



Meeting note

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| Project name | Hinkley Point C New Nuclear Power Station - Material Change 1 |
| File reference | EN010102 |
| Status | Final |
| Author | The Planning Inspectorate |
| Date | 11 December 2018 |
| Meeting with | EDF Energy |
| Venue | Temple Quay House, Bristol |
| Meeting objectives | Project Update Meeting |
| 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 Developers (or others) could rely.

The Developer is proposing to submit an application for a material change to the Hinkley Point C (Nuclear Generating Station) Development Consent Order, to remove the requirement to install an Acoustic Fish Deterrent System (associated with cooling water intake heads).

The developer is proposing to undertake its pre-application consultation in regard to the post decision material change application (under Regulation 10 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011), at the same time the Environment Agency (EA) undertakes its consultation on the Environmental Permit application. The Developer explained it is proposing to submit its Environmental Permit application to the EA in Q1 2019. The Developer explained that some (but not all) of the material change consultation documents and Environmental Permit documents are the same.

The Developer queried if, following submission of the change application to the Inspectorate, the following actions and time periods can be held off/delayed whilst they wait for a 'minded to' decision from the EA in relation to the potential outcome of the permit application. A discussion was held on this matter, where the Inspectorate stated that there is no statutory time period immediately following the submission of the application. Post meeting note: However, the developer should be mindful of the requirements to publicise their application to give notice of the application to certain bodies and the prescribed time period for making representations.

The Inspectorate advised the developer to consider what would be the advantage (if any) of submitting the application and then waiting to start the publicity/notice and representation period, until a 'minded to' decision was issued by the EA, as opposed to simply delaying the submission of the material change application itself. The



Inspectorate also advised that the Developer should avoid a situation where certain key consultees (for example the EA) would not be at an advanced enough stage to be able to make an informed representation. The Developer explained that whilst there were no hard constraints on submitting the application, an earlier decision reduces risk throughout the programme. However they will consider delaying submission of the application until the EA has provided a 'minded-to' decision.

It was estimated that it could take approximately 6 weeks (following the deadline of the representations) for a decision to be made as to whether the Department for Business, Energy and Industrial Strategy (BEIS) considers that an examination may be required, however this time period is not prescribed or guaranteed at this stage.

The Inspectorate noted that in deciding whether to grant an Environmental Permit, the EA will undertake a Habitat Regulations Assessment (HRA). This could potentially have a bearing on whether or not an Examination is required, as the issues covered in the HRA for the Environmental Permit are likely to be very similar to the issues that would need to be considered in relation to the proposed material change to the DCO (which would also require an HRA).

The developer said that they were considering how to apply the Inspectorate's Advice Note 12 on 'Transboundary Impacts and Processes' to this proposed application. The Developer stated it would prepare a note on this issue for the Inspectorate to discuss with BEIS.

Contact Going Forward

The Inspectorate explained that BEIS will be the main contact for the Developer from now on but the Inspectorate is happy to be copied into correspondence and informed of meetings. The Inspectorate stated it would be in contact with BEIS during the process.

The Developer intends to hold a discussion with BEIS following their pre-application consultation.

Actions

The following actions were agreed:

- The Developer will provide a note on how they consider the Transboundary process can be undertaken for this proposed application.
- The Inspectorate and BEIS will discuss the above note in line with Advice Note 12