

Meeting note

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| Project name | Hinkley Point C |
| File reference | EN010102 |
| Status | Final |
| Author | The Planning Inspectorate |
| Date | 24/04/23 |
| Meeting with | EDF Energy |
| Venue | Microsoft Teams |
| 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 applicants (or others) could rely.

Project Overview

EDF Energy (the Applicant) gave an overview of the main features of its material change application, which includes removal of the requirement to install an Acoustic Fish Deterrent (AFD), replacing of the Access Control Building with a new Equipment Storage Building, and an Interim Spent Fuel Store (ISFS) (amending the plot plan to move from wet ISFS to dry ISFS with alterations to building dimensions. The Applicant will also apply to alter the location of the meteorological mast due to its current proximity to buildings and retain the current temporary substation to provide power to Hinkley Point A (HPA) and Hinkley Point B (HPB) with an additional four structures to house sluice gates and lifting beams (to be used only during outages).

Main Issues

The Applicant explained that the anticipated main issues of the Application, would be the impact on marine ecology through the removal of the AFD and the visual impact of the ISFS due to a planned increase in size and change in storage type. The extended fuel storage building would be 50m longer, 5m wider and 5m taller. The Inspectorate enquired about the visual impact of the fuel storage building as a result of the proposed increase in size. The applicant explained (based on feedback received from certain statutory consultees and from previous consultations) that there were concerns about the views from the coast path and as such, they intend to run a visual impact assessment for an additional viewpoint on the coast path as well as other viewpoints which for example would consider the view from the Quantock Hills Area of Outstanding Natural Beauty.

The Applicant also explained that the Environment Agency currently have their Environmental Permit for consideration, the processing of which will follow the same approach taken on Sizewell C.

Alternatives

The Applicant provided an overview of how they have considered alternatives to the use of the AFD, stating that they have a strong Imperative Reasons for Overriding Public Interest (IROPI) case under Article 6(4) of the Habitats Directive, owing to the need to contribute to the Government's net-zero targets and the policy support for nuclear energy.

The Applicant explained the danger of maintaining the AFD, having undertaken a safety evaluation, as it poses a too greater risk to divers due to the volatility of marine conditions in the estuaries and that other technology options such as Remote Operated Vehicle maintenance were ruled out because of the turbid marine environment. It is not possible to move the cooling heads further inland given the need to have them placed on top of the tunnels.

Compensation Methods

The Applicant is developing a suite of compensation measures to offset the impact of the project. Collaborating with the Statutory Nature Conservation Bodies (SNCBs) including Natural England, the Environment Agency and Natural Resources Wales, the Applicant has held three workshops and is progressing Statements of Common Ground regarding suitable compensation measures.

The Applicant is focusing efforts on securing compensation measures for the fish assemblage through habitat creation and enhancement. Measures to address migratory species of fish will also be implemented through the removal of weirs.. Challenges to this were discussed, with a focus on scientific uncertainty, scale of habitat creation, agreeing baselines and monitoring for further research and water quality.

Scoping Outcome

The Applicant received a Scoping Opinion in May 2022 on the original scheme (AFD removal and terrestrial measures) but raised the option to rescope the project to include the compensation sites. The Inspectorate advised against the option to rescope during the statutory consultation as this could result in the stakeholders responding to the wrong consultation. The Inspectorate's recommendation would be to rescope post-consultation to avoid a risk of the scope of the ES being judged inadequate, or abortive assessment taking place.

AOB

The Applicant confirmed that it was expecting the project to be subject to an examination and that there was an intention to inform the SoS of this.

The Applicant's follow up questions are attached in Appenix A of this meeting note

The Applicant Questions to The Planning Inspectorate

1. Are there any examples of simultaneous consulting/scoping (cross regime) that the Inspectorate is aware of, noting that we have already got a Scoping Opinion for the proposed change and potentially would only need to rescope to add in compensation sites which may not need to be promoted via the DCO)?

