

Department for Business Energy and Industrial Strategy
1 Victoria Street, London
SW1H 0ET
7 June 2021

Dear Sir/Madam,

**Hinkley Point C (Nuclear Generating Station) Order 2013, made 18 March 2013
Consultation on an Amendment to the Non-Material Change application in relation to the
Hinkley Point C Permanent Development Site**

On behalf of NNB Generation Company (HPC) Limited (hereafter referred to as "EDF"), please find enclosed a proposed amendment to the extant Non-Material Change application (hereafter referred to as "NMC4") which was submitted to the Planning Inspectorate and BEIS on 28 July 2020 and is currently within the decision period.

EDF proposes a minor amendment to the Parameter Plan submitted with the NMC4 application, to allow for the flexibility to locate the Back-up Emergency Equipment Store 15m to the south rather than the currently permitted 5m south limit of deviation. The need to amend the location of the Back-up Emergency Equipment Store has arisen from the need to retain one of the temporary construction site offices further into the construction period and beyond the point at which the Back-up Emergency Equipment Store needs to be constructed. Further details are provided below.

Whilst there is no formal process set out for amending an extant Non-Material Change application within legislation, or Secretary of State guidance and Planning Inspectorate advice notes, EDF consider that the established practice within the DCO regime, as set out in Planning Inspectorate Advice Note-16, allow for such changes to be made so long as:

- Interested parties are not prejudiced;
- Interested parties are given an opportunity to comment on the amendment;
- The amendment, when considered as a whole with the other proposed changes set out in NMC4, remains a Non-Material Change to the approved DCO development; and
- The decision is yet to be made and the amendment Order yet to be confirmed.

EDF takes the view that each of the above criteria is met. Informal consultation has taken place prior to the amendment being submitted, and formal targeted consultation will take place at the point of submission. We consider that the proposed amendment complies with the generally accepted principles that apply to changes made to applications during the planning process. The materiality of the proposed amendment is discussed further below.

Furthermore we consider that the proposed amendment has been submitted at the earliest possible point therefore causing the least possible disruption to the process; and the amendment is strictly necessary for the benefit of the project.

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[REDACTED]

If BEIS consider the proposed amendment acceptable, we request that:

- This covering letter is added to the NMC4 application documents;
- The consultation letter provided within this submission is added to the NMC4 application documents;
- The Parameter Plan provided within this submission is substituted for the previously submitted Parameter Plan (Ref HINK-A1-SL-00-GA-002 Rev 04);
- The amendment Order submitted with the NMC4 application is retained, as no further drafting changes are necessary as a result of this proposed amendment;
- Further consultation responses are added to the existing responses submitted as part of the current NMC4 application; and
- All other documents are retained.

Explanation of and justification for the proposed amendment is contained within this letter rather than a revision of the existing Application Statement. We consider that this provides interested parties and BEIS with the greatest clarity and ease of reference.

Nature of the proposed amendment

Within the NMC4 application, EDF proposes a number of changes to the DCO to reflect ongoing design evolution in response to learning from other EDF plants, improved safety practice, the need to make way for the heavy lift crane and the need for up-to-date security measures. Changes were proposed to the siting, layout and design of a number of buildings within the permanent development site.

