.32 It is noted that a designated emergency landing site would be established within the Southern Landscape Area outside of the permanent development site. This has two implications for the Local Planning Authority. Firstly, the LPA is being asked now (August 2020) to consider the Southern Landscape Area and there is no indication that an area may be left available for the provision of an alternative helipad. It is accepted

that any plans in this regard may be on hold pending the Secretary of State's decision on removing the approved site for the helipad. However, I think it is reasonable to request details of an alternative provision before deciding to remove the approved site, otherwise there may be no requirement to actually provide this facility at all. It is noted that the Applicant maintains that the design for this site would be submitted for approval as part of wider landscape restoration plans, in accordance with DCO Requirement MS28 (Landscape works). Whilst that is a reasonable request, what guarantees would be included in the DCO (as amended) that this would need to occur. A site such as this should have such a provision in case of emergencies. Also, the approving authority would need control not just over its design, but also its position, to ensure that it is appropriately located. If an alternative position for the helipad is authorised by the Secretary of State, then control must be given to the Local Planning Authority to determine its position as well as its design and perhaps this would need to be decided in conjunction with the Civil Aviation Authority or any other such appropriate authority.

2.33 This actually brings me on to my next consideration in this regard. By moving the proposed helicopter landing spot further away from the area of likely need, wouldn't this be making the primary task of help and rescue more difficult in the event that an emergency occurs? I am not an expert on prescribed distances for landing sites in the case of emergencies and therefore an appropriate accredited expert must determine this. However, it is my opinion that by not having an alternative site suggested with the proposal to remove the authorised site, then the task of deciding suitability is being made more difficult.

2.34 One further issue should be considered in respect of the relocation of this facility. The alternative location for a helicopter landing pad within the Southern Landscaping Area, suggested (but not proposed) by the applicant, would be a more prominent position, closer to local communities and residents. The Southern Landscaping Area will eventually be publicly accessible by virtue of Rights of Way, which provides an added complication to the provision of a helicopter landing site. By changing the proposed location for the helipad facility from its approved location to the Southern Landscaping Area by means of the provision of information through a discharge to MS28, I am concerned that the process may be denying the locals any say on the location which would bring the facility closer to them.

2.35 Finally, I point out that approved Requirements MS34, MS35 and MS36 all relate to the helipad. If the Secretary of State does agree to the proposed alternative location for this facility, then it should be made clear that these three Requirements still apply to any alternative location and will still need to be satisfied.

2.36 Sewage Treatment Plant (paras. 2.4.60 – 2.4.62).

The Applicant is proposing to increase the footprint of the Sewage Treatment Plant to ensure the necessary quantities of waste water are treated appropriately. The increase proposed is quite considerable. The approved dimensions for the Sewage Treatment Plant are 3 x 4 x 8 metres (equating to 96 metres cubed), whereas the proposed dimensions are 11 x 11 x 56 metres (which equates to 6,776 metres cubed). This is well over 6,600 metres cubed of increase. Whilst it is not identified in the Application Statement, this implies to me that they the Applicant has now recognised the need to deal with more waste water than originally specified. If this is the intended purpose of this change, then the Local Planning Authority would respectfully request that the Secretary of State is certain and satisfied about any impact this might have on the waters in the Bristol Channel. The treated sewage is understood to be discharged into the Bristol Channel from pipework at the end of the Temporary Jetty. The Bristol

Channel itself has a number of national and international biodiversity designations. If this part of the proposal is to be approved, then the Secretary of State should first be clear on whether the proposal would amount to the ability to make extra discharges into the Channel, and if it does, whether that extra discharge would have any impact on the wildlife and plant species in and around the channel that give rise to the nature designations. This would presumably be a matter that Natural England should advise on, if the need arises.

2.37 I note that the Applicant maintains that 'no variation is required to the Environmental Permit' (para. 2.4.61). This seems somewhat questionable to me given the vast increase in size of the proposed Sewage Treatment Plant, but others will be better placed to judge this than me.

2.38 National Grid Compound Main Gas Insulated Switchgear Hall (paras. 2.4.63 – 2.4.64). The Local Planning Authority has no objection to this part of the proposal and supports the requested change.

