

02  
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Department for Energy Security and Net Zero  
Kerry Crowhurst-Kozlova  
By email

04 October 2023

Dear Kerry

**The Hinkley Point C (Nuclear Generating Station) Order 2013, Material Change Application, Regulation 10: Written consent from Secretary of State for not consulting a person or authority.**

NNB Generation Company (HPC) Limited (“the Applicant”) is proposing to make an application for a Material Change under Schedule 6 of the Planning Act 2008 and The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (amended in 2015) (“the Regulations”).

The proposed application will request changes to the above Development Consent Order (DCO) in order to effect changes to the Site Layout Plan, Parameter Plan, Plans for individual buildings and Requirements attached to the DCO. Under the Regulations, an applicant must carry out a consultation with persons as identified in Regulation 10. Regulation 10(2) states that “the applicant need not consult a person or authority listed above if they have obtained written consent of the Secretary of State”.

This letter notifies the Secretary of State of those persons that the Applicant considers should or should not be consulted as a result of the proposed Material Change. The rationale for inclusion or non-inclusion within the Consultee Schedule (attached) is explained in more detail below. The Applicant requests the following of the Secretary of State:

- Written approval that the Applicant should not consult those persons that it has proposed should not be consulted ; and
- Confirmation as to whether the Secretary of State considers any other person should be consulted.

As explained below, since the original request under Regulation 10 was made, we have decided to accept that there is a possibility of likely significant effects on the Estuaries interest feature of the Severn Estuary SAC. As a result, we are preparing a derogation case under the Habitat Regulations. Part of the derogation case will be the development and delivery of a suite of compensation measures, including the creation of large areas of new habitat. It is as a result of these changes that we are now seeking to amend our list of consultees, which triggers the need to seek further written approval from the Secretary of State.

Please note that the Applicant previously received a Scoping Opinion from the Planning Inspectorate concerning the original material change scheme (ie without compensation) but that we do not intend to request a further scoping opinion. For ease of reference, links to the May 2022 Scoping Opinion and the March 2022 Scoping Report are located here:

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[EN010102-000088-Scoping Opinion 2017 EIA Regs. HPC MC1.pdf \(planninginspectorate.gov.uk\)](#)

[100977468 - HPC Material Change Application EIA Scoping Report\\_Q3.docx \(planninginspectorate.gov.uk\)](#)

### Nature of the Proposed Change

The Applicant is seeking to amend elements of the scheme consented under the DCO via an application for a material change to the Secretary of State. The elements that constitute this application are summarised below:

#### Onsite elements

- Removal of the requirement to install an acoustic fish deterrent (AFD) system;
- Amendment to the Interim Spent Fuel Store from wet to dry storage of spent fuel and a change in building dimensions;
- Removal of the Access Control Building Associated with the Interim Spent Fuel Store and replacement with an Equipment Storage Building in the same vicinity;
- Relocation and re-design of the meteorological mast resulting in the removal of the Meteorological Station
- Amendment to retain the existing temporary Hinkley Point substation as a permanent building to supply electricity to Hinkley Point A /Hinkley Point B; and
- Four new structures (two per unit of Hinkley Point C) (HPC) to permanently house sluice gates and lifting beams used during outages (i.e. maintenance periods).

#### Offsite elements

Full or partial removal, or construction of a fish pass, at three of several river sites, and the creation of new saltmarsh (managed realignment) and the enhancement of existing saltmarsh. Information on the extent and location of the compensation measures are included below.

In accordance with the DCO granted in 2013, the Applicant has or will be installing a range of measures to help protect fish from the power station's cooling water system. These include a fish recovery and return system and cooling water intake heads designed to reduce the speed at which water enters the cooling water system, therefore reducing the risk to fish in the area.

As a consequence of the wish to remove the requirement to install an AFD system, the Applicant has been working with the Environment Agency, Natural England and Natural Resources Wales ("the Statutory Nature Conservation Bodies" "SNCBs") to develop a suite of additional compensation measures to reduce any impact on fish populations and the proposals will include approximately 350ha of salt marsh. The Applicant's preferred locations are Pawlett Hams and the Island which are close to HPC on the margin of the River Parrett.

The Applicant will also propose works to three existing weirs (either weir removal or enhanced fish passes) on the Rivers Severn (Maisemore Weir) and Usk (Trostre Weir). For the third river measure we have decided to present a range of options within the Rivers Lugg and Towy. Those works in England (weirs on R.Lugg and R.Severn) will be Associated Development and will be incorporated within the material change application. However Works on Welsh Rivers (R.Usk and R.Towy) cannot be Associated Development within the Planning Act (2008) regime and therefore will be consented by applications made under the Town and Country Planning regime to the relevant Welsh planning authorities. Accordingly, for those parts of the project located in Wales, the Applicant confirms that on a non-

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02

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statutory basis it will consult the host lower and upper tier Council, and the host Community/Town Council. Natural Resources Wales are a statutory consultee.

The measures that are solely in the marine habitat, Kelp, Oysters, and Seagrass, will be consented by Marine Licence, therefore they will not be consented via the DCO Material Change application. However, the Applicant confirms that it is engaging with all statutory bodies with an interest in the marine environment, within the relevant search areas.

For clarity the following compensation measures will be within the scope of the DCO Material Change application:

- Saltmarsh creation
- Weirs in England

The following compensation measured will be outside the scope of the DCO Material Change application:

- Weirs in Wales
- Marine habitat creation (Kelp, Oysters, and Seagrass)

### Materiality

As outlined in the DCLG guidance document Planning Act 2008: Guidance on Changes to Development Consent Orders, there are certain “characteristics” that would indicate the proposed change should be treated as material. These “characteristics” are:

- i. Where a change would require an updated ES;
- ii. Where a change would require an HRA;
- iii. Where a change would require the compulsory acquisition of land or “an interest in or rights over land” not authorised through the DCO; and
- iv. Where a change would result in an impact on local people (including businesses and residents) that would be sufficient to indicate the change should be considered material.

In line with these “characteristics”, as the proposed changes have the potential to result in different effects on the environment than those originally identified and warrant the need to submit an updated ES, HRA and other supporting assessments, the proposed changes have been treated as material.

### Consultation

The Applicant has prepared a schedule of persons to consult, in accordance with Regulation 10. The consultee schedule is attached to this letter. In compiling this schedule, the Applicant has had regard to the following:

- Those who were consulted for the DCO;
- Those who were consulted for the previous non-material amendments;
- Other persons who the Applicant consider would be appropriate to notify of the consultation; and
- Advice from BEIS in the previous request under Regulation 10(2) letter of 30 August 2022.

The attached Excel schedule is split into two sheets. One lists Statutory Consultees that the Applicant consider are relevant to be consulted to in order to comply with Regulation 10. The other lists non-statutory consultees whom the

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02

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Applicant consider it appropriate to notify of the proposed change and who might want to make representations. The list of Statutory Consultees includes all the consultees listed in s56 of the Planning Act 2008. Those Statutory Consultees the Applicant considers it should consult are shaded in green. Those consultees not thought appropriate or relevant to consult are shaded in pale red and a justification provided. The Applicant requests written consent from the Secretary of State) that it does not need to consult those bodies shaded in pale red within the Statutory Consultee sheet.

As a consequence of the compensation sites, additional consultees have been added to the list previously consulted on in 2022. These include additional highway and planning authorities, police and crime commissioners, fire and rescue authorities, parish councils, Internal Drainage Boards, local resilience forums and relevant statutory undertakers. The Applicant confirms that no additional AONB Conservation Boards are affected by the terrestrial compensation sites. All new consultees are shown in red text.

In addition, the Applicant advises the Secretary of State that Somerset Council came into being on the 1<sup>st</sup> April 2023 to provide services previously provided by four District Councils (Mendip, Sedgemoor, Somerset West and Taunton, and South Somerset) and Somerset County Council. The Highways Agency is now Highways England and the Marine and Fisheries Agency is merged into the Marine Management Organisation. In Scotland, Scottish Natural Heritage is now Nature Scot and the Scottish Fisheries Protection Agency is now Marine Scotland.

In respect of the proposed weir sites in England, the Applicant intends to consult A, B and C authorities (as defined by s43 of the Planning Act 2008) only, as the scale of proposed development (partial to full weir removal) is not considered to be large enough to affect D authorities (defined in the Planning Inspectorate's Advice Note Three: EIA Notification and Consultation as "a neighbouring local authority (s43(3)) which is not a lower-tier district council and shares a boundary with a 'C' authority." These authorities are shown as pale red on the Statutory Consultee spreadsheet.

For ease of reference, for Pawlett Hams and the Island, the consultation authorities remain the same as for the main HPC site (although as stated above, replaced by Somerset Council) and for Maisemore and Upper Lode Weirs, the host authorities are Tewkesbury Borough Council and Gloucestershire County Council. For the River Lugg, the host authority is Herefordshire Council.

### Timing of Consultation

It is required under the Regulations that the consultation is carried out prior to the submission of the application. The Applicant intends to launch the consultation in late October 2023. Should the programme change, you will be kept informed.

Yours sincerely

John Pingstone

John Pingstone  
Planning Lead

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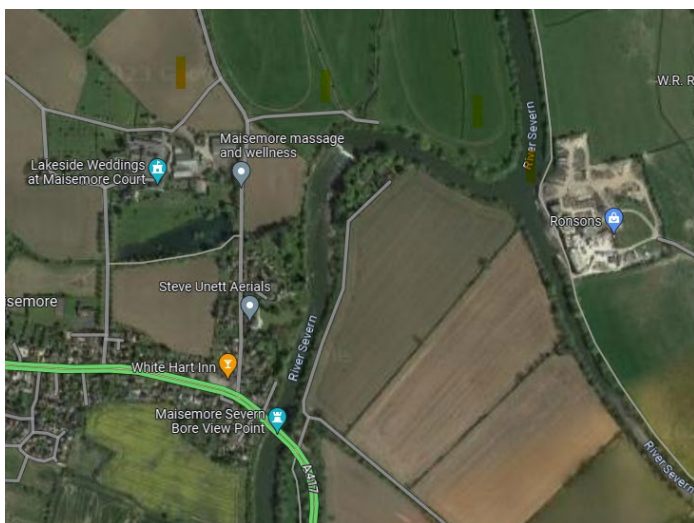
**Pawlett Hams and The Island**

3 miles northwest of Bridgwater. Grid Reference: ST 27348 42730, W3W: ///perusing.squish.spits  
Approx 350 Ha of saltmarsh creation between the two sites



**River Severn, Maisemore Weir**

Location: ~3 miles northwest of Gloucester. Grid Reference: SO 81805 21667, W3W: ///risk.unheated.situation



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River Lugg, weirs at Mousenatch / Eyton / Coxall / Crowards

Location: ~ weirs to the north west of Leominster

W3W: ///stutter.smart.tram / says.served.suave / nozzle.utter.tenses / small.firelight.recur