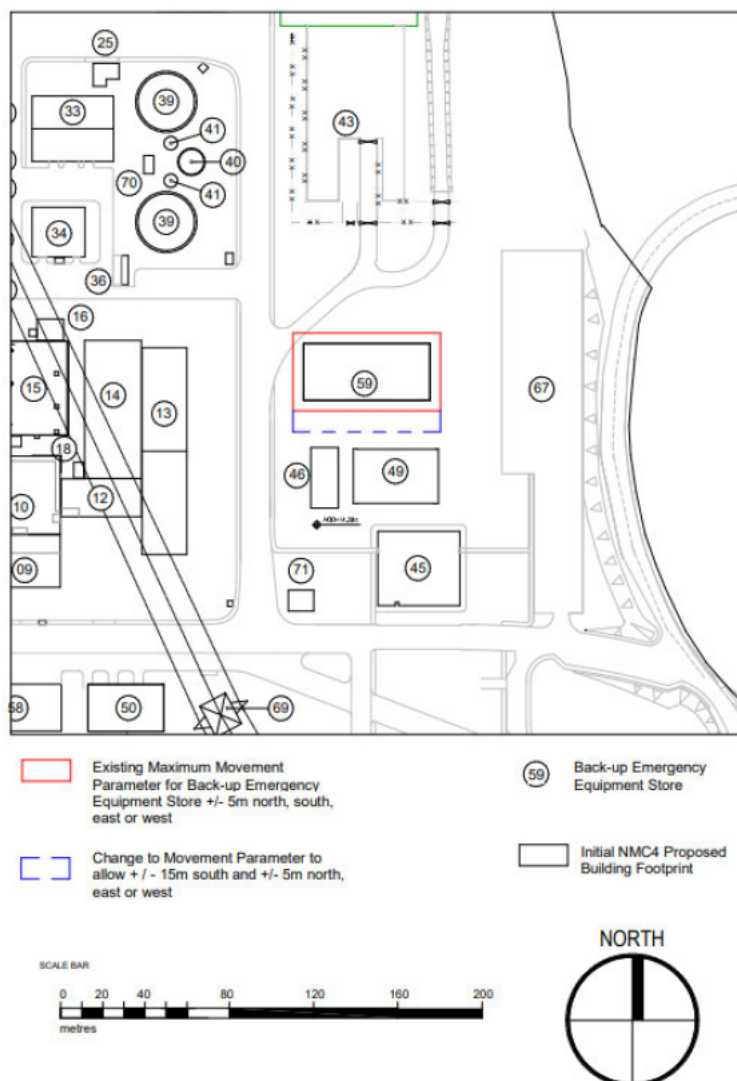
One of the proposed changes is to the Emergency Response Store. This building is moving within the site and being renamed to the Back-up Emergency Equipment Store. The relocation is driven by the requirement to co-locate this building with other emergency response buildings and to avoid the building being located on the rock strata known as the Blue Anchor formation, which does not provide the highest seismic qualification level needed for a safety classified building. The building would be used as a storage facility for vehicles and equipment which may be required to respond to an emergency event.

Following the submission of the NMC4 application detailed design has been ongoing. Within the construction site there are four main, temporary offices, known as the North, West, South, and East offices. Following more detailed analysis of the overlap between the construction programme and the programme for commissioning the power station, part of the East Office, referred to as the East Office Annex, now needs to be retained until the end of the construction period. The East Office Annex occupies the space allocated for the Back-up Emergency Response Store, which is due to begin construction in 2022. The conflict between the two buildings has driven a re-design of the

[REDACTED] Response Store, which is now proposed to be relocated further to the South, away from the footprint of the East Office Annex, but remaining within the grouping of emergency response buildings.

Due to the ongoing design process, there remains uncertainty around the precise position of the building. Therefore, the requested amendment is to increase the existing parameter from +/- 5m in any direction to +/- 5m to the north, east and west, and +/- 15m to the south. Please see Fig 1 which illustrates the proposed limits of deviation.

FIG 1



[REDACTED] of doubt the building function remains identical to that set out in the NMC4 Application Statement.

Proposed changes to Plans

Parameter Plan

The amendment can be achieved by altering the relevant parameter within the table contained within the plan key. This table of parameters is not duplicated within any other DCO documentation, nor within the DCO itself, therefore there are no other consequent changes.

As the plan submitted with NMC4 does not show the limits of deviation of the other buildings on site, we have retained this practice and have not drawn the revised limit of deviation for the Back-up Emergency Equipment Store. However please see Fig 1 above, where a red line has been drawn to illustrate the area within which the building could be sited.

As stated above, we request that the parameter is amended so that the building may be sited up to 15m to the south. The existing movement parameter 5m north, east and west would remain unchanged. We consider that this differentiation between each direction is necessary given the current level of uncertainty around the design and siting, and that it is not necessary to request +/- 15m in all directions. There is precedent for this approach within the approved DCO parameters, as the Meteorological Station Mast (building 68 on the Parameter Plan) allows for a deviation of +/- 5m south, east and west, and +/-20m north.

As the Parameter Plan submitted with the NMC4 application has not been approved and we propose for it to be substituted, we have not amended the revision number on the plan submitted as part of this amendment submission.

Building Plans and Elevations

No new building plans or elevations relating to the Back-up Emergency Response Store were submitted as part of the NMC4 application because the building dimensions were unchanged from the previously approved Emergency Response Store, as set out within Part 3 of Schedule 1 to the DCO. No changes to the building dimensions are proposed within this amendment application as the final design of the build is not yet completed, therefore we are not submitting any amended building plans. Should any subsequent changes to the siting, scale or appearance of the building within the new parameters be required, they will be achieved in the normal way through a DCO requirement discharge application under requirement PW3, to the relevant local authority, Somerset West and Taunton Council.

Other Plans

[REDACTED] are proposed to the Site Layout Plan submitted with the NMC4 application (ref HINK-A1-SL-00-GA-010 Rev 04).

No amendments are proposed to the Development Site Masterplan submitted with the NMC4 application (ref HINK-A1-MP-GA-001 Rev 04).