3.0 Proposed amendment to Schedule 14, Paragraph 5

3.1 In section 2.5 of the Application Statement, the Applicant examines the procedure for the Discharge of Requirements and asks the Secretary of State to interpret Schedule 14 in a different way. The Applicant is asking the Secretary of State to remove Requirement PW3 (Buildings and structures) from the paragraph 5 list of "major detailed requirements", effectively making all buildings and structures (PW3) a "minor detailed requirement". The Local Planning Authority cannot accept this and objects to this element of the proposal.

3.2 The Applicant's main reason for suggesting this change is stated as being '*....because of the number of applications required, and that many of the buildings or structures will have a large internal floor space, the fees payable as currently calculated would be disproportionate and unreasonable*'. That of course is a matter of judgement rather than fact. What might seem "*disproportionate and unreasonable*" to the Hinkley Point C Project by EDF Energy, is not seen in the same light by the Local Planning Authority. The Applicant had clearly not made similar arguments at the time of the original DCO Inquiry and the arguments now seem more to be cost driven, rather than being based upon any technical need. However, the costs to the Local Planning Authority in assessing any future discharge for major Requirements will be exactly the same as that assessed and approved as part of the original DCO inquiry. They have not altered or lessened such that it would be appropriate to significantly reduce the fee to the Local Planning Authority.

3.3 In the case of the changes proposed to the Oil and Grease Storage and Oil Ancillary Building (as given in paras. 2.4.14 – 2.4.19 of the Applicant's Statement) for example, the fee for the proposed increase in size, based on the existing approved Schedule 14, would be calculated as follows. As the store is proposed in an entirely new location, the fee would not be covered by Schedule 14, Paragraph 3 (Fees), Part (1), b, which states that "where an application is made for discharge of a major detailed requirement in respect of which an application has been made previously, the fee payable in respect of that application shall be £335. The full fee would therefore be due. Based on the proposed increase in dimensions to the building as given in Table 2-1 (Building Dimensions Schedule) of the Applicant's Statement, the new floor space of (width 27

metres x length 60 metres =) 1,620 sq. m. would attract a fee (under category 1, part iv) of £335 for each 75 sq. m., or part thereof. The fee would thus be $(1620 \div 75 =) 22 \times £335 = £7,370$. If the proposed amendment to make PW3 a minor Requirement is passed, the fee would be £85 (based on Schedule 14, Paragraph 3 (Fees), Part (1), c – fees for minor detailed Requirement). There is no way that a fee of £85 would cover the costs to the Local Planning Authority of validating, processing, consulting, assessing, negotiating and approving an application for a major new building, in a different location, which will inevitably need close examination of details, appearance, impact, significance in visual amenity and landscaping terms, as well as all of the other standard considerations. The case of the proposed relocation of the Oil and Grease Storage and Oil Ancillary Building is highly likely to require a high level of accompanying documentation; assessment in order to demonstrate acceptability; it would have environmental effects not previously considered; and would require technical experts, such as a Landscaping expert, to assess the evidence. These are all considerations which the Applicant has described as making a submission a Major Requirement. The argument used by the Applicant in paragraph 2.5.10 of the Application Statement, that of the four PW3 discharge applications successfully considered to date, only plans and elevations have been submitted, with no accompanying assessment or documentation, cannot be taken as a rule to imply that any future submission under PW5 would need to be dealt with in a similar manner. As stated above, any application under PW3 for the relocation of the Oil and Grease Storage and Oil Ancillary Building, would need assessment by a qualified landscape architect and would in all probability need amendments to the approved Landscape and Visual Impact Assessment at the very least. This could not be undertaken for £85. It is accepted that a fee of £7,370 could be perceived as being a little on the high side, but without a ‘Material Change’ to the costs prescribed by Schedule 14 of the approved DCO, there is no alternative.

- 3.4 Also, it is highly unlikely to be possible to carry out all of the required work associated with consideration of such an application within the shorter time period prescribed for a ‘Minor Requirement’ – (5 weeks instead of 8 weeks).
- 3.5 This, of course, is just one example of what could turn out to be, by the Applicant’s own admission, many. Therefore, the financial and time deficit to the Local Planning Authority would be compounded with each such submission. This is totally unfair and unreasonable and will place the Local Planning Authority under considerable and unnecessary financial and time strain in relation to the work required to be done.
- 3.6 The Applicants arguments in relation to ‘proportionality’ as given in paragraph 2.5.12 of the ‘Applicant Statement’, is reasonable. However, if it is accepted that such Requirements cannot be discharged for the cost of £85 and cannot be dealt with in the reduced timeframe, ‘proportionality’ could only be addressed through a material change to the DCO.
- 3.7 So the Local Planning Authority strongly maintains that Schedule 14 must remain as approved (no change at all). The only other alternative would be for the Applicant to apply to amend the fees for Major Requirements, which would, presumably, have to be considered as a ‘Material’ Change to the DCO. The Local Planning Authority simply cannot accept that it will be able to deal with the changes proposed to buildings within the cost and time parameters that would result, without having to occur significant financial deficit. This should not be a consequence, even if unintended, of any approved change to the DCO.

- 3.8 It is worth mentioning that the Applicant has not discussed this particular proposed change with the Local Planning Authority and there has, therefore, been no pre-submission agreement, or even any consideration, of this proposed change. I would suspect such pre-application discussion has not occurred because the Applicant was assuming an objection to this from the Local Planning Authority.
- 3.9 For all of these reasons, the Local Planning Authority strongly objects to this part of the proposed amendment and strongly urges the Secretary of State to reject this part of the submission.

4.0 Consideration of whether the proposed changes to the DCO give rise to any new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement.

- 4.1 This section of the Applicant's Statement concerns the changes proposed to the siting, layout and design of buildings and structures within the Site and specifically whether the proposed changes would give rise to any new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement. If it is considered that they do, then the proposal would need to be accompanied by a further Environmental Impact Assessment and this could result in the proposed changes being considered to be 'material'.
- 4.2 Although the original development was Schedule 1 development (as defined by the Infrastructure Planning [Environmental Impact Assessment] Regulations), changes such as those now proposed are referenced within Schedule 2 because, Schedule 2, part 13 (1) of the Regulations defines "any change to, or extension of, development of a description listed in Schedule 1 to these Regulations, where that development is already authorised, executed or in the process of being executed", as being schedule 2 development, if they are likely to have significant adverse effects on the environment. This then needs to be tested and the Applicant has done so in section 3 of the Application Statement.
- 4.3 The Local Planning Authority's comments on the merits of the appearance and positioning of the proposed changes are given under section 1 of this consultation response. The Local Planning Authority will now consider the Applicant's case that no new or materially different likely significant effects on the environment would arise from the changes proposed beyond those already comprehensively assessed within the approved Environmental Statement.
- 4.4 The starting point here should be to acknowledge that the original Public Inquiry and the Development Consent Order that was authorised out of that procedure, was based on the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, ("the 2009 Regulations"), whereas now any consideration of Environmental Impact has to be considered under the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations"). Though, in basic terms, it is not believed that the differences between the two sets of Regulations will unduly impact upon any consideration on the principle issues here.

- 4.5 There are two crucial considerations that arise out of this.
- a. Does the development as changed or extended have a significant adverse effects on the environment? and,
 - b. Would the proposal have significant adverse effects on the environment, when the changes are assessed in terms of their cumulative impact?
- 4.6 Firstly, **does the development as changed or extended have a significant adverse effects on the environment?** The Applicant has gone through a number of deliberations in this respect and includes a revised Landscape and Visual Impact Assessment (L.V.I.A.), which is contained at Appendix 2 of the Application Statement. This is one of the most important assessment techniques for determining whether the proposed changes to the DCO would need to be tested through a new Environmental Statement and assessment. I should add here that the numbering referred to in the Applicants Appendix 2 refers to that used in the document placed on the EDF Energy website. I have referred to this discrepancy at the start of this consultation response (paragraph 1.3).
- 4.7 The revised L.V.I.A. makes a number of claims. Firstly, at paragraph A.2.2.8, it notes that permanent lighting is controlled by DCO Requirement MS29 which requires external lighting to be installed in accordance with the HPC Operational Lighting Strategy. As a result, the Applicant maintains that lighting associated with new or repositioned buildings the subject of this application will be developed in accordance with the approved Operational Lighting Strategy and presented to the Council with a MS29 submission prior to its installation. This ordinarily would be an appropriate and acceptable way forward. However, in this instance, the Local Planning Authority questions the wisdom of this approach. Lighting, is an acute problem at the Hinkley Point C site – outdoor lighting in particular, but also light spill from within buildings and structures. This obviously has the potential to affect the relatively dark skies of this south western part of Somerset. Perhaps more importantly though it has the potential for impacts upon the bat populations which use and traverse the site. Lesser Horseshoe bats ideally want a light level of no more than 0.45 Lux, although the County Ecologist will usually recommend 0.5 Lux for bat areas in Somerset. This is however still low. Although by dealing with lighting as part of an application to further discharge MS29 the Local Planning Authority could control lighting levels, if it transpired that any one building would result in light spill above the levels that are permissible for bats, then it would be too late to change the position of that building if the DCO had already been amended. The submission from the Applicant makes no reference to this whatsoever. The proposals for lighting new and repositioned buildings may turn out to be biodiversity friendly, but unless potential lighting levels are tested as part of this current process, we simply will not know, until such time as it may be too late to appropriately make a difference. So, the Local Planning Authority respectfully suggests that the submitted Landscape and Visual Impact Assessment has not paid due regard to this important issue. The Secretary of State should not accept the current submission as proving that the proposed alterations to buildings will be acceptable in respect of lighting. Neither should the Secretary of State allow lighting to be determined by way of a Requirement discharge only, as this is somewhat of an afterthought and would deny the Local Planning Authority the opportunity to suggest that any one particular building with the levels of lighting required might be in the wrong place. The information regarding lighting must be upfront for verification as part of this process in order to ensure that there is no possible impact on the bat populations known to inhabit the area.

- 4.8 There is a slight error in paragraph numbering at A.2.3.1 of the appellants statement as A.2.3.1 and A.2.3.2 appear twice under the headings of firstly '*Viewpoint Selection and Initial Viewpoint Appraisal*' and then '*Scope of Detailed Viewpoint Assessment*'. This error is of course not compounded in the version on the Inspectorate's website as that has had the paragraph numbering removed. In any event, this is merely noted and is not considered to affect the arguments made.
- 4.9 Under 'Viewpoint Selection and Initial Viewpoint Appraisal', it is noted that the Applicants have chosen to review 21 of the original 48 assessment viewpoints set out in the Environmental Statement. However, the Local Planning Authority consider that there is one very obvious and serious omission from the Applicants selection criteria for viewpoints. Currently, there is no public footpath running along the coastal edge of the Bristol Channel immediately behind the new nuclear build. However, this is only a temporary situation. There always was a footpath in this location and it formed part of the National Coastal Trail - a very important national footpath. This was understandably diverted as part of the DCO, but will, either before the development is completed or shortly afterwards, have to be re-instated. The Local Planning Authority maintain that anywhere along this stretch of the Coastal Footpath immediately behind the new nuclear build, when re-instated, will afford the best and closest views of the works themselves and so should have been included as a short range view worthy of testing in the LVIA. From this point, both Filter Debris Recovery pits and the Sewage Treatment Plant will be highly visible, and probably the off-site Delivery Checkpoint and the layout of the overhead line entry point (which is also detailed in paragraph 2.4.63 of the Application Statement as being revised). This latter revision doesn't even get a mention on the map at Figure 1 in Appendix 2 which details the 'Layout and Building Changes'. The Local Planning Authority must point out that the impact of these proposed changes here have not been tested, from what will be the nearest and the most advantageous viewpoint. So, to say that the 21 viewpoints tested represent the short to medium-range views which are most likely to be significantly affected by the HPC development, is clearly not true. The Applicant maintains in Appendix 2, para, A.2.5.1, that "*walkers on the path, directly in front of HPC during operation would see the proposals as part of the wider HPC development*". This could in fact be said to be the case from any of the selected viewpoint and is certainly not specific to the National Coastal footpath behind the HPC site. This does significantly down play the role and importance of the National Coastal Trail which represents a significant receptor of national importance. This will be, arguably, the most publicly visible place from which to view the site and the proposed changes and a greater bulk of building viewed from this location would inevitably be detrimental to the overall feel for walkers passing by. The Local Planning Authority cannot accept this most obvious omission and considers that the Landscape and Visual Impact Assessment is incomplete without this having been tested. The need for testing of the visual impact of the proposals from this point was clearly pointed out to the Applicant when they had a pre-submission meeting with the Council on 6th March. This is referenced in the Applicant's own notes of that meeting contained in Appendix 3 of the Application Statement. This deficiency has not been rectified. On this basis, the Local Planning Authority respectfully ask the Secretary of State to make a judgement as to whether or not this omission makes the landscape assessment deficient in appropriate information.
- 4.10 Against every one of the 21 receptors assessed in Table A.2.4 (Appendix 2), it is maintained that "*All ground based and low-level development would be largely screened by existing vegetation illustrated in the ES photomontage. It is considered unlikely that the proposals would alter the overall level of visual effects identified in the E.S.*". However, this assertion is contested, because it clearly is not the case in every

instance. If one looks at the view from viewpoint 14 for example, as shown in the photograph taken by the Applicants consultants as part of a separate Requirements discharge and now included as an attachment to the e-mail sending this statement, then it is clear that there will be a good view of a significant proportion of the buildings and structures that are proposed for change. It is worth noting that the Applicant's did not include this photograph as part of their presentation of viewpoint photographs attached to Appendix 2 of the Application Statement, presumably because it adequately illustrates that *"All ground based and low-level development would NOT be largely screened by existing vegetation"*, which would make it difficult to conclude that *"It is considered unlikely that the proposals would alter the overall level of visual effects identified in the ES"*.

- 4.11 It is also disappointing that the Applicant did not show a photograph in appendix 2 taken from viewpoint 15 (as defined in the original LVIA), which lies in almost a straight line between viewpoints 14 and 19, but is considerably nearer than viewpoint 19 which is shown and so would reveal more about the likely impact of the proposed changes. In fact of the 4 viewpoint photographs shown in appendix 2, the Local Planning Authority maintains that there would be better sites, not chosen, that would give a truer representation of the real likely effect of the proposed changes.
- 4.12 In conclusion, the Local Planning Authority does not consider that the Applicant has chosen the best viewpoints to examine whether or not the proposed changes to the DCO give rise to any new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement. It is felt that there would be other locations which would show the proposals in a different light and might lead to the conclusion that there would be detriment to the visual amenity. Whether or not that detriment would be considered to be 'significant' is a matter that is hard to define given that the Applicant has chosen not to examine these alternative viewpoints. However, on the basis of the viewpoints examined in detail and on the basis of the assessed findings, the Local Planning Authority considers that, on balance, it is likely that the proposed changes to the Development Consent Order would not give rise to significantly adverse visual and environmental impacts.
- 4.14 With regards to traffic levels, the quantities of materials, duration of movements and all other environmental issues which have been previously assessed in the ES submitted with the original DCO application, and which are now assessed in the Application Statement paragraphs 3.1.4 – 3.1.6 and Table 3-1, the Local Planning Authority agrees with the Applicant that the changes proposed as part of this submission are unlikely to have any new or materially different likely significant effects on the environment.
- 4.15 It is also noted that the Environmental Impact Assessment which was prepared to support the application for the DCO was undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. This non-material change application is being submitted in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "2017 EIA Regulations"), which includes assessment topics which were not separately addressed within the previous Environmental Impact Assessment. These topics include - human health, major accidents and disasters; and climate change. It is therefore right that the Applicant has sought to assess these additional matters. These are addressed by the Applicant in sections 3.2.1 to 3.3.11 of the Application Statement. The LPA has no reason to doubt the examination of these matters made and so does not challenge this part of the application.

- 4.16 Finally, the Applicant considers whether or not the Habitats Regulations Assessment approved as part of the original decision, would be affected by the changes now proposed. With respect to every designation, the Applicant concludes that the proposed changes relate to “*minor on site building changes and would not affect construction activities and therefore there would be no additional impact on the Severn Estuary SAC / Ramsar site feature and site integrity over and above that which has already been assessed in the original DCO application*”. The Local Planning Authority wishes to make the point here (as given above in paragraphs 2.36 and 2.37 of this consultation response), that changes are proposed to significantly increase the size of the Sewage Treatment Plant from 96 metres cubed to 6,776 metres cubed. This is well over 6,500 metres cubed of increase in development. The Local Planning Authority has already argued that this must imply that they are now identifying a need to deal with more waste water than originally specified. If this is the intended purpose of this change, then the Local Planning Authority would respectfully request that before any conclusions are made in this regard, the Secretary of State makes certain and is satisfied about any impact this might have on the waters in the Bristol Channel where the treated sewage will be discharged, because the Channel has a number of national and international biodiversity designations. If this part of the proposal is to be approved, then the Secretary of State should first be clear on whether the proposal would amount to the ability to make extra discharges into the Channel, and if it does, whether that extra discharge would have any impact on the wildlife and plant species in and around the channel that give rise to the nature designations. None of this has been noted in paragraph 3.4.4 and Table 3-2 of the Application Statement.
- 4.17 I also remind the Secretary of State that the Applicant maintains “*no variation is required to the Environmental Permit*” (para. 2.4.61 of the Application Statement). This seems somewhat questionable to me given the vast increase in size of the proposed Sewage Treatment Plant. As the requirement for a new or amended Environmental Permit could be judged to be one of the tests that determine whether the proposals are ‘material’ or not, the Local Planning Authority respectfully ask the Secretary of State to scrutinise this issue and be certain on whether one will actually be required (or not) as a result of the significant increase to the Sewage Treatment Plant area.
- 4.18 The Applicants have also considered the potential impacts of the proposed changes upon Barbastelle bats, and the Exmoor and Quantock Oakwoods S.A.C. (paras. 3.5.1 to 3.5.5 of the Application Statement). Potential habitat losses, the risk of fragmentation of foraging habitat and in particular, disruption to commuting corridors by artificial on-site lighting are relevant and crucial issues. The Local Planning Authority, the Somerset County Ecologist and Natural England are already aware that preferred lighting conditions for bats along the bat corridors on site are already being challenged, requiring close scrutiny and review. Any further light pollution in the designated darker areas of the site would be significant and adverse, not just for Barbastelle bats but also for the Horseshoe species. The Local Planning Authority does not yet have up to date (2020) raw data for Myotis and Long-eared bats to make a judgement on whether these species could be present. As yet it appears that adverse lighting issues identified in 2019 have not been resolved to improve the use of the Green Lane corridor for bats, and also up to date (2020) surveys do not appear to have taken place since last year. All of which indicates that the Secretary of State should proceed with caution on the issue of whether there would be potential impacts from the proposed changes to buildings upon Barbastelle bats, and the Exmoor and Quantock Oakwoods S.A.C.
- 4.18 The secondly major area that needs assessing when considering whether the proposed changes to the DCO would need to be tested through a new Environmental Statement

and Assessment are, **the cumulative impact of the changes.** The impacts that might be caused by the proposed changes to the DCO must be considered in terms of their cumulative effect and not merely as individual impacts in isolation from each other. The changes must be considered by looking at their overall effect on the project, and identifying whether the whole, as modified, is likely to have significant effects, including effects that were not identified in the original assessment. It does not appear to the Local Planning Authority that this issue has been appropriately addressed in the Application Statement. However, although buildings are being added, and rearranged as part of the proposals, some are also being removed. Overall there is a slight increase in the number of buildings, but it is not considered by the Local Planning Authority that this increase together with the new arrangement of buildings on site, would be tantamount to creating significant new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement. A change, yes. Cumulatively, these changes would be different and in some instances have adverse impacts. However on the basis of the information presented by the Applicant, the 'new' impacts are not considered to have significant adverse impacts. That said, the Local Planning Authority has identified a number of short-comings in the Applicants examination of this matter and any such information which the Secretary of State might consider as essential, could alter this conclusion.

5.0 Stakeholder Engagement.

- 5.1 It needs to be made clear in response to paragraph 4.3.1 of the submitted Application Statement, that at the meeting with Somerset West and Taunton on 6th March, the two parties only discussed the proposed changes to layout and arrangement of the site in terms of the buildings and structures. No reference was made whatsoever of the intention to remove Requirement PW3 (Buildings and structures) from the paragraph 5 list of "major detailed requirements", effectively making all buildings and structures (PW3) a "minor detailed requirement". This was an omission from the discussions, presumably because it was felt that the Local Planning Authority would be unlikely to accept this change. Also, no consideration was given at that meeting to whether the proposed changes to the DCO would give rise to a cumulative impact on the environment that was not identified or tested in the original Environmental Statement. It is noted that this is something that the Applicant has not paid much attention to in the Application Statement either. However, is not considered to be a significant omission from either those discussions or from the Statement, as the Local Planning Authority has considered this aspect for itself and concludes that the cumulative impact of the proposed changes would not be significant in E.I.A. terms.
- 5.2 The Applicant refers in para. 4.3.3 of the Application Statement, to the fact that "Somerset West and Taunton Council raised queries around the need for additional viewpoints and whether safety issues have been considered". This is correct. The Council however, is not convinced that the concern raised about viewpoints has been addressed. The Applicants own note of the meeting contained in appendix 3 of the Application Statement notes, and I quote – "*SW&TC sought an additional view point analysis from the coastal path given that some of the proposed changes would be potentially visible from the reinstated path post construction*". This has clearly not occurred and this concern therefore remains. This is argued in para. 4.9 of this consultation response. Although the Applicant has sought to argue why EDF has not acceded to this request, the Local Planning Authority still maintains that this is a serious

omission from the Environmental re-assessment because a view from the re-instated coastal footpath will afford the best and closest view of the proposed changes.

5.3 For the record, the “*further discussion.....in 4 weeks*”, “*once the Councils had digested the presentation and content of the application*” as referred to in the final bullet point of Appendix 3, never happened. Though, it is acknowledged that the Covid-19 lockdown rules introduced by the Government would have made such a meeting somewhat difficult to arrange.

6.0 **Conclusions.**

6.1 Changes are proposed to either the fabric, size, layout or positioning of 17 buildings or structures within the permanent development Site of Hinkley Point C. Of these, the Local Planning Authority has no objections to 7 of the proposed changes. These concern the following buildings and structures –

- Back-up Emergency Equipment Store;
- Auxiliary Administration Building;
- Equipment Store for the Interim Spent Fuel Store;
- Access Control Building for the Interim Spent Fuel Store;
- Interim Spent Fuel Store;
- Off-site Delivery Checkpoint; and
- National Grid Compound Main Gas Insulated Switchgear Hall

6.2 In the opinion of the Local Planning Authority, the Secretary of State will need to seek further information and/or reassurances in respect of the following 8 buildings or structures –

- EDF Site Offices;
- The Emergency Response Store;
- The Oil and Grease Storage and Oil Ancillary Building;
- The Emergency Response Centre;
- The Emergency Response Energy Centre;
- The Entry Relay Building;
- The Off-site Vehicle Search Area; and
- The Filter Debris Recovery Pits (units 1 and 2).

The Local Planning Authority could not agree to the changes proposed for these 7 buildings and structures until the Secretary of State has obtained the specified reassurances this statement has referred to and become satisfied on the acceptability of this additional information.

6.3 The Local Planning Authority has specific issues and difficulties with 2 of the 17 proposals for change. These 2 are –

- Helipad; and
- Sewage Treatment Plant.

In respect of the helipad (removal from the authorised position and replacement of a designated emergency landing site within the Southern Landscape Area outside of the

permanent development site), the local Planning Authority has serious reservations about the ability of the replacement site to perform its prime function in the event of an emergency. Such concerns clearly do not exist with the currently authorised position. The Local Planning Authority is concerned that, by moving the proposed helicopter landing spot further away from the area of likely need, this would make the primary task of help and rescue more difficult in the event that an emergency occurs. Clearly this is something that the Secretary of State is going to have to decide on and the Local Planning Authority would respect that decision. In making that decision, the Secretary of State will also need to take on board the point made by the Local Planning Authority that the new proposed position would be a more prominent position, closer to local communities and residents and very near to Public Rights of Way, with a greater ability to therefore affect that local community through disruption and noise pollution, albeit hopefully very infrequently. This is all covered in paragraph 2.30 to 2.35 of this consultation response.

- 6.4 With regards to the Sewage Treatment Plant, the Local Planning Authority's concerns surround the fact that the Applicant is proposing to increase the footprint of the Sewage Treatment Plant by well over 6,500 metres cube. This clearly implies an identified need to deal with more waste water than originally specified. This would have an impact upon the waters in the Bristol Channel where the treated sewage will be discharged and therefore potentially, a number of national and international biodiversity designations which exist at that point. On this basis, the Local Planning Authority also questions the Applicant's position which maintains that 'no variation is required to the Environmental Permit'. This is again a matter which the Secretary of State is going to have to judge.
- 6.5 On the second primary 'change' put forward, the Applicant is asking the Secretary of State to remove Requirement PW3 (Buildings and structures) from the paragraph 5 list of "major detailed requirements", effectively making Requirement PW3 (buildings and structures) a "minor detailed requirement". The Local Planning Authority cannot accept this and objects to this element of the proposal, as argued in section 3 (paras. 3.1 to 3.9) of this consultation response.
- 6.6 Next, the Local Planning Authority has considered the Applicant's case as to whether the proposed changes would give rise to any new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement. In conclusion, the Local Planning Authority does not consider that the Applicant has chosen the best viewpoints to examine whether or not this would be the case. It is felt that there would be other locations which would show the proposals in a different light and might lead to the conclusion that there would be detriment to the visual amenity. However, on the basis of the viewpoints examined in detail and on the basis of the assessed findings, the Local Planning Authority considers that, on balance, it is likely that the proposed changes to the Development Consent Order would not give rise to significantly adverse visual and environmental impacts.
- 6.7 In the same section, the Local Planning Authority also questions the Applicant's assertion that no variation is required to the Environmental Permit and that there would be no impact on bats. The Local Planning Authority is not yet convinced that either has been proven.
- 6.8 The Local Planning Authority then considered that the Applicant's case was very light in terms of how it argues the effects of any 'cumulative impacts' arising from consideration of the whole of the proposed changes, as opposed to individual impacts in isolation

from each other. However, whilst there is a slight increase in the number of buildings, it is not considered that this increase together with the new arrangement of buildings on site, would be tantamount to creating significant new and/or materially different likely significant effects on the environment that were not identified in the original Environmental Statement.

- 6.9 Finally, the Local Planning Authority examined the Applicant's statement of Stakeholder Engagement. Whilst the Applicant's case is not comprehensive, because the process was not comprehensive, the Local Planning Authority does not consider, on balance, that this has affected the Council's ability to engage with the wider process and the submission that is now being considered.
- 6.10 This ends the Council's response to the Applicant's submission for a non-material change to the Development Consent Order and the Council looks forward to participating in any future processes as may be deemed necessary by the Secretary of State.

Yours faithfully

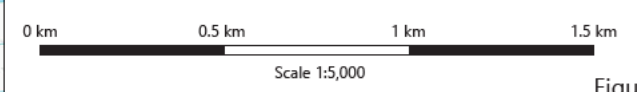
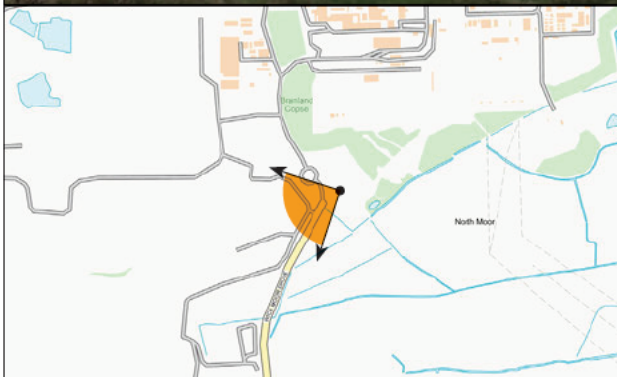
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Location grid reference:	E320 907, N145 586	Camera:	Canon EOS 5D Mk II, FFS
GPS location accuracy:	+/- 3m	Lens:	50mm
Horizontal field of view:	90° (cylindrical projection)	Camera height:	1.5m AGL
Paper size:	841mm x 297mm (A1)	Date and time:	04/02/2020 14:10
Correct printed image size:	820 x 250mm		

Centre Line of Proposed Vertical Mock-Up Tower



Figure produced to accord with the Landscape Institute's Technical Guidance Note 6/19: Visual Representation of Development Proposals.

100% Enlargement

Hinkley Point C
MS7 Application for Vertical Mock-up
Landscape and Visual Assessment

Figure 4
Principal Viewpoint 14:
Pixies Mound (Short range)

April 2020

TYPE 1 VISUALISATION

