



Meeting note

Project name	Hinkley Point C New Nuclear Power Station
File reference	EN010001
Status	Final
Author	The Planning Inspectorate
Date	3 April 2018
Meeting with	EDF Energy
Venue	Temple Quay House, Bristol
Attendees	The Planning Inspectorate Chris White – Infrastructure Planning Lead Kathryn Dunne – Infrastructure Planning Lead David Price – EIA and Land Rights Manager Robert Ranger – Case Manager Ewa Sherman – Case Officer The Applicant James Gibson Carly Vince (dialling in) Catherine Howard (dialling in) Ross Pettigrew (dialling in)
Meeting objectives	Proposed material change to the DCO
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.

Proposed change

The Applicant provided background information including the rationale for the proposed change to the Development Consent Order (DCO) which would include removing a Requirement from the DCO to install an Acoustic Fish Deterrent (AFD). The Requirement was a necessary mitigation measure based on the data available at the time in 2011.

The DCO for the Hinkley Point C project includes a Requirement to install an AFD system to reduce the impingement mortality of fish, together with a Low Velocity Side Entrance (LVSE) intake head structure and a Fish Recovery and Return (FRR) system. This element was developed in recognition that it accorded with the Environment Agency's expectations for the application of Best Available Techniques (BAT) for large industrial cooling water systems. However, through the design development process since securing development consent, EDF Energy has identified a number of engineering design,



construction, operational maintenance and safety challenges, which brought into question the suitability of the AFD system.

As a result, EDF Energy has explored the option of removing the AFD system from a technical perspective. This has included an assessment of the potential impacts of fish impingement on species for which the AFD system was predicted to afford protection, underpinned by engagement with key stakeholders (Statutory Nature Conservation Bodies (SNCBs)). From a planning perspective, EDF Energy considers that the change could be deemed 'material' as it will likely require the Environmental Statement to be updated and will potentially invoke a need for an updated Habitats Regulations Assessment (HRA).

The original HRA that supported the DCO concluded that the marine environment had a high sensitivity/ value, with the AFD identified as necessary mitigation to deal with what would otherwise have been a significant effect. Whilst new evidence from the marine advisor (CEFAS) concludes that there would be no new or materially different likely significant effects on the environment, the Applicant considers that all parties involved in the change process will have to fully consider the material presented before taking a view.

The Applicant confirmed the continued engagement with Environment Agency (EA), Natural England (NE), Marine Management Organisation (MMO) and Natural Resources Wales (NRW), with the next meeting of the Marine Technical Forum scheduled later in April 2018, to inform them of the issues relating to understanding of design, constructability and maintenance of the system, and investigating alternative solutions.

The Inspectorate asked about the issues relating to the HRA as the proposed AFD was relied on regarding several species of fish, and suggested that it can offer section 51 advice in relation to a draft HRA if the Applicant requests it.

The Inspectorate requested that the Applicant provides all consultation documents that will be sent to the consultees. Additionally it would assist if the Applicant could submit a framework of what documents from the original DCO application will be potentially affected by the proposed change, such as any certified plans and documents, including any management plans.

In response to the Inspectorate's query about the engagement with the key stakeholders such as the local fishermen who had been involved in the original application, the Applicant confirmed that currently they are communicating with the regulators who are part of the Marine Technical Forum. The intention is to engage more widely during the formal consultation prior to the submission of the application.

Scope and form of an application

The Inspectorate asked the Applicant whether there would be any further proposed non-material changes to the DCO, as the SoS has already determined three non-material change applications. The Applicant advised that it cannot rule out any further changes, due to the size and nature of the project.



The Inspectorate advised the Applicant to consider the incremental effect that multiple post decision changes may have. The Applicant should give particular consideration to the application documentation, for example, will it be clear which documents now constitute the Environmental Statement supporting the Hinkley Point C project.

The Applicant proposes to submit: a detailed covering letter; an application statement stating the planning case for the proposed change; engineering options and design report; non-technical summary; independent safety assessments in relation to the lack of visibility in the water; Environmental Assessment Report; report to inform HRA; consultation report; draft DCO; associated plans; and Statements of Common Ground – documents required as per Government's [Planning Act 2008: Guidance on Changes to Development Consent Orders](#).

The Applicant's intention is to carry out the formal pre-application consultation in summer 2018, and will submit their permit application following this consultation. They intend to submit the material change application to Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS) in Q4 of 2018.

Specific decisions/ follow-up required?

The Applicant stated that it will be able to provide further update on the proposed change.