The Inspectorate's Response: The Inspectorate is aware that NRW's Marine Licensing Team have chosen to rely on information provided in environmental statements for DCO cases (where the DCO application is also the development for which the marine licence(s) were sought), rather than requesting a separate ES for the marine licence application. We aren't aware of any other examples. It should be noted that the Inspectorate doesn't have the power to issue a scoping opinion addendum – if we receive a request for an updated scoping opinion to reflect the delivery of the compensatory measures then we would have to issue a revised scoping opinion for the whole Proposed Development (and would also require a revised and complete scoping report for the whole project).

2. Given what we are seeking to achieve, and the science involved is novel, what level of detail of compensation sites is ExB/SoS likely to require given we are likely to use adaptive monitoring and management as well as offering compensation sites? Will a mixed approach be acceptable – some defined sites/barrier removal on rivers, alongside agreements with, for example, X University and Y Project delivering specific research and development projects, and a fund administered by an appropriate organisation to deliver additional and less specific improvements not in our gift as a developer? Aware that ExB/SoS likely to want more rather than less but given the lack of science it won't be possible to have a definitive list - rather a "basket of measures" which can be monitored and adapted.

The Inspectorate's Response: This is not a point we can give definitive advice on – but the overriding need will be to demonstrate that the coherence of the national site network would be maintained as required by regulation 68 of the Habitats Regulations. The more information that is available, the more weight the ExB can give to the proposals for compensatory measures. If research projects are being relied on for instance, that may give the ExB confidence that the measures would maintain the coherence of the network. A similar point applies to the use of monitoring and adaptive management. What monitoring would be proposed, what threshold would be used to trigger further action and what actions are those likely to be? We would strongly advise that you seek to agree the measures with the relevant Appropriate Nature Conservation Bodies.

3. What is likely composition of Examining Body (ExB)? For example, the size of panel. Presume that there might be a need for Issue Specific Hearings (ISH) as well as Written Questions (WQ).

The Inspectorate's Response: The size and composition of the ExB will need to be determined after the decision to hold an examination has been taken and it will be for the ExB to decide how the examination will be conducted. However, gaining a further understanding of the project as it continues to progress through the pre-application process and its likely main issues, such as potential effects on marine ecology, will help the Inspectorate determine whether certain specialist Inspectors may be needed to comprise the ExB.

4. Assume SV to include known compensation sites?

The Inspectorate's Response: It will be for the ExB to decide how the examination will be conducted.

5. Are PINS aware of any opportunities to trial a streamlined process in light of the Government's NSIP Action Plan?

The Inspectorate's Response: In regards of the query about the opportunities to trial a streamlined process in light of the Government's NSIP Action Plan, the Inspectorate would advise the applicant to review the [Expressions of interest open for National Infrastructure Early Adopters Programme](#) for further information.

The Levelling Up and Regeneration bill includes measures to amend s98 of the Planning Act to allow shorter examinations. However, these amendments do not affect Material Change applications.

6. In relation to our impacts, the relevant qualifying features of the Severn SAC is the estuary, and the relevant sub-feature is the fish assemblage. Regulation 68 of the habitats regs states that the appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of the Natura 2000 site is protected. The relevant conservation objective of the Severn Estuary SAC is "to maintain / restore the structure and function (including typical species) of qualifying natural habitats". We take the view that this means that HPC's package of compensatory measures need not have the effect of "replacing" the exact population or biomass of the fish impinged, so long as they restore the habitats and ensure coherence. We would be interested to know whether there any other examples of such an approach to assessing harm or quantifying compensation under the HRA regs.

The Inspectorate's Response: The approach being developed for the offshore wind farms is looking at measures such as providing artificial nesting sites for kittiwake or reducing impacts on sand eel fisheries (to improve prey availability for seabirds), so these are examples of where improvements in habitats are being considered as compensatory measures for cases where the adverse effects on site integrity arise as a result of direct impact on individuals. However, the Inspectorate is not able to advise whether this approach is acceptable in this

instance and as with the previous answer, strongly advises that you seek agreement with the ANCBs as you develop your proposals.