Assessment of the proposed amendment

Within the application statement submitted under the NMC4 application, consideration was given to:

- The likely significant environmental effects of the proposed changes.
- Whether there would be any additional potentially significant effects on European designated sites over and above those already assessed in the Secretary of State's Habitats Regulations Assessment; and
- Any other impacts to local businesses or the local community.

The paragraphs below set out an assessment of the proposed amendment.

Environmental Impact Assessment

Consideration has been given to whether the proposed amendment alters the conclusions set out in section 3 of the NMC4 Application Statement. Specifically, whether the proposed amendment would, when considered as a whole with the other changes proposed in the NMC4 application, and when compared against the effects identified in the DCO ES, cause any new likely significant effects on the environment, or, any materially different likely significant effects.

It remains the case that the proposed amendment, taken as a whole with the other proposed changes, does not constitute 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, as the changes do not constitute Schedule 1 or Schedule 2 development.

In respect of the EIA topics set out in Table 3-1 of the NMC4 application statement, EDF takes the view that the only topic requiring further consideration as a result of the proposed amendment is Landscape and Visual impact. For clarity, a review has been carried out in relation to the other EIA topics and it is confirmed that the assessment set out in the column titled 'Impact of Proposed Non-Material Change' remains the same. The conclusions set out in relation to those topics added by the 2017 EIA Regulations, Major Accidents and Disasters and Climate Change, also remain the same.

Landscape and Visual Impact

The LVIA Report (appended to the NMC4 Application Statement) considered the visual impact of the proposed change from various viewpoints, both as a whole and in respect of individual buildings.

[REDACTED]

The LVIA Report concludes that the additional magnitude of change resulting from the proposals during both construction and operation would range from Zero to Very Low resulting in either no effect or a negligible and neutral effect. Consequently, and in planning terms, there would be no change to the overall effects assessed in the ES as a result of the proposals during construction or operation.

With regards the viewpoint selection, due to the minor nature of the change when taken in the context of the site as a whole, it is considered that the selection remains representative and allows for a proportionate assessment.

Within the LVIA, the Back-up Emergency Equipment Store is referred to as Building 59, as referenced within the table of parameters within the Parameter Plan. Specific reference is made to Building 59 as follows:

In relation to viewpoint 5-

Buildings / development 46, 49 and 59 have a maximum height of between 6m and 13m and would be visible in front of HPC, appearing as barely perceptible change to the assessed view and the overall mass of the HPC power station (Very Low magnitude). The visual effect would be Negligible and neutral

In relation to viewpoint 19-

Buildings / development 46, 49 and 59 would all be screened by existing vegetation and would not be visible from this location

The proposed increase in the parameter to +/-12m south, has the effect of allowing the Back-up Emergency Energy Centre to be sited closer to the Emergency Response Centre (building 46) and Emergency Energy Centre (building 49) than currently proposed in the NMC4 application.

With regards to the height of nearby buildings, the Back-up Emergency Equipment Store, Emergency Response Centre and Emergency Energy Centre are 13m, 9m and 6m in height respectively, therefore the Back-up Emergency Equipment Store is not particularly prominent amongst its immediate surroundings. Furthermore when taken in the context of the site as a whole, these buildings will be seen against the backdrop of much larger buildings such as the Reactor Building (building 01) and Turbine Halls (building 19) which are 64m and 46m in height respectively. As demonstrated by the visualisations provided with the LVIA Report (see Figs 3,4,5,6), these much larger buildings dominate the view from the east of the site and obscure the view of the Back-up Emergency Equipment Store from the west.

In conclusion, given the context of the site and the proposed minor change to the building parameter, the proposed amendment does not alter the conclusions set out in the LVIA report and consequently there would be no overall change to the conclusions set out in the DCO ES.

Habitats Regulations Assessment

Table 3-2 of the NMC4 application statement sets out the assessment of potential effects on designated sites and interest features. This assessment should be read in conjunction with EDF's Response to Interested Party Representations, dated 9 October 2020, which sets out an assessment in relation to the Severn Estuary SPA, as omitted from the original assessment.

Given that there is no change to the function of the building there is no operational impact on any designated site

Other Impacts on local businesses or the community

The function of the building is unaffected by the proposed amendment and the additional flexibility sought will make no material difference in respect of local businesses or community, as assessed above.

In respect of safety, the safety case for the building remains the same as previously approved. The safety rationale for the building will continue to be discussed with the ONR who will assess the safety case against its Safety Assessment Principles under the Nuclear Site Licence.

