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Date: 17 July 2020

Dear Sir/ Madam,

Hinkley Point C (Nuclear Generating Station) Order 2013

This letter is from Somerset County Council, Sedgemoor District Council, Somerset West and Taunton Council (“the Joint Councils”) regarding the Hinkley Point C Nuclear Generating Station (“the HPC Project”) approved by the above Development Consent Order (DCO).

For the past six months, EDF Energy (EDFe) has engaged in preliminary discussions with the Joint Councils regarding a potential increase in their peak construction workforce numbers, over the 5,600 workers maximum assessed in the environmental statement (ES) for the HPC Project. EDFe are yet to provide a precise figure for any assessment purposes, but the Joint Councils understand that peak workforce numbers may be as high as 8,500. Further uncertainty exists as the HPC Project seeks to recover from the impact of COVID-19, which may result in a potential need to make further changes to the construction programme and workforce profile.

EDFe proposes to provide voluntary environmental information that will not be presented as an addendum to the ES. EDFe has stated that the purpose of their review of the effect of the proposed workforce increase on the conclusions drawn in the ES is to ascertain the nature and extent of the likely effects of the maximum predicted increase in workforce that will enable consideration in relation to the DCO, the 106 agreement and the relevant strategies and plans under the 106 agreement whether:

- No change would be required; or
- Changes may be appropriate that could be made under the processes set out within the DCO S106 agreement itself; or
- Changes may be appropriate that cannot be approved under the DCO S106 agreement itself and therefore would require a modification to the DCO S106 agreement; or

- Changes may be such that the DCO itself needs to be changed

At this stage, the Joint Councils cannot agree with EDFe that the proposed changes to the workforce profile are consented by the DCO. Our opinion is that the proposed changes are unlikely to fall within the scope of the ES and are potentially so significant in isolation and cumulatively with other post DCO decision changes that the Joint Councils are unlikely to reach consensus with EDFe that the proposed changes do not constitute a change to the DCO. Accordingly, we have advised EDFe of the need for a precautionary approach that follows the change management processes prescribed in the Planning Act 2008 and other relevant secondary legislation, and that they should seek to obtain a screening opinion from the Secretary of State through the Planning Inspectorate (PINS) and pre-application advice on the materiality of the proposed changes. The Joint Councils have cautioned EDFe that in the absence of any such opinion or advice that our engagement with them in reviewing the ES is at their “own risk”.

The HPC Project has been subject to a number of changes since the consenting of the DCO in 2013, the effects of which have not been the subject of any cumulative assessment. These changes are wide ranging and include a substantive delay to construction works beginning on the main site and lengthy delays in the delivery of associated development and mitigation. Some changes have required formal regulation through a variety of processes: Town and Country Planning Act 1990 (TCPA1990), Planning Act 2008 (discharge of DCO requirements and non-material amendments to the DCO) and changes approved to DCO management plans agreed within the governance of the pursuant S106 legal agreement.

The Joint Councils understand that EDFe plan to submit shortly an application to PINS for a material change to the DCO in respect of the non-delivery of an acoustic fish deterrent system. The Joint Councils are currently working with EDFe to agree a statement of common ground to inform this material change application, but are also in dialogue with EDFe about the ongoing proposed delay to their delivery of highways embedded mitigation at Bristol Road/ Wylds Road, Bridgwater until after the peak of construction.

The Joint Councils acknowledge the difficulties in not yet knowing the details of the changes that EDFe propose to make to their workforce profile, but believe that early guidance from PINS on the following matters is appropriate.

- Will PINS publish all information provided by EDFe for obtaining a screening opinion regarding any proposed change to the DCO for the HPC Project?
- Will PINS publish all pre-application advice provided to EDFe regarding the materiality of any proposed change to the DCO for the HPC Project?
- How would PINS advise the Joint Councils to manage any information or requests from EDFe concerning any proposed change to the HPC Project workforce profile, taking into account The Environmental Information Regulations 2004?
- Did the relevant Secretary of State certify the ES as part of the DCO for the HPC Project? If not, then is this of any consequence to managing the proposed changes to the HPC Project workforce profile that require a review (voluntarily or otherwise) of the ES by EDFe?
- Given the delays to the HPC Project and the 2011 date of the ES, how valid will the assumptions made in ES be in assessing likely significant effects from any proposed change to the workforce profile?
- To what extent will/ should the cumulative effects of all post-decision changes to the HPC Project be considered in any current assessment work for the proposed changes to the HPC Project workforce profile?

- If the assumptions made in the ES remain valid, on what basis should an addendum to the ES for the HPC Project be secured and how should this be process managed?
- Should the assessment of the proposed changes to the HPC Project workforce profile conclude different mitigation is required than the mitigation currently secured through the DCO and S106 agreement, how should this process be managed?
- A number of related DCO management documents for the HPC Project are included in the S106 agreement and will likely require amending as part of any proposed changes to the HPC Project workforce profile. Given the extent of the number of documents that may require revision, should a new S106 agreement be submitted to the Secretary of State for approval?

The Joint Councils would be grateful for your views as soon as possible, ideally within the next two weeks, as the process of review with EDFe is now commencing.

Yours faithfully,



Andy Coupé on behalf of the Joint Councils
Strategic Manager – Infrastructure Programmes Group