Materiality

A full consideration of materiality has been provided within the NMC4 application statement. In the case of this amendment it must be considered whether the application as a whole, with the amendment, remains Non-Material in nature.

As set out in the Government's 2015 "Planning Act 2008: Guidance on Change to Development Consent Orders" there are four examples of criteria by which the materiality of a change may be judged, those being:

- Whether an updated Environmental Statement is likely to be required;
- The change would invoke a need for a Habitats Regulations Assessment;
- Whether the compulsory acquisition of any additional land would be required; and
- The degree to which the change impacts upon local businesses and residents

In respect of compulsory acquisition, we can confirm that we do not seek to compulsorily acquire any land, or interests or rights in land, that is not already authorised through the DCO. In respect of the other three criteria, I can confirm that we consider that the minor nature of the proposed amendment has no effect upon the conclusions drawn within the NMC4 Application Statement. We therefore consider that the change to the DCO, as amended, remains non-material. This is demonstrated in the section below titled 'Assessment of the proposed amendment'.



Pre-Application Consultation

On 14 May 2020 EDF met with BEIS representatives to discuss the procedural aspects of submitting an amendment to the current NMC4 application. The advice provided has been fully reflected in the approach taken. The merits of the proposal were not discussed.

EDF met with Somerset West and Taunton Council on 21 May 2020. Without prejudice to any formal consultation response, the Council expressed broad support for the application and took the view that there would be little to no adverse impact in planning terms. Questions were asked about the building's function and whether there were any safety implications and EDF provided reassurance that the function remains unchanged and that safety implications are considered within the design process and regulated by the ONR. Also that its function as a vehicle store will remain unimpeded, even if the building is moved to the fullest extent of the allowable parameter. A question was also raised concerning whether there are amended landscaping proposals arising from the amended parameter. EDF responded to say that the landscaping for the permanent development site would be submitted to Somerset West and Taunton Council under DCO Requirement MS25, within 6 months of Unit 1 entering operation and prior to Unit 2 entering operation. The landscaping will respond appropriately to the final design of the Back-up Emergency Equipment Store.

On 27th May 2020 HPC met with representatives of Stogursey Parish Council to describe the proposed change to the parameter of the Back Up Emergency Equipment Store and set out the intention to amend the parameter plan within the current non-material change application. Representatives of the Parish Council confirmed they had no objection to the proposal and commented that the solution made sense in light of the need to retain the East Office Annex beyond the point that the Back Up Emergency Equipment Store needed to be erected.

Formal Consultation

As set out within the Consultation Statement submitted with the NMC4 application, EDF has already carried out a comprehensive consultation exercise on the proposed changes. Both on a pre-application non-statutory basis and on a statutory basis.

A review of those consultation responses has been carried out. Somerset West and Taunton reference the Back-up Emergency Equipment Store and state that *'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'* and *'on balance the Local Planning Authority is not objecting to this part of the proposed amendments'*.

For the proposed amendment, given the minor scale of the change, we consider that a targeted consultation would be appropriate. This mirrors both the practice set out in PINS Advice Note-16

[REDACTED] targeted consultation for amendments at the DCO examination stage, and the statutory procedures regulating a non-material change itself, which under Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, allows the Secretary of State discretion to agree a list of targeted consultees based on the likelihood of their interests being affected.

Following these established principles, EDF considers that it would be appropriate to re-consult three groups:

- 1) Those that would have a clear interest in the Landscape and Visual effects of the proposed amendment;
- 2) Those that have responded to the NMC4 consultation; and
- 3) Statutory local government stakeholders for the area in which the Hinkley Point C development site is located

On this basis the list of stakeholders is as follows:

Stakeholder	Interest
Natural England	Responded to the consultation
Nuclear Decommissioning Authority	Responded to the consultation
Somerset County Council	Responded to the consultation/host upper tier council
West Hinkley Action Group (Richard Cuttell)	Responded to the consultation
Vanessa McDonall	Responded to the consultation
Councillor Leigh Redman	Responded to the consultation
Storgursey Parish Council	Responded to the consultation/ raised LVIA issue/ host parish council
Somerset West and Taunton Council	Responded to the consultation/ raised LVIA issues / host lower tier council/
Kilve Parish Council	Responded to the consultation
Sedgemoor District Council	Responded to the consultation
Historic England	Responded to the consultation

EDF can confirm that letters have been sent to all of the above consultees, giving a period of 28 days within which to comment, by a deadline of 6 July 2021. A copy of the letter has been included within this submission as a separate attachment.

Should you require further explanation of any items raised in the submission, please do not hesitate to contact me using my email address: Andrew.Goodchild@nnb-edfenergy.com

Yours sincerely



Andrew Goodchild
Planning Manager